

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-5

<p>TITLE: Request by Fort Sage Unified School District for a waiver of <i>Education Code</i> section 48916.1(d) and portions of section 48660 to permit the establishment of a community day school (CDS) for Grades K-8 to be operated by a unified school district.</p> <p>CDSIS: 8-1-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval—On the condition that enrollment in this CDS is limited to pupils in grades K-8. If approved, *Education Code* section 33051(c) will apply and the district will not have to reapply annually if the information contained on the request remains the same.

Denial

Summary of Previous State Board of Education Discussion and Action:

Current law authorizes a K-8 district, upon a two-thirds vote of its governing board, to establish a community day school to serve students in any of those grades. Prior to the enactment of the amendment that established this authorization, the Board approved many requests to allow the establishment of such schools.

Summary of Key Issue(s):

The Fort Sage Unified School District is seeking authorization for the establishment of a K-8 community day school. While **current law authorizes a K-8 district of any size, upon a two-thirds vote of its governing board, to establish a community day school to serve students in any of those grades**, this authorization does not automatically extend to unified school districts.

Therefore, the District is requesting a waiver of ***Education Code* section 48916.1(d)** which prohibits commingling of expelled students in grades K-6 with 7-12 **and portions of *Education Code* section 48660 which limit the authorization to establish a K-8 community day school to K-8 districts.**

The Fort Sage Unified School District is a **very small, isolated district, with a total enrollment of approximately 200 students**. Although Fort Sage is a unified district, and therefore is not automatically authorized to establish a K-8 community day school, the District expects that **no more than eight students** would ever be enrolled in the community day school at one time, and therefore maintains that it would **not be efficient or cost effective to establish two community day schools to separately serve primary and middle grades students**. High School students will continue to be served separately. Staffing at the community day school will include a teacher/principal and a part-time instructional technician.

The local board voted unanimously in support of this waiver request. The professional association and the school site council are also in support of the waiver. On this basis, the Department recommends approval.

Bargaining unit(s) consulted on: 11/18/02

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representatives: Phil Floyd and Cathy Vanderville

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (public discussion of proposal at all district/community meetings for the two months prior to local board approval on 11/20/02)

Public hearing held on: 10/16/2002 and 11/20/02

Local board approval date: 11/20/02

Advisory committee(s) consulted: School Site Council

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 11/14/02

Effective dates of request: 11/01/02 – 6/30/05

Fiscal Analysis (as appropriate): N/A

Background Information: Documentation is attached to this Summary.