

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education September 2018 Agenda Item #W-02

## Subject

Request by **Chawanakee** **Unified School District** for a renewal waiver of California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660 to permit a community day school to serve students in grades four through twelve.

## Waiver Number

15-6-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Chawanakee Unified School District (USD) for a renewal waiver of California *Education Code* (*EC*) Section 48916.1(d), and portions of *EC* Section 48660 to permit Manzanita Community Day School (CDS) to serve students in grades four through six with students in grades seven through twelve.

*EC* Section 33051(b) will apply and the district will not need to reapply if the information contained in the request remains current.

## Authority for Waiver

*EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

This waiver provides for the CDS operated by the Chawanakee USD to serve students in grades four through twelve with the following three conditions.

The Chawanakee USD will provide:

* Educational services for CDS students in grades four through twelve, but no lower grades
* Grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans
* Comprehensive social-emotional support services for the students by a certificated behavioral specialist
* *EC* Section 33051(b) will apply and the district will not need to reapply if the information contained in the request remains current.

## Summary of Key Issues

*EC* Section 48660 provides that the governing board of a school district may establish one or more CDSs. *EC* Section 48660 also provides that a CDS may serve pupils in a CDS in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. *EC* Section 48916.1(d) provides for the allowable grade spans of educational services for expelled students.

Chawanakee USD is a small district that does not expect more than four to six students enrolled in the CDS at a time, allowing for careful supervision and individualization of instruction. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students.

Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. Parents have often requested that their students be allowed to transfer to the CDS but the district has instead supported the implementation of educational approaches that would allow most of these pupils to be supported to remain and succeed in traditional school classrooms. This means that at any given time, all of the small number of CDS students might be in elementary grades, middle grades, high school, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled. It is not fiscally feasible to operate two CDSs, one for students grades four to six, and a second for grades seven through twelve.

The nearest appropriate alternative placement options for expelled students, especially in elementary grades, are at a distance that precludes interdistrict transfer and enrollment. In order to ensure that students receive adequate academic support despite the wider span of grades, the district has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans. Additionally, comprehensive social-emotional support services for the students are provided by a certificated behavioral specialist.

The district has been successfully operating the CDS under these conditions since the 2012–13 school year. There have been no major safety issues from incidents with physical violence, weapons, or drugs on campus. Therefore, the Chawanakee USD is requesting to have a permanent waiver to allow their single CDS to continue to serve students in grades four through twelve.

The local governing board voted unanimously to support the waiver renewal request. Further, the Chawanakee Teachers Association, through their secretary, Lana Jackson, supports the request, and the School Site Council has no objection to the request.

Based on the history of successful operation of the CDSs, the provision of mentor teacher support and mental health support for the students as needed, and the unanimous local approval, the California Department of Education supports the request for renewal of the waiver for the Chawanakee USD without a need to reapply if the information contained on the request remains current.

**Demographic Information:** Chawanakee USD has a population of 1,147 students and is located in a rural area in Madera County.

**Because this is a general waiver, if the State Board of Education decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

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

The State Board of Education has approved several previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver renewal.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Chawanakee Unified School District General Waiver Request 15-6-2018 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/Schoolsite Council Name,Date of Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 15-6-2018 | Chawanakee Unified School District  1,147 Students  6 Students in Community Day School  April 10, 2018 | **Requested:**  July 1, 2018  through  June 30, 2020  **Recommended:**  July 1, 2018  through  June 30, 2020 | Yes  **Previous Waiver:**  August 1, 2015 through  July 31, 2016 | Chawanakee Teachers Association  February 28, 2018  **Support** | School Site Council  February 27, 2018  **No Objections** |

Created by California Department of Education

July 17, 2018

# Attachment 2: Chawanakee Unified School District General Waiver Request 15-6-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2075606

Waiver Number: 15-6-2018

Active Year: 2018

Date In: 6/21/2018 4:43:07 PM

Local Education Agency: Chawanakee Unified School District

Address: PO Box 400

North Fork, CA 93643

Start: 7/1/2018

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 13-9-2010-W-9

Previous SBE Approval Date: 1/15/2014

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Commingle Grade Levels

Ed Code Section: 48916.1(d) and portions of Section 48660

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 [to 6, inclusive, or any of grades] 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school unless it meets all the conditions of apportionment set forth in the article.

48916.1. (d) [If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.]

Outcome Rationale: The Board’s rationale for this waiver is to be able to utilize the Community Day School in a wider grade span. Due to economic issue that state is in, it is necessary to combine multiple grade levels into one CDS. The district’s CDS have been traditionally very small, serving 4 to 6 students at any given time. Allowing a larger grade span will not diminish the program’s effectiveness. It will allow the district/state to be able to serve more students. Currently, expelled students in grades 4-7 would have to travel 45 miles to the county run CDS. Allowing the district this flexibility during these economic times will give students more education options and not cost the district or state more money.

With the economic pressures facing schools, currently the district is unable to fund two full programs as it has in the past. We are requesting to have a permanent waiver to our current waiver in grades 4-12.

With the school district being small and remote we do not anticipate having more than a 6:1 student to teacher ratio. With this ratio there is plenty of individualized instruction. There are even times when there are no students enrolled and then there are times when there are only elementary students and others when there are only high school students. With the needs being so flexible we need more flexibility in our program to serve our students.

Student Population: 1147

City Type: Rural

Public Hearing Date: 3/13/2018

Public Hearing Advertised: Notice posted at each school site

Local Board Approval Date: 4/10/2018

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 2/27/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Darren Sylvia

Position: Superintendent

E-mail: [dsylvia@mychawanakee.org](mailto:dsylvia@mychawanakee.org)

Telephone: 559-877-6209 x209

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Bargaining Unit Date: 2/28/2018

Name: Chawanakee Teachers Association

Representative: Lana Jackson

Title: Secretary

Position: Support

Contact Number: 559-658-0984