

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education May 2018 Agenda Item #W-08

## 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

* Barstow Unified School District 25-1-2018
* Barstow Unified School District 26-1-2018
* Maple Creek Elementary School District 8-1-2018
* Salinas Union High School District 3-2-2018
* San Joaquin County Office of Education 18-2-2018
* Tahoe-Truckee Unified School District 18-1-2018
* Tahoe-Truckee Unified School District 19-1-2018

## 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 Barstow Unified School District is requesting a shared SSC for BUSD School of Opportunity and Central High (Continuation) School. Both schools have small student enrollment and staff size. BUSD School of Opportunity has 1 classroom teacher who serves 12 students in grades seven through twelve while Central High (Continuation) School has 14 classroom teachers who serve 173 students in grades nine through twelve. The schools are located in a rural area.

The Barstow Unified School District is requesting a shared SSC for Challenges Community Day School and Lenwood Elementary School. Challenges Community Day School has 1 classroom teacher who serves 10 students while Lenwood Elementary School has 21 classroom teachers who serve 512 students; both schools enroll students in kindergarten through grade six. They are supervised by the same principal and are located on the same campus in a rural area.

The Maple Creek Elementary School District is requesting to renew an SSC composition change for Maple Creek Elementary School. The school continues to have very small student enrollment and staff size. The school has one classroom teacher who serves nine students in kindergarten through grade eight. It is located in a remote rural area.

The Salinas Union High School District is requesting a shared SSC for Carr Lake Community Day School and Mount Toro High School. Carr Lake Community Day School has 2 classroom teachers who serve 40 students in grades seven through twelve while Mount Toro High School has 13 classroom teachers who serve 221 students in grades ten through twelve. The two schools are supervised by the same principal and are located on the same campus in a small city.

The San Joaquin County Office of Education is requesting a shared SSC for John F. Cruikshank, Jr. School and San Joaquin County Community School. John F. Cruikshank, Jr. School has 10 classroom teachers who serve 121 students while San Joaquin County Community School has 51 classroom teachers who serve 1,035 students. Both schools serve similar and highly mobile student populations in kindergarten through grade twelve. They share the same curriculum and resources, are supervised by the same principal, and are located on the same campus in an urban area.

The Tahoe-Truckee Unified School District is requesting to renew an SSC composition change for Donner Trail Elementary School, a small multi-age magnet school. The school continues to have very small student enrollment and staff size. It has six classroom teachers who serve 68 students in kindergarten through grade five. The school is located in a small city.

The Tahoe-Truckee Unified School District is requesting a shared SSC with composition change for Cold Stream Alternative School and Sierra High School. Both schools have very small student enrollment and staff size. Cold Stream Alternative School has four classroom teachers who serve 50 students in grades nine through twelve while Sierra High School has five classroom teachers who serve 11 students in kindergarten through grade twelve. The schools are supervised by the same principal and are located on the same campus in a rural area.

## 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 (1 Page)
* **Attachment 2:** Barstow Unified School District Specific Waiver Request 25-1-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Barstow Unified School District Specific Waiver Request 26-1-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Maple Creek Elementary School District Specific Waiver Request 8-1-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Salinas Union High School District Specific Waiver Request 3-2-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** San Joaquin County Office of Education Specific Waiver Request 18-2-2018 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Tahoe-Truckee Unified School District Specific Waiver Request 18-1-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Tahoe-Truckee Unified School District Specific Waiver Request 19-1-2018 (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

**Attachment 2:  
25-1-2018 Barstow Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 3667611

Waiver Number: 25-1-2018

Active Year: 2018

Date In: 1/31/2018 1:32:11 PM

Local Education Agency: Barstow Unified School District

Address: 551 South Avenue H

Barstow, CA 92311

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

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: A schoolsite council shall be established at each school which participates in school-based program coordination. The 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 such parents; and in secondary schools, pupils selected by pupils attending the school

Outcome Rationale: School of Opportunity is located on the property of another Barstow Unified School District school - Central High School. Central high School would have governance supporting the School of Opportunity. To establish a school site council at a school their size would be difficult to achieve and would not be practical.

