

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education July 2018 Agenda Item #W-13

## Subject

Request by five local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

## Waiver Number(s)

* Chawanakee Unified School District 23-3-2018
* Dunsmuir Joint Union High School 19-3-2018
* Los Angeles Unified School District 22-3-2018
* Lost Hills Union Elementary School District 3-3-2018
* Shasta County Office of Education 24-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education to waive the Schoolsite Council (SSC) requirements contained in *EC* Section 52852 of the School-Based Coordination Program Act that would hinder the success of the program implementation. These waivers must be renewed every two years.

## Authority for Waiver

*EC* Section 52863

## Recommendation

* Approval: No
* Approval with conditions: Yes, see Attachment 1.
* Denial: No

## Summary of Key Issues

The Chawanakee Unified School District is requesting a shared SSC with composition change for two small schools: (1) Manzanita Community Day School and (2) Mountain Oaks High School. Manzanita Community Day School has one classroom teacher serving 4 students in grades seven through twelve while Mountain Oaks High School has three classroom teachers serving 10 students in grades nine through twelve. The schools are located on the same campus in a rural area.

The Dunsmuir Joint Union High School District is requesting to renew a shared SSC with composition change for two small schools: (1) Dunsmuir Community Day School and (2) Dunsmuir High School. Dunsmuir Community Day School currently has one classroom teacher with no student enrollment while Dunsmuir High School has seven classroom teachers serving 64 students, with both schools enrolling students in grades nine through twelve. The schools share the principal/superintendent. Some teachers have multiple responsibilities including working in after-school extracurricular programs. They are located on the same campus in a rural area.

The Los Angeles Unified School District is requesting an SSC composition change for 10 small high schools: (1) Boyle Heights Continuation School with 6 classroom teachers serving 69 students in grades nine through twelve; (2) Cheviot Hills Continuation School with 4 classroom teachers serving 77 students in grades nine through twelve; (3) Eagle Tree Continuation School with 5 classroom teachers serving 74 students in grades nine through twelve; (4) John Hope Continuation School with 4 classroom teachers serving 74 students in grades nine through twelve; (5) Phoenix Continuation School with 5 classroom teachers serving 85 students in grades nine through twelve; (6) West Hollywood Opportunity School with 6 classroom teachers serving 69 students in grades seven through twelve; (7) Whitney Young Continuation School with 4 classroom teachers serving 66 students in grades nine through twelve; (8) Charles Leroy Lowman Special Education Center with 21 classroom teachers serving 143 students in kindergarten through grade twelve; (9) Ernest P. Willenberg Special Education Center with 25 classroom teachers serving 168 students in kindergarten through grade twelve; and (10) Frank Lanterman School with 17 classroom teachers serving 92 students in grades six through twelve.

These schools are either alternative education schools or special education schools for children with severe physical and cognitive disabilities. They are located in various areas in the city of Los Angeles.

The Lost Hills Union Elementary School District is requesting to renew a shared SSC for two small schools: (1) A. M. Thomas Middle School and (2) Lost Hills Elementary School. A. M. Thomas Middle School has 7 classroom teachers serving 183 students in grades six through eight while Lost Hills Elementary School has 14 classroom teachers serving 310 students in transitional kindergarten through grade five. The two schools share the principal, some staff members, the attendance area, and are located on the same campus in a rural area.

The Shasta County Office of Education is requesting a shared SSC with composition change for three small schools: (1) Shasta County Independent Study Charter School, (2) Shasta County Juvenile Court School, and (3) Shasta County Special Education School. Shasta County Independent Study Charter School has 5 classroom teachers serving 115 students in grades seven through twelve; Shasta County Juvenile Court School has 1 classroom teacher serving 11 students in kindergarten through grade twelve; and Shasta County Office of Education Special Education School has 17 classroom teachers serving 47 students in kindergarten through grade eight. Shasta County Independent Study Charter School and Shasta County Juvenile Court School are supervised by the same director sharing the same curriculum, and the three schools collaborate on how to implement the curriculum. Students in all three schools are highly mobile and tend to move back and forth among the schools. The schools are located within seven miles of each other in a small city.

