

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2003 AGENDA
Item No. W-3

<p>TITLE: Request by Lucerne Valley Unified School District for a waiver of <i>Education Code</i> (EC) Section 48916.1(d) and portions of <i>Education Code</i> (EC) Section 48660 to permit the establishment of a K-8 community day school.</p> <p>CDSIS: 43-5-2003</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—If approved, *Education Code* (EC) 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:

In February, 2003, the Board approved a similar request from a small unified school district to establish a K-8 community day school.

Summary of Key Issue(s):

The Lucerne Valley 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* (EC) Section 48916.1(d) which prohibits commingling of expelled students in grades K-6 with 7-12 and portions of *Education Code* (EC) Section 48660 which limit the authorization to establish a K-8 community day school to K-8 districts.**

The Lucerne Valley Unified School District is **small district, with a total enrollment of approximately 960 students**. As a unified district, Lucerne Valley is not automatically authorized to establish a K-8 community day school. However, the **community day school is mostly intended to serve students in grades 5-8**, although students in lower grades may be served on an as-needed basis. The District expects that **no more than eight students** would 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 grade students**

The local board voted unanimously in support of this waiver request. The professional associations and the school site council are also in support of the waiver.

Bargaining unit(s) consulted on: 5/12/03 and 5/13/03

Position of bargaining unit:

Neutral Support Oppose

Name of bargaining unit representatives: Debra Rawuka (LVTA) and Jim Ary (CSEA)

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 5/21/03)

Public hearing held on: 5/21/03

Local board approval date: 5/21/03

Advisory committee(s) consulted: Lucerne Valley Children's Network

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

Date consulted: 5/12/03

Effective dates of request: 7/1/03 – 6/30/05

Fiscal Analysis (as appropriate): N/A

Background Information: Documentation is attached to this Summary.