

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education September 2021 Agenda Item #W-04

## Subject

Request by the **Snowline Joint Unified School District** for arenewalwaiver of portions of California *Education Code* Section 48660 to permit a community day school to serve students in grade six with students in grades seven through twelve but no grade lower than grade six, and portions of California *Education Code* Section 48661(a), to permit the collocation of the Eagle Summit Community Day School on the same site as the Chaparral High School, a continuation high school.

## Waiver Number

* Snowline Joint Unified School District 12-4-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the **Snowline Joint Unified School District (SJUSD)** for arenewalwaiver of portions of California *Education Code* (*EC*)Section 48660 to permit the Eagle Summit Community Day School (CDS) to serve students in grade six with students in grades seven through twelve but no grade lower than grade six, and portions of *EC* Section 48661(a), to permit the collocation of the Eagle Summit CDS on the same site as the Chaparral High School, a Continuation High School (CHS).

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education recommends approval of this waiver with the following conditions:

* The Eagle Summit CDS shall be permitted to continue to serve students in grade six with students in grades seven through twelve but no grade lower than grade six.
* The middle grade (grades six through eight) and high school (grades nine through twelve) Eagle Summit CDS students are served in separate self-contained classrooms within their part of the campus. Special education students enrolled in the Eagle Summit CDS who require a higher level of special education services are served in a third self-contained classroom as needed.
* Eagle Summit CDS students shall be educated fully separately from Chaparral High School students.
* In accordance with *EC* Section 48661(b), the SJUSD shall maintain its certification for the duration of the colocation waiver on the basis of a two-thirds vote of the local governing board that satisfactory alternative facilities are not available for a CDS.

## Summary of Key Issues

### Grade Spans – Requesting Grades Six through Twelve

*EC* Section 48660 provides that a CDS may serve pupils 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 school district.

The SJUSD has been determined to greatly limit enrollment in the Eagle Summit CDS through the use of multi-tiered systems of support to greatly reduce incidences of negative behaviors, and as other means of correction to reduce the number of suspensions and expulsions, with a resulting current enrollment of only 11 CDS students, down from 29 students in 2019 when requesting the previous waiver. Given the often extremely low enrollment, it is not fiscally feasible to operate two CDSs.

Throughout the district, the SJUSD serves students in elementary (kindergarten through grade five), middle school (grades six through eight) and high school (grades nine through twelve). This waiver would authorize the continued expansion of the statutory grade level limit of grades seven through twelve by one grade by authorizing the inclusion of sixth grade middle school students, while also serving high school students in the single CDS, rather than placing its sixth grade high-risk students outside of the SJUSD to be served by the county office of education.

The grades six through eight middle grade, and grades nine through twelve high school Eagle Summit CDS students are served in separate self-contained classrooms. Special education students enrolled in the Eagle Summit CDS who require a higher level of special education services are served in a third self-contained classroom as needed.

### Collocation with a Continuation High School

*EC* Section 48661(a) states that a CDS shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school.

*EC* Section 48661(a)(1) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board when separate alternative facilities are not available.

The SJUSD local board has certified that there is no alternate site or property in the district for the Eagle Summit CDS to operate at a fully separate location. This waiver, if approved, would continue to authorize the SJUSD, with a student population of 7,594, to act similar to a smaller school district per *EC* Section 48661(a)(1).

The SJUSD local board voted unanimously in support of the waiver request. The Snowline Teachers Association has taken a support position on the waiver through its president, Susan Morris. The Chaparral High School Site Council and the Eagle Summit CDS School Site Council reviewed the waiver request and had no objections.

The SJUSD is requesting this waiver to substantially increase the number and immediate accessibility of social and emotional support services staff available for Eagle Summit CDS and Chaparral High School students.

Prior to receiving the waiver to collocate the Eagle Summit CDS and the Chaparral High School, the two schools shared a school resource officer, social worker, counselor, administrator and a cadre of campus monitors. There were designated days of the week for each position at each of the two campuses. With the Eagle Summit CDS and the Chaparral High School on the same site, these staff became available to serve both schools daily as needed. This greatly improved the response time; supportive level, and alternative means of correction for all students by addressing the social-emotional and mental health needs of students through services providing mental health supports; and positive behavior supports and interventions, including restorative practices. The result has been more successful outcomes and better educational equity.

### Safety Measures

The campus being shared by the Eagle Summit CDS and the Chaparral High School has been designed with the following safety measures to ensure that students from the two schools are not able to socialize or have contact with one another, and that the middle and high school students enrolled in the Eagle Summit CDS are similarly separated from each other, as follows:

* Physical separation is obtained by fencing that creates two separate campuses. The fencing includes positive messaging banners and murals to also enhance school climate.
* Both schools have their own entrances, classrooms, restrooms and offices. Each CDS classroom will have scheduled times for both lunch and academic breaks so that no two classes will be in common areas at the same time.
* Students moving about the campus are escorted by a classroom teacher or an instructional associate.
* Each school has its own campus monitors who oversee the entire campus to ensure that students of the two schools do not interact.
* The SJUSD reports that there have been no behavioral or other negative incidents between Eagle Summit CDS and Chaparral High School students, families, or staff members during the period the two schools have been collocated in accordance with the initial waiver (2-7-2019), which was approved in September 2019. This includes before, during, and after school periods for both schools. Likewise, there have been no negative interactions between the middle grades and high school students within the Eagle Summit CDS.