Student Population: 3

City Type: Rural

Local Board Approval Date: 11/14/2017

Council Reviewed By: School Site Council - Central High School

Council Reviewed Date: 10/18/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kim Barilone

Position: Director, Instructional Support Services

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Telephone: 760-255-6024

**Attachment 3:  
26-1-2018 Barstow Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 3667611

Waiver Number: 26-1-2018

Active Year: 2018

Date In: 1/31/2018 1:38:10 PM

Local Education Agency: Barstow Unified School District

Address: 551 South Avenue H

Barstow, CA 92311

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

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: A school site council shall be established at each school which participates in school-based program coordination. The 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 such parents; and in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The Challenges program is located on the property of another Barstow Unified School District school - Lenwood Elementary. Lenwood Elementary would have governance supporting the Challenges program. To establish a school site council at a school their size would be difficult to achieve and would not be practical.

Student Population: 9

City Type: Rural

Local Board Approval Date: 11/14/2017

Council Reviewed By: School Site Council - Lenwoood Elementary

Council Reviewed Date: 9/11/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kim Barilone

Position: Director, Instructional Support Services

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**Attachment 4:  
8-1-2018 Maple Creek Elementary School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 1262935

Waiver Number: 8-1-2018

Active Year: 2018

Date In: 1/8/2018 11:37:27 AM

Local Education Agency: Maple Creek Elementary School District

Address: 15933 Maple Creek Rd.

Korbel, CA 95550

Start: 3/12/2018

End: 3/12/2020

Waiver Renewal: Yes

Previous Waiver Number: 116-1-2011-W-12

Previous SBE Approval Date: 11/9/2015

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: *EC* Section 52852 reads as follows:

A schoolsite council shall be established at each school which participates in school-based program coordination. The 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 such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: Using the above statutory requirements an Elementary Schoolsite Council would have to consist of at least 12 people: 1 principal, 3 teachers and 2 other school employees and 3 parents or other community members as well as 3 students.

Our school has one teacher and one administrator making this composition impossible.

The desired outcome is for the District to be in compliance, and have a workable SSC. The waiver is necessary due to the small size of our District (under 25DAA). It is requested that the SSC be 1 Superintendent (administrator), 1 certificated employee (teacher), 1 classified employee (bus driver), and 3 parents and/or community members. Total members 6.

Student Population: 9

City Type: Rural

Local Board Approval Date: 1/5/2018

Council Reviewed By: Wendy Orlandi, Gwen Neu, Dan Orlandi, Chad Edmoundson, Carlene Cogliati, (1 absent)

Council Reviewed Date: 11/14/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Wendy Orlandi

Position: Superintendent

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**Attachment 5:  
3-2-2018 Salinas Union High School**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 2766159

Waiver Number: 3-2-2018

Active Year: 2018

Date In: 2/6/2018 12:14:10 PM

Local Education Agency: Salinas Union High School

Address: 431 West Alisal St.

Salinas, CA 93901

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

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: Any governing board, on behalf of a school site council may request the State Board of Education (SBE) to grant a waiver of any provision of this article. *EC* 52852 A school site council shall be established at each school which participates in school-based program coordination. The 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 such parents; and, in secondary schools, pupils selected by pupils attending the school.

Outcome Rationale: The Salinas Union High School District is requesting a shared school site council with the composition for two small schools: Carr Lake Community Day School and Mount Toro High School. Carr Lake Community Day School has 2 teachers serving up to 40 students in grade 7th through 12th grade and Mount Toro High School has 13 teachers, serving 221 students in 10th through 12th grade. Teachers from both schools share: 1 administrator, 2 counselors, 1 secretary, 1 attendance clerk, 1 receptionist, 1 community liaison, 1 English Learner Specialist, 1 Special Education Case Carrier, a school psychologist, maintenance staff and the facilities. The staff also attends common faculty meetings and professional development. Both school are the district alternative schools.

Student Population: 20

City Type: Small

Local Board Approval Date: 9/26/2017

Council Reviewed By: SSC and ELAC

Council Reviewed Date: 10/19/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Alma PioGarcia

Position: Assistant Director of Special Projects

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Bargaining Unit Date: 10/19/2017

Name: SVFT

Representative: Melissa Gonzales

Title: Counselor

Position: Neutral

**Attachment 6:  
18-2-2018 San Joaquin County Office of Education**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 3910397

Waiver Number: 18-2-2018

Active Year: 2018

Date In: 2/22/2018 11:18:30 AM

Local Education Agency: San Joaquin County Office of Education

Address: 2922 Transworld Dr.

Stockton, CA 95206

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

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: 52852.

(a) 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.

(b) (1) At the elementary level, the schoolsite council shall be constituted to ensure parity between (A) the principal, classroom teachers, and other school personnel; and (B) parents or other community members selected by parents.