## Summary of Previous State Board of Education Discussion and Action

The California Department of Education has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* Section 52863 or to allow one shared SSC for multiple schools. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Local Educational Agencies Requesting a Schoolsite Council Waiver (2 pages)
* **Attachment 2:** Chawanakee Unified School District Specific Waiver Request 23-3-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Dunsmuir Joint Union High School District Specific Waiver Request 19-3-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Los Angeles Unified School District Specific Waiver Request 22-3-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Lost Hills Union Elementary School District Specific Waiver Request 3-3-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Shasta County Office of Education Specific Waiver Request 24-3-2018 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

**Attachment 2:  
23-3-2018 Chawanakee Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 2075606

Waiver Number: 23-3-2018

Active Year: 2018

Date In: 3/16/2018 4:30:59 PM

Local Education Agency: Chawanakee Unified School District

Address: 26065 Outback Industrial Way

Oneals, CA 93645

Start: 8/18/2017

End: 6/30/2019

Waiver Renewal: No

Waiver Topic: Schoolsite Council Statute

California *Education Code* (*EC*) Title: Shared Schoolsite Council with Reduced Number and Composition

*EC* Section: 52852

*EC* Authority: 52863

*EC* or *California Code of Regulations* to Waive: 52852

Outcome Rationale: We have a community day school that has 4 students and 1 teacher and a small necessary high school with 10 students and 3 teachers that are right next to each other. They must be funded for Title I money because they are both 100% Free/Reduced lunch. Getting enough school staff and parents on the committee is a very difficult task.

Student Population: 10

City Type: Rural

Local Board Approval Date: 3/13/2018

Council Reviewed By: Teachers Association

Council Reviewed Date: 3/1/2018

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jessica Fairbanks

Position: Categorical Director

E-mail: [jfairbanks@cusd.rocks](mailto:jfairbanks@cusd.rocks)

Telephone: 559-868-3343 x315

Fax: 559-868-4488

Bargaining Unit Date: 03/01/2018

Name: Chawanakee Teacher's Association

Representative: Lana Jackson

Title: Teacher

Position: Support

**Attachment 3:  
19-3-2018 Dunsmuir Joint Union High School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 4770250

Waiver Number: 19-3-2018

Active Year: 2018

Date In: 3/15/2018 9:08:05 AM

Local Education Agency: Dunsmuir Joint Union High School

Address: 5805 High School Way

Dunsmuir, CA 96025

Start: 7/1/2018

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 5-52016-W-15

Previous State Board of Education (SBE) Approval Date: 9/9/2016

Waiver Topic: Schoolsite Council Statute

California *Education Code* (*EC*) Title: Shared Schoolsite Council with Reduced Number and Composition

*EC* Section: 52852

*EC* Authority: 52863

*EC* or *California Code of Regulations* to Waive: A schoolsite council shall be established at each school that participates in school-based program coordination. The schoolsite council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by the parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Dunsmuir Joint Union High School District is composed of two schools under one roof: Dunsmuir High School with eight (8) credentials teachers and the Community Day School with one (1) credentialed teacher. They share a Superintendent/Principal. DJUHSD is located in a community with repeated demonstration of non-participation in Site Council. The proposed Site Council composition would continue as approved in past years; one (1) principal, one (1) classified personnel, two (2) teachers one (1) from DHS and one (1) from CDS, two (2) students and two (2) parents for a total of eight (8) as opposed to the twelve (12) normally required. Our small schools have a limited number of teachers available, some of which coach athletic programs or run extra curricular programs. The remaining teaching staff take turns as members of the Site Council for a period of time (1) year. With only two (2) teachers (25% of our combined teaching staff) seated on the council we can assure proper representation. It is easier to guarantee parental participation at this number. Representation of two (2) teachers, two (2) parents, two (2) students, and two (2) staff (principal and classified) provides for a fair and well-balanced council, representing a greater percentage of the student body and the community than three (3) of each would from a larger school.