While the SJUSD reports that there have been no behavioral or other negative incidents during the period of the initial waiver, the Eagle Summit CDS and the Chaparral High School were operating for only approximately seven months under conditions of full seat-time attendance before conditions of COVID-19, creating the need for educational services to be provided in limited sized onsite cohorts or full distance learning through the remainder of the waiver period. This waiver request is designed to allow for a longer period for SJUSD to extend their safety record before the district considers asking the State Board of Education (SBE) to consider permanent waiver status.

### Demographic Information:

The SJUSD has a student population of 7,594 students and is located in a small city setting in San Bernardino 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* Section 33051(a) available on the California Legislative Information web page 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 SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to serve students in grades six through twelve, inclusive, where separation of the middle and high school students can be safely maintained, in order to allow the district to more effectively serve its students in need of CDS services. The SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to be collocated with a CHS upon a two-thirds vote of the local board when a separate alternative facility for the CDS was not feasible.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Snowline Joint Unified School District General Waiver Request 12-4-2021 (5 pages). (Original Waiver request is signed and on file in the Waiver Office.)

## Attachment 1: Summary Table of Community Day School State Board of Education Waiver

Portions of California *Education Code (EC)* Section 48661

| **Waiver**  **Number** | **District Name** | **Size of District** | **Period of Request** | **If granted, this waiver will be "permanent"**  **per *EC* Section 33501(b)** | **Local Board**  **Approval and Public Hearing Date** | **Bargaining Unit Representatives** | **Advisory Committee**  **Consulted** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 12-4-2021 | Snowline Joint Unified School District | 7,594 Students  11 Students in Eagle Summit Community Day School  173 Students in  Chaparral High School, a Continuation High School | **Requested:**  June 21, 2021,  through  June 16, 2023  **Recommended:**  June 21, 2021,  through  June 16, 2023 | No | **Local Board**  **Approval :**  April 13, 2021  5-0 vote  **Public Hearing:**  April 13, 2021 | Snowline Teachers Association  Susan Morris, President  April 10, 2021  **Support** | Chaparral High School Site Council and Eagle Summit Community Day School Site Council  April 1, 2021  **No Objections** |

Created by California Department of Education June 4, 2021

## Attachment 2: Snowline Joint Unified School District General Waiver Request 12-4-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3673957

Waiver Number: 12-4-2021

Active Year: 2021

Date In: 4/28/2021 3:43:16 PM

Local Education Agency: Snowline Joint Unified

Address: 4075 Nielson Rd.

Phelan, CA 92329

Start: 6/21/2021

End: 6/16/2023

Waiver Renewal: Y

Previous Waiver Number: 2-7-2019-W-02

Previous SBE Approval Date: 9/16/2019

Waiver Topic: Community Day Schools

Ed Code Title: Colocate Facilities and Commingle Grade Levels

Ed Code Section: Portions of 48660 and 48661(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: In an effort to enhance student support and learning at our Community Day School (CDS), Eagle Summit, we would like to request a waiver of portions of California *Education Code* (*EC*) Section 48661 (a)(1) as follows:

48661.

(a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(2) When the governing board of a school district that is organized as a district to serve kindergarten and grades 1 to 8, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(3) When the governing board of a school district that desires to operate a community day school to serve any of kindergarten and grades 1 to 6, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

The Snowline Joint Unified School District (SJUSD) would also like to request a waiver of portions of *EC* Section 48660 as follows:

48660. (a) 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 kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the governing board of the school district. 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.

Outcome Rationale: Enhanced Student Support

The SJUSD had an overall district enrollment of 7,594 students. Chaparral High School’s enrollment is 173 students, and Eagle Summit CDS’s enrollment is 11 students. The waiver request is to continue to colocate our former stand-alone CDS campus, the Eagle Summit CDS, on the same site as our current CHS, Chaparral High School, and to serve students in the sixth through twelfth grades at the Eagle Summit CDS. Due to our limited administrative, teaching and support staff at our current stand-alone CDS, colocating the Eagle Summit CDS to the same site as the Chaparral High School would enable the SJUSD to provide better support for our Eagle Summit CDS students through the utilization of additional staff available from both campuses. The continued colocation would also allow the SJUSD to enhance the social-emotional and mental health needs of our students by centralizing these staff and services at one site. Having additional staff available will assist the Eagle Summit CDS in providing Positive Behavior Supports and Interventions along with Restorative Practices to bring about successful outcomes for our students.

