

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of EducationSeptember 2023 AgendaItem #W-09

## Subject

Request by the **Hanford Joint Union High School District** for arenewalwaiver of portions of California *Education Code* Section 48661(a), to permit the collocation of the Hanford Community Day School on the same site as the Earl F. Johnson Continuation High School.

## Waiver Number

3-5-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Hanford Joint Union High School District (HJUHSD) for a renewal waiver of portions of California *Education Code* (*EC*) Section 48661(a) to permit the Hanford Community Day School (CDS) to be collocated on the same site as the Earl F. Johnson Continuation High School.

## 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 Hanford CDS students shall be educated fully separately from the Earl F. Johnson Continuation High School students.
* In accordance with *EC* Section 48661(b), the HJUHSD shall maintain its certification for the duration of the collocation waiver on the basis of a two-thirds annual vote of the local governing board that satisfactory alternative facilities are not available for the Hanford CDS.

## Summary of Key Issues

The HJUHSD is requesting to renew its waiver to relocate the Hanford CDS to the same site as the Earl F. Johnson Continuation High School. The HJUHSD is requesting this waiver for two key purposes:

* To continue to remove the Hanford CDS students from the immediate vicinity of the Hanford comprehensive high school, with a population of 1,500 students, at the current location where the two schools have been collocated per a longstanding State Board of Education (SBE) waiver, but have been fully separated on the site. The Earl F. Johnson Continuation High School only has an enrollment of 91 students.
* To substantially increase the number and immediate accessibility of the social and emotional support services staff available for the Hanford CDS and the Earl F. Johnson Continuation High School students.

As school populations began to increase again from COVID-19 general distance learning requirements, coupled with the closure of the Kings County Community School as a placement option for high risk students, the HJUHSD looked for an option to use the support services for both the Hanford CDS and the Earl F. Johnson Continuation High School more efficiently.

While the HJUHSD has successfully implemented multi-tiered systems of support to greatly reduce the incidence of negative behaviors and implemented other means of correction to reduce the number of suspensions and expulsions, there still have been incidents that required reassignment to the Hanford CDS for deeper levels of intervention.

The Hanford CDS and the Earl F. Johnson Continuation High School share a school resource officer, social worker, counselor, and psychologist who are available to serve both schools daily as needed, greatly improving the response time, supportive level and alternative means of correction for all students, and providing better educational equity. This provides increased opportunity to engage more effectively with students at the highest level of concern every day. This improved approach has had a tremendous impact, especially for the Hanford CDS students, who were previously more likely to receive suspensions, expulsions, or be transferred to the Kings County Community School when staff could not successfully respond to the challenges they presented, before the Kings County Community School closed. The district will be adding an administrator to the staff to serve as an intervention coordinator for the students of both schools in the 2023–24 school year.

### Safety Measures

The new Hanford CDS school site has been designed with the following safety measures to ensure students from the Hanford CDS and students from the Earl F. Johnson Continuation High School are not able to socialize or have contact with one another, as follows:

* Appropriate fencing, separate restroom facilities, and a separate entrance/exit location for each campus will ensure student paths will not cross.
* The arrival and departure times are different for the two schools.
* Each school has its own campus monitors who will oversee the entire campus to ensure that students of the two schools do not interact.
* Greatly improving the response time, supportive level and alternative means of correction for all students will greatly increase safety.
* All Hanford CDS students will be transported by services offered by the HJUHSD or their parent/guardian to school each day, which further mitigates the potential for the Hanford CDS students to have negative interactions with the Earl F. Johnson Continuation High School students.

*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 HJUHSD local board has certified that there is no alternate site or property in the district for the Hanford CDS to operate at a fully separate location. This waiver, if approved, would continue to authorize the HJUHSD, with a student population of 4,158, to act similar to a smaller school district per *EC* Section 48661(a)(1).

### Local Support

The HJUHSD local board voted unanimously in support of the waiver request. The California School Employees Association supports the waiver through its president, Rosemarie Lopes-Horn. The Hanford Secondary Educators Association has taken a support position on the waiver through its president, Allen Blanchard. The school site councils for the Hanford CDS, the Earl F. Johnson Continuation High School, and each of the HJUHSD high schools reviewed the waiver request and had no objections.

