



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

General Waiver

SUBJECT Request by Julian Charter School under <i>Education Code</i> (EC) section 33054 to waive EC section 47605.1(c)(2) pertaining to geographic limits on resource centers for nonclassroom-based charter schools so that Julian Charter School can continue to operate two centers in an adjacent county, and open one more center in a neighboring county. Waiver Number: 79-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

On the basis of *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This type of waiver has never been heard by the State Board of Education before.

SUMMARY OF KEY ISSUES

Assembly Bill 1994 was enacted by the Legislature in 2002 and amended *Education Code* 47605 to include the following provisions.

“(c) Notwithstanding any other provision, a charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met:

- (1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.
- (2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.” (*Education Code* Section 47605.1)

Julian Charter School is a nonclassroom-based charter school authorized by the Julian Elementary School District in San Diego County. The charter school has two resource centers for the educational support of nonclassroom-based students in Riverside County, an adjacent county, and wishes to add another resource center in Riverside or Orange County.

The two resource centers in Riverside County were in operation prior to the passage of AB 1994, however this section will be enacted beginning July 1, 2004, preventing this from continuing past that date.

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There is only one other nonclassroom-based program currently operating in Riverside County and this program called Choice2000 offers a very different instructional methodology from Julian Charter School. Julian Charter School scored a 704 in its 2003 API. It is argued by the petitioners that disallowing these resource centers in Riverside County will limit parental choice in the areas served by this charter school.

The California Department of Education (CDE) believes Julian Charter School has several options to maintain these resource centers and fully comply with the provisions of AB 1994. First, by increasing enrollment of students residing in San Diego County to at least 50% of the school's total average daily attendance, Julian Charter School can maintain the two resource centers in operation and establish a new resource center to serve nonclassroom-based students in Riverside or Orange County. (Education Code Section 47605.1)

Second, if Julian Charter School is not able to serve a majority of students in the county in which it is authorized (San Diego County), it can go to local districts in Riverside and Orange County and seek approval for a new charter school to serve these counties. (Education Code Section 47605)

CDE recommends denial of this waiver request. In establishing geographic and site limitations for charter schools, the intent of the statute was to bring charter schools closer to their authorizing districts. The educational needs of students are more adequately addressed when the charter authorizer is able to be in close proximity to its schools and can monitor the operations of the charter school (Reason for denial of a general waiver 33051(a)(1)). In addition, CDE believes the charter should try one of the other options stated above as allowed by current statute.

Authority for Waiver: *Education Code* (EC) Section 33050 and 33054

Bargaining unit(s) consulted on date(s): March 9, 2004

Position of bargaining unit(s) (choose only one):

Neutral

Support

Oppose

Name of bargaining unit/representative(s): Julian Elementary Teachers' Association

Public hearing identified by (choose one or more):

posting in a newspaper

posting at each school

other (specify)

Posting at the post office, local store, and high school district office.

Public hearing held on date(s): March 10, 2004

Local board approval date(s): March 10, 2004

Advisory committee(s) consulted: Julian Charter School Advisory Committee

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Objections raised (choose one): None Objections are as follows:

Date(s) consulted: March 10, 2004

Period of request: July 1, 2004 to June 30, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

This waiver request will not greatly impact either state or local finances.

BACKGROUND INFORMATION

Action Item: Some documentation is available for we viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.