

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education November 2024 AgendaItem #W-04

## Subject

Request by the **Hanford Joint Union High School District** for aretroactive renewalwaiver 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

11-5-2024

## 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 the following purpose:

* 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 an administrator, school resource officer, social worker, counselor, psychologist, and intervention coordinator, 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 at both schools in the 2023–24 school year.

**Request for “Permanent” Waiver Status**

On July 13, 2022, the State Board of Education (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. The initial renewal of that waiver, Waiver Number 3-5-2023-W-09, was approved by the SBE on September 23, 2023, for a period of July 1, 2023, through June 30, 2024. The current renewal has a period of request of July 1, 2024, through June 30, 2025, and, if granted, this waiver will be "permanent" per *EC* Section 33051(b) and the HJUHSD will not need to apply for renewal if the information on the request remains current.

### Safety Measures

The 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, resulting in there having been no negative interactions between students of the two schools, before, during or after school:

* 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 are 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 4,086, 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 SBE action during the July 2024 SBE meeting—prior to the beginning of the 2024-25 academic year—eventually resulting in the November 2024 SBE meeting being the first possible time for the SBE’s consideration of the waiver.

**Demographic Information:**

The HJUHSD has a student population of 4,086 students and is located in a small city setting in Kings County.

**Because this is a general waiver, if the State Board of Education decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available 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 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 (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:** Hanford Joint Union High School District General Waiver Request 11-5-2024 (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 andLocal BoardApproval Date | Student Numbers | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33051(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/Schoolsite Council Name,Date of Review,and Any Objections |
| --- | --- | --- | --- | --- | --- | --- |
| 11-5-2024 | Hanford Joint Union High School DistrictMay 28, 20245-0 vote | 4,086 Students43 Students in Hanford Community Day School44 Students in Earl F. Johnson Continuation High School | **Requested:**July 1, 2024,throughJune 30, 2025**Recommended:**July 1, 2024,throughJune 30, 2025 | Yes | California School Employees AssociationRosemarie Lopes-Horn,PresidentApril 19, 2024**Support**Hanford Secondary Educators AssociationAllen Blanchard, PresidentApril 19, 2024**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 24, 2024**No Objections** |

Created by California Department of Education
November 2024

# Attachment 2: Handford Joint Union High School District General Waiver Request 11-5-2024

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663925

Waiver Number: 11-5-2024

Active Year: 2024

Date In: 5/29/2024 1:31:52 PM

Local Education Agency: Hanford Joint Union High

Address: 823 West Lacey Blvd.

Hanford, CA 93230

Start: 7/1/2024

End: 6/30/2025

Waiver Renewal: Yes

Previous Waiver Number: 3-5-2023-W-09

Previous SBE Approval Date: 9/23/2023

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: [(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.]

Outcome Rationale: The Hanford Joint Union High School District has successfully operated a Community Day School since August 15, 1997. The initial Waiver request for the District’s Community Day School was submitted to the CDE on or about May 14, 1997 and was approved by the SBE on May 27, 1997. The waiver was again renewed by the SBE on July 9, 1998. The District received notification on July 15, 1998 that it was not required to reapply annually for the waiver unless the information contained on the request would be changing. Hanford Community Day School was approved forplacement on a comprehensive site (Hanford High School, 120 E. Grangeville Blvd., Hanford, CA. 93230). The original program operated to provide services to 9th and 10 grade students from throughout the District who were approved by the HJUHSD Board of Trustees for a suspended expulsion.

In the spring of 2017, the Kings County Office of Education notified the District that it was no longer going to provide an educational setting for expelled students from the Districts in Kings County at Kings Community School. This service was returned to all of the individual School Districts throughout Kings County. The Hanford Joint Union High School District is now providing an educational placement for all expelled students in grades 9 through 12 who live in the District’s boundaries at the Hanford Community Day School that is housed within the District. In addition, our District has an MOU in place with the Lemoore High School District to serve all students who have been expelled from their District in our Hanford Community Day School. The enrollment of Hanford Community Day School has fluctuated from 7 students in 2012-13 to 51 students in 2018-19 to 43 students in 2022-23. The enrollment of Hanford Community Day School in 2021-22 was 35 students. The enrollment of Hanford Community Day School in 2023-24 was 43 students.

Student Population: 43

City Type: Rural

Public Hearing Date: 5/28/2024

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

Local Board Approval Date: 5/28/2024

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

Community Council Reviewed Date: 4/24/2024

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

E-mail: wwhaley@hjuhsd.k12.ca.us

Telephone: 559-583-5901 x3126

Bargaining Unit Date: 04/19/2024

Name: CSEA #461

Representative: Rosemarie Lopes-Horn

Title: President

Phone: 55958359005

Position: Support

Bargaining Unit Date: 04/19/2024

Name: Hanford Secondary Educators Association

Representative: Allen Blanchard

Title: President

Phone: 5595835912

Position: Support