Safety

The colocation will be done in a way that places school climate and student safety as our top priorities. Fencing with banners and/or murals was put in place to separate the Eagle Summit CDS and the Chaparral High School campuses. This fencing not only separates the two campuses, but also enhances school climate through the positive artwork and messaging of the banner and murals. In addition, the office is separated with a solid wall and locking door to provide each school with a separate entry point. Additional staff would also be available at student arrival and departure to ensure a smooth and safe school environment.

History of Safe Operations with Colocate and Comingling of sixth through twelfth grade students at the Eagle Summit CDS.

The Eagle Summit CDS is a specific educational alternative placement and was originally designed for students in grades seven through twelve. Eligibility for placement in the program is confined to students who have been expelled, referred by probation, referred by Student Attendance Review Board (SARB), referred by the SJUSD Alternative Review Team (DART) or placed through an Individualized Educational Program (IEP).The students are placed in a self-contained (same class all day) classroom setting with an educational plan designed for each student’s needs. The program was established in the fall of 2001 and was located on the Chaparral High School Campus. Although located on the Chaparral High School’s Campus, the Eagle Summit CDS was partitioned off by a chain link fence. This configuration allowed the Eagle Summit CDS to maintain a separate safe facility in which the staff and administration could share resources, but the students had no contact resulting in no negative incidents.

In the spring of 2007, the Eagle Summit CDS Campus moved to a new separate location and a new principal was appointed to run the school. At this time, sixth grade was added to the student population at the Eagle Summit CDS. In the spring of 2008 with the combination of declining enrollment and a poor economy, the Eagle Summit CDS was brought back under the Chaparral High School Administration. With the change to staff, both sites continued to operate safely, but it put a strain on teachers and the administration at the Chaparral High School.

Logistics for Running Separate Campuses on a Cohabitated Campus

Separate Facilities for Educating Students

Physical separation is obtained by erecting a physical barrier on the Chaparral High School’s current campus that creates two separate campuses. Both the Eagle Summit CDS and the Chaparral High School have their own entrances, classrooms, restrooms and offices.

Eagle Summit CDS’s Student Restrooms – Eagle Summit CDS’s Student Restrooms will be located in the three classrooms.

Student Enrollment

Eagle Summit CDS– At the current time there are 11 students and three Full-time Equivalent (FTE) teachers and two full time instructional associates assigned to the school.

Chaparral High School - At the current time there are 173 students and ten FTE teachers assigned to the school.

Start of School and end of school

The Eagle Summit CDS will start at 7:55 a.m. and end at 3:00 p.m. Teachers will meet students at their buses and escort students to their classrooms through the Eagle Summit CDS entrance. Students will be called out at the end of day by bus route. The students will exit the Eagle Summit CDS gate and be escorted to their bus. Walking or car pick up students will be released after all bus riders. This is to ensure the students from both schools do not come into contact.

The Chaparral High School start time is 8:00 a.m. Students will use the Chaparral High School student entrance. (Please see attached map.) Students are released at 2:50 p.m. through the Chaparral High School office or exit the gate located by the cafeteria. (Please see attached map). They are required to go straight to their bus, car, or to leave campus straight away to allow for the Eagle Summit CDS’s release.

Academic Classrooms for Eagle Summit CDS

There will be three academic classrooms at the Eagle Summit CDS. A fourth classroom can be added if needed.

Regular Education Classrooms - There will be two regular education classrooms (one sixth through eighth grade classroom and one ninth through twelfth grade classroom).

Special Education Classroom - There will also be a special education classroom that will service SJUSD’s special education population. Due to the ever changing need of the special education population at the Eagle Summit CDS and the legal constraints of keeping the student populations separate, this classroom will be in constant flux. We will constantly monitor and adjust this classroom’s configuration based on need.

Contingency for Growth

If another academic classroom is needed due to growth of the program, the separation fence will be extended to annex room 404 on Chaparral High School’s Campus and room 404 will be relocated. This classroom would more than likely be a special education classroom.

Supervision - Eagle Summit CDS Breaks

Each classroom will have scheduled breaks for both lunch and academic breaks so that no two classes will be in either the lunchroom or common areas at the same time. All classes/schools will be kept separate at all times.

Student moving about the campus

Students will be escorted by a classroom teacher or an instructional associate.

Student Population: 7.594

City Type: Small

Public Hearing Date: 4/13/2021

Public Hearing Advertised: Local Newspaper

Local Board Approval Date: 4/13/2021

Community Council Reviewed By: Chaparral School Site Council and Eagle Summit School Site Council

Community Council Reviewed Date: 4/1/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Kirk Strickland

Position: Administrator, Student Intervention and Attendance

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Bargaining Unit Date: 04/10/2021

Name: Snowline Teachers Association

Representative: Susan Morris

Title: President

Phone: 760-868-5817 Ext 52107

Position: Support

Comments: