

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2019 Agenda Item #W-09

## Subject

Request by **Lincoln Elementary School District** to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six in first through eighth grades.

## Waiver Number

3-12-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

*Education Code* (*EC*) Section 35780(a) requires a county committee on school district organization (county committee) to lapse a school district when the first through eighth grade average daily attendance (ADA) in schools maintained by that district falls below six. The ADA of the Lincoln Elementary School District (ESD) is expected to fall below six for the 2018–19 school-year due to “several one-time causes,” including loss of the longtime principal/teacher at the single school in the district. The district expects enrollment to increase and stabilize over the next two years and requests that the California State Board of Education (SBE) approve a waiver of the lapsation requirement in order to allow it to operate for that two-year period. The Marin County Superintendent of Schools (County Superintendent) supports the waiver request.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

*EC* Section 35780 establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of a school district when the ADA of students in “the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12.” The county committee is required to annex a lapsed district to one or more adjoining school districts.

The ADA of the Lincoln ESD is expected to fall below six in first through eighth grades for the 2018–19 school-year. The district believes that this decline is due to several one-time causes, including:

* The loss of the long-serving principal/teacher of the single school in the district at the beginning of the current school-year;
* The transition of sixth grade students to the junior high program operated by the Petaluma Joint Union High School District[[1]](#footnote-1); and
* The recent lapsation of the adjacent Union Joint School District (effective for the 2017–18 school-year) created some uncertainty among area residents about the future of small rural schools in Marin County.

The Lincoln ESD responded to these issues by proactively communicating with its resident parents about the benefits and importance of a small rural learning community. The district also created an advisory committee of school alumni and concerned citizens to lead a comprehensive effort to identify and recruit students. As a result of its efforts, the Lincoln ESD is optimistic that ADA will exceed six for the 2019–20 school-year—and the district has a goal of 15 students enrolled for 2020–21.

The Lincoln ESD requests that the SBE waive subdivision (a) of *EC* Section 35780, which will allow the district to avoid lapsation and continue to operate for the 2019–20 and 2020–21 school-years. The County Superintendent supports the district’s waiver request.

The CDE recommends that the SBE approve the request by the Lincoln ESD to waive subdivision (a) of *EC* Section 35780, which will allow the district to continue operating for the 2019–20 and 2020–21 school-years. There has been no local opposition to the waiver request reported and the CDE has determined that none of the grounds specified in *EC* Section 33051(a) that authorize denial of a waiver, exist. Furthermore, the CDE notes that the Lincoln ESD (along with other elementary school districts that are components of a high school district operating a junior high program) is at a disadvantage for purposes of *EC* Section 35780(a) since its resident junior high students cannot be included in the ADA count.

**Demographic Information:** The Lincoln ESD has a student population of four and is located in a rural area of Marin County.

Because this is a general waiver, if the SBE 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

Over the last five years, the SBE has approved eight similar requests to waive the lapsation requirement—most recently for the Desert Center Unified School District (Riverside County) at its September 2018 meeting.

## Fiscal Analysis (as appropriate)

There will be no increases in statewide costs due to waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Lincoln Elementary School District General Waiver Request 3-12-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 35780(a)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 3-12-2018 | Lincoln Elementary School District | **Requested**:  April 1, 2019,  to  July 1, 2020  **Recommended**:  April 1, 2019,  to  July 1, 2020 | The district has no bargaining units. | **Public Hearing**: October 9, 2018  **Board Action**: November 13, 2018 | School Community and Facility Advisory Committee; and Lincoln School Parent Advisory Committee:  November 15, 2018  **No objections** |

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# Attachment 2: Lincoln Elementary School District General Waiver Request 3-12-2018

## California Department of Education WAIVER SUBMISSION - General

CD Code: 2165375

Waiver Number: 3-12-2018

Active Year: 2018

Date In: 12/11/2018 2:14:51 PM

Local Education Agency: Lincoln Elementary School District

Address: 1300 Hicks Valley Rd.

Petaluma, CA 94952

Start: 4/1/2019

End: 7/1/2020

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Lapsation of a Small District

Ed Code Section: 35780(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: waive 35780(a) in entirety

Outcome Rationale: The District took its current form and boundaries on July 1, 2017 as a result of the annexation of the Union Joint Elementary School District territory through lapsation proceedings. The District's long term Principal/Teacher (13 years of service with the District) accepted a position in a neighboring district in the inaugural year of the reorganized district, 30 days prior to the beginning of the year. For this and other reasons, the District suffered a decline in student enrollment. The District is currently conducting intensive community outreach and stakeholder engagement to determine the local interest in, and need for, continued operation of the District's single school. The school has been continually in operation since 1872 and initial contact with the community indicates strong support to continue doing so. The District is therefore requesting this waiver to provide time to resurrect student enrollment.

Student Population: 4

City Type: Rural

Public Hearing Date: 10/9/2018

Public Hearing Advertised: Published in the Santa Rosa Press Democrat on 9-27-18 and posted in 3 physical locations in the District

Local Board Approval Date: 11/13/2018

Community Council Reviewed By: 1. School Community and Facility Advisory Committee; 2. Lincoln School Parent Advisory Council

Community Council Reviewed Date: 11/15/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kate Lane

Position: Assistant Superintendent

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1. The Lincoln ESD is a component district of the Petaluma Joint Union High School District, which operates a junior high program pursuant to *EC* Section 37060. Currently 10 high school districts in the state operate the educational programs serving the junior high students of their component districts. [↑](#footnote-ref-1)