Student Population: 64

City Type: Rural

Local Board Approval Date: 3/14/2018

Council Reviewed By: School Site Council

Council Reviewed Date: 3/5/2018

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Ray Kellar

Position: Superintendent/Principal

E-mail: [rkellar@sisnet.ssku.k12.ca.us](mailto:rkellar@sisnet.ssku.k12.ca.us)

Telephone: 530-235-4835 x109

Fax: 530-235-4835

Bargaining Unit Date: 03/05/2018

Name: Dunsmuir Classified Employees Association

Representative: Jeff Odgen

Title: MOT

Position: Support

Bargaining Unit Date: 03/05/2018

Name: Dunsmuir HS Unit/Southern Siskiyou County CTA

Representative: Pam May

Title: Teacher

Position: Support

**Attachment 4:  
22-3-2018 Los Angeles Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 1964733

Waiver Number: 22-3-2018

Active Year: 2018

Date In: 3/16/2018 8:08:28 AM

Local Education Agency: Los Angeles Unified School District

Address: 333 South Beaudry Ave.

Los Angeles, CA 90017

Start: 8/1/2017

End: 8/1/2019

Waiver Renewal: Yes

Previous Waiver Number: 1-6-2015-W-09

Previous State Board of Education (SBE) Approval Date: 9/2/2015

Waiver Topic: Schoolsite Council Statute

California *Education Code* (*EC*) Title: Number and Composition of Members

*EC* Section: 52852

*EC* Authority: 52863

*EC* or *California Code of Regulations* to Waive: Small High Schools: At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) [equal] numbers of parents, or other community members selected by parents, and pupils. At both the elementary and secondary levels, classroom teachers shall comprise the [majority of] persons represented under category (a).

Special Education Centers: At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, [and pupils.]

Outcome Rationale: The Los Angeles Unified School District has small high schools that do not have the minimum number of teachers to enable equal numbers of parents and students on the School Site Council. These small high schools would form a SSC with 10 members: 3 teachers, 1 principal and 1 other on the staff side, and 3 parents and 2 students on the other half.

The Los Angeles Unified School District has schools for students with severe physical and cognitive disabilities in the Special Education Program. In these Special Education Centers, while the students are of high school age, their cognitive levels limit their ability to participate fully in a formal setting, such as a School Site Council. Under a Modified Consent Decree, Los Angeles Unified has transitioned as many students as possible to a regular school setting.

The Los Angeles Unified School District is requesting a waiver for the composition of the School Site Councils of these Special Education Centers with high school students so they can adopt the elementary school composition requirements. Special Education Centers would form a SSC with 10 members: 3 teachers, 1 principal and 1 other on the staff side, and 5 parents on the other half.

Please see the attached list for the names of the schools.

Student Population: 734641

City Type: Urban

Local Board Approval Date: 2/13/2018

Council Reviewed By: The schools' School Site Councils

Council Reviewed Date: 1/31/2018

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Diane Panossian

Position: Director

E-mail: [dpanossi@lausd.net](mailto:dpanossi@lausd.net)

Telephone: 213-481-3350

Bargaining Unit Date: 02/03/2018

Name: United Teachers of Los Angeles (UTLA)

Representative: Daniel Barnhart

Title: UTLA Secondary Vice President

Position: Support

**Attachment 5:  
3-3-2018 Lost Hills Union Elementary School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 1563594

Waiver Number: 3-3-2018

Active Year: 2018

Date In: 3/5/2018 8:35:27 AM

Local Education Agency: Lost Hills Union Elementary School

Address: 20951 Pavilion Way

Lost Hills, CA 93249

Start: 4/1/2018

End: 3/31/2020

Waiver Renewal: Yes

Previous Waiver Number: 8-2-2016-W-12

Previous State Board of Education (SBE) Approval Date: 5/12/2016

Waiver Topic: Schoolsite Council Statute

California *Education Code* (*EC*) Title: Shared Schoolsite Council

*EC* Section: 52852

*EC* Authority: 52863

*EC* or *California Code of Regulations* to Waive: Lost Hills Union School District requests a waiver of *Education Code* Section 52852, allowing one joint school site council to function for two schools, Lost Hills Elementary School and A.M. Thomas Middle School.