### Rationale for Retroactive Request

The HJUHSD underestimated the lead time required for the submission of their renewal waiver request for the July SBE meeting, resulting in the September SBE meeting being the first possible time for the SBE’s consideration of the waiver.

**Demographic Information:**

The HJUHSD has a student population of 4,158 students and is located in a small city setting in Kings 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

On July 13, 2022, the SBE approved Waiver Number 21-3-2022-W-01 allowing the Hanford CDS to be relocated to the same site as the Earl F. Johnson Continuation High School for the period of July 2, 2022, through June 30, 2023. This current request for renewal of that previous waiver, with all operations as previously submitted and described, has a period of request to end on June 30, 2024, with subsequent renewal dependent on a record of the extended implementation.

The SBE has also approved several previous waiver requests from school districts requesting authorization to permit a CDS to be collocated with other schools and programs upon a two-thirds vote of the local board when a separate alternative facility for the CDS was not feasible.

## Fiscal Analysis

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:** Hanford Joint Union High School District General Waiver Request 3-5-2023 (3 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

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/Schoolsite Council Name,Date of Review,and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 3-5-2023 | Hanford Joint Union High School District4,158 Students43 Students in Hanford Community Day School91 Students in Earl F. Johnson Continuation High SchoolMay 9, 20234-0 vote | **Requested:**July 1, 2023,throughJune 30, 2024**Recommended:**July 1, 2023,throughJune 30, 2024 | No | California School Employees AssociationRosemarie Lopes-Horn,PresidentApril 13, 2023**Support**Hanford Secondary Educators AssociationAllen Blanchard, PresidentApril 13, 2023**Support** | School Site Councils for the Hanford Community Day School, Earl F. Johnson Continuation High School, Hanford High School, Sierra Pacific High School, and Hanford West High SchoolApril 26, 2023**No Objections** |

Created by California Department of Education August 2023

# Attachment 2: Hanford Joint Union High School District General Waiver Request 3-5-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663925

Waiver Number: 3-5-2023

Active Year: 2023

Date In: 5/10/2023 11:24:50 AM

Local Education Agency: Hanford Joint Union High

Address: 823 West Lacey Blvd.

Hanford, CA 93230

Start: 7/1/2023

End: 6/30/2024

Waiver Renewal: Yes

Previous Waiver Number: 21-3-2022-W-01

Previous SBE Approval Date: 7/13/2022

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Colocate Facilities

Ed Code Section: 48661(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *EC* 48661 (a) Community Day School

(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.

(Amended by Stats. 1999, Ch. 646, Sec. 24.)

Outcome Rationale: The Hanford Joint Union High School District relocated the Hanford Community Day School to the same site as Earl F. Johnson High School, which is the District’s Continuation High School in August 2022. This facility is located at 1201 N. Douty Street in Hanford, CA.

We have been looking at options for a new location for HCDS to better meet the needs of the students for several years. Moving HCDS from its old location on Douty Street (Northwest portion of Hanford High campus) to the back side (Southeast corner) of Earl F Johnson (EFJ) has enabled us to better utilize the support services for both campuses more efficiently. Currently these two campuses share a School Resource Officer, Social Worker, Counselor and Psychologist. Also, The District will be adding an Administrator to the staff at HCDS and EFJ to serve as an Intervention Coordinator for the students in 2023-2024.

The construction of our new HCDS facility was completed in August 2022.

Student Population: 43

City Type: Rural

Public Hearing Date: 5/9/2023

Public Hearing Advertised: In our local newspaper and posted at all District school sites.

Local Board Approval Date: 5/9/2023

Community Council Reviewed By: Hanford High School Site council; Hanford Community Day School; Hanford West High School; Sierra Pacific High School

Community Council Reviewed Date: 4/26/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Ward Whaley

Position: Assistant Superintenden of Administrative Services

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Bargaining Unit Date: 04/13/2023

Name: CSEA #461

Representative: Rosemarie Lopes-Horn

Title: President

Phone: 559-309-4486

Bargaining Unit Date: 04/13/2023

Name: Hanford Secondary Educators Association

Representative: Allen Blanchard

Title: President

Phone: 559-362-3278

Position: Support