(2) At the secondary level, the schoolsite council shall be constituted to ensure parity between (A) the principal, classroom teachers, and other school personnel; and (B) an equal number of parents, or other community members selected by parents, and pupils.

(3) At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under subparagraph (A) of paragraphs (1) and (2).

(c) Existing schoolwide advisory groups or school support groups may be utilized as the schoolsite council if those groups conform to this section.

(d) The Superintendent shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils.

(e) An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent’s or guardian’s employment is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

Outcome Rationale: This waiver is sought to combine the court and community school programs to create one school site council that will represent the interests and needs of both programs. Both school programs share a common administration, staff, community, curriculum, and resources. The programs share the same school goals and have similar population of students. Throughout the school year, many students transition between the two school programs.

In addition to sharing the same administration, community, and resources, enrollment at the court school program is considerably smaller than enrollment at the community school program. In the 2016-17 school year, only 121 students were enrolled in the court school program. Creating a common school site council for the court and community school programs will allow for consistency of meeting the interests and needs of the two programs.

Student Population: 1156

City Type: Urban

Local Board Approval Date: 2/21/2018

Council Reviewed By: School Site Council committee

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. Lisa Neugebauer

Position: Williams Act and Accountability Coordinator

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Telephone: 209-468-9052

Bargaining Unit Date: 02/01/2018

Name: California School Employees Association

Representative: Hernan Mendoza

Title: Chapter President

Position: Neutral

Bargaining Unit Date: 02/01/2018

Name: California Teachers Association

Representative: Jennifer Barry

Title: California Teachers Association President

Position: Neutral

**Attachment 7:  
18-1-2018 Tahoe-Truckee Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 3166944

Waiver Number: 18-1-2018

Active Year: 2018

Date In: 1/23/2018 11:06:03 AM

Local Education Agency: Tahoe-Truckee Unified School District

Address: 11603 Donner Pass Rd.

Truckee, CA 96161

Start: 8/31/2017

End: 8/30/2018

Waiver Renewal: No

Previous Waiver Number: *(None)*

Previous State Board of Education (SBE) Approval Date: *(None)*

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: *Education Code* or *CCR* to Waive: *Education Code* Section 52852 (formerly 52012) specifies that a school improvement plan shall be developed by a school site council (SSC). The law says, “The SSC shall be composed of the principal; representatives of teachers selected by teachers at the school; other school personnel selected by peers at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.”

Outcome Rationale: Outcome Rationale: Donner Trail Elementary is small multi-age magnet school. It is the zone school for Donner Summit families, and the remaining students spots are filled through a lottery of interested Truckee-town families. Due to the demographics and population of the zone community and choice-nature of the lottery, our students and parents are limited in number and our linguistic and ethnic diversity is typically limited as well. While we have an eager group of involved parents and staff members to participate in Student Site Council duties, the number and composition of the SSC cannot meet the requirements mandated in other settings.

Student Population: 68

City Type: Small

Local Board Approval Date: 12/13/2017

Council Reviewed By: PTO and SSC

Council Reviewed Date: 12/5/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. John Bowen

Position: Administrative Assistant

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**Attachment 8:  
19-1-2018 Tahoe-Truckee Unified School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

County-District Code: 3166944

Waiver Number: 19-1-2018

Active Year: 2018

Date In: 1/23/2018 11:50:49 AM

Local Education Agency: Tahoe-Truckee Unified School District

Address: 11603 Donner Pass Rd.

Truckee, CA 96161

Start: 8/29/2017

End: 8/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 37-6-2014-W-11

Previous State Board of Education (SBE) Approval Date: 6/18/2014

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: Request to allow the combination of and a reduction in the number and type of members required for a School Site Council (SSC) for a small Continuation and Alternative Education High School to four members: school principal, one teacher, one community or parent member, and one student.

Outcome Rationale: Sierra High School and Cold Stream Alternative are two very, very small schools within the Tahoe Truckee Unified School District. The schools combine other functions and activities: Profession Learning Communities, professional development, academic coaching, field trips, extra-curricular activities. Both schools are under the supervision of the same principal. The schools' performance goals as outlined in the Single Plan for Student Achievement are cohesive. Both schools have identical school budgets and budgeting priorities to address student achievement and performance.

Student Population: 44

City Type: Rural

Local Board Approval Date: 12/13/2017

Council Reviewed By: School Site Council (SSC)

Council Reviewed Date: 12/6/2017

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. John Bowen

Position: Administrative Assistant

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