Outcome Rationale: Lost Hills Elementary School enrolls 310 students in grades Transitional Kindergarten through fifth grade. The school employs 14 teachers and shares a Principal, Psychologist, Speech Therapist, RSP Teacher, Counselor, and SDC Teacher with A.M. Thomas Middle School. A.M. Thomas Middle School enrolls 183 students in grades sixth through eighth grade and employs 7 teachers. Both schools also share a common attendance area and are located on the same campus. The combined SSC will address items pertaining to common curriculum, staff development, instructional improvement and other Local Control Accountability Plan priorities. The joint school site council will elect its parents-community, students and staff members from both schools and will maintain the parity requirements of *EC* 56852. The joint SSC will be composed of the following ten members: one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by parents), and two students (selected by peers).

Student Population: 495

City Type: Rural

Local Board Approval Date: 2/13/2018

Council Reviewed By: School Site Council

Council Reviewed Date: 1/10/2018

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Fidelina Saso

Position: Assistant Superintendent

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Telephone: 661-797-2941 x135

Fax: 661-797-2580

Bargaining Unit Date: 01/09/2018

Name: California School Employee Association (CSEA)

Representative: Tracey Nieto

Title: President

Position: Support

**Attachment 6:  
24-3-2018 Shasta County Office of Education**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 4510454

Waiver Number: 24-3-2018

Active Year: 2018

Date In: 3/17/2018 8:44:02 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 11/1/2017

End: 10/31/2019

Waiver Renewal: No

Waiver Topic: Schoolsite Council Statute

California *Education Code* (*EC*) Title: Shared Schoolsite Council with Reduced Number and Composition

*EC* Section: 52852

*EC* Authority: 52863

*EC* or *California Code of Regulations* to Waive: Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program.

*EC* 52852

Requesting shared site council with reduced number and composition in members for a small school. (Statute requires 12 members for high school site council)

Outcome Rationale: The Shasta County Office of Education Site Council composition would consist of 1 principal, 1 classified employee, 3 teachers, 3 parents or community members and 2 students. The county office of education operates three small schools and a preschool 1. Juvenile Hall Court School, 2. Shasta COE Special Education, and 3. the Independent Study Program 4. Shasta COE Preschool The schools share personnel, resource, and other support services. The Juvenile Court School and the Independent Study Program share curriculum and a director. Combining the Site Councils would eliminate the duplication of effort with our small staffs. This would also allow for better collaboration between the programs as we would develop the SPSA together. In addition, staff collaborate on curriculum implementation. The students are highly mobile and tend to move back and forth from the Juvenile court school to the independent study charter school or the community school. All schools are located within seven miles of each other in a small city.

After much recruitment, our small programs, we are unable to get enough parents to meet the requirement of 6 parent members. It is difficult to recruit parents at the Juvenile Court School and the Independent Study Program. We are requesting that there is one parent represented from each school on this shared site-council to ensure all schools voices are heard.

Student Population: 568

City Type: Small

Local Board Approval Date: 3/14/2018

Council Reviewed By: Shasta County Office of Education Site Council

Council Reviewed Date: 1/29/2018

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Mary Lord

Position: Executive Director of Student Services

E-mail: [mlord@shastacoe.org](mailto:mlord@shastacoe.org)

Telephone: 530-225-0377

Bargaining Unit Date: 01/25/2018

Name: CDEA

Representative: Brien Woodward

Title: President

Position: Support

Bargaining Unit Date: 01/25/2018

Name: CSEA

Representative: Debbie Steward

Title: President

Position: Support

Bargaining Unit Date: 01/25/2018

Name: SCCTA

Representative: Karin Lindsey

Title: President

Position: Neutral