

**MISSION VIEW PUBLIC CHARTER SCHOOL**

**California Department of Education  
WAIVER SUBMISSION - General**

Local Education Agency: **William S. Hart Union High School District**  
Address: 21380 Centre Point Parkway  
Santa Clarita, CA 91350

Start: 7/1/2017

End: 6/30/2018

Waiver Renewal: N

Waiver Topic: Geographic Restrictions on Resource Center Locations for Nonclassroom-Based Charter Schools

Ed Code Title: Charter School Locations

Ed Code Section: Portions of EC Sections 47605(a)(1) and 47605.1

Ed Code Authority: 33050

Ed Code or CCR to Waive: Portions of California Education Code Sections 47605(a)(1) and 47605.1 as follows:

**Education Code section 47605:**

(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. [A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition.]

....

[(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.]

[(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:

(A) The school has attempted to locate a single site or facility to house the entire

program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.]

**Education Code Section 47605.1:**

[(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (e).]

....

(c) Notwithstanding any other law, 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 charter school is authorized.

[(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The charter school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the charter school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

(e)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new

educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.]

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### **Outcome Rational:**

Mission View Public Charter School (Mission View) has been authorized by William S. Hart Union High School District since 2007. Mission View is a non-classroom based/independent study charter school program offering personalized learning education programs.

Mission View is specifically designated as an Alternative School Accountability Model (ASAM) serving high-risk pupils and drop-outs. The State recognizes that our school's population has an extremely high turnover rate and can serve an entirely new group of students every 12 months.

Mission View primarily serves 9<sup>th</sup>-12<sup>th</sup> grade students who are considered "highly at-risk". The term highly at-risk encompasses students who are pregnant, significantly credit deficient, have medical problems that prevent regular attendance in a comprehensive program, and are on probation for criminal offenses. At-risk youth typically come from single-parent homes, have a low socioeconomic status, and experience a high degree of transiency in their living situations. Despite these barriers to achievement, Mission View continues to help these students succeed and graduate from high school.

Mission View serves approximately 1,900 students annually with 87% of the population eligible for free and reduced-price meals (Socioeconomically Disadvantaged). The population includes 54% English Learner population and 19% SPED students. Many of Mission View's students have previously dropped out of high school and enroll at Mission View with an average of 80 credits deficient.

Mission View has an English Learner Advisory Committee (ELAC) composed of parents, students, and teachers formed to address the needs of EL students. The ELAC committee has provided professional development on teaching EL students in an independent study setting, created an EL study hall, implemented EL instructional rubrics, and helped guide the allocation of educational resources towards English Learners.

Mission View students with special needs are served in accordance with their Individualized Education Programs ("IEPs,") including but not limited to special education and related services provided by a Specialized Academic Instructor, who provides one-on-one instruction, along with

accommodations and modifications. Mission View is part of the El Dorado County Charter SELPA.

Mission View's students receive academic instruction from highly qualified (HQ) teachers in the core content areas of ELA, science, math and social studies. HQ teachers will also be provided to students in the areas of foreign language, art, and in Career Tech Education (CTE) courses.

At Mission View each course is designed for the students and reviewed with the student by a supervising teacher in both the one-on-one and small group settings. Mission View's approach to Personalized Learning includes ample student support through individual tutorials, small group pull-out sessions, small group tutorials, career technical education pathways and courses, labs, online classes and technology based learning opportunities and tutorials.

Mission View also provides instruction to meet the educational needs of federally funded learn-and-work or learn-and-earn programs, including but not limited to the federal Workforce Investment Act pursuant to Education Code Section 47605.1(g). Mission View's year-round program emphasizes attainment of basic skill competencies, enhancing opportunities for academic and occupational training, and providing exposure to the job market and employment. Activities may include instruction leading to completion of secondary school, tutoring, internships, job shadowing, work experience, adult mentoring and comprehensive guidance and counseling. The program emphasizes services for out-of-school youth.

The William S. Hart Union High School District has provided supervisorial oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing the school's audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. The William S. Hart Union High School District affirms that at all times the Charter School has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002 (see Attachment A).

On October 16, 2016, the 3<sup>rd</sup> District Court of Appeal ruled in *AUHSD v. Shasta Secondary Home School* that under Education Code section 47605(a), independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county.

Currently, Mission View has multiple resource centers located within Los Angeles County that may be affected by the ruling. This waiver is necessary to protect the continued operation of Mission View's existing resource centers where special education services, English Language Development, and intervention services are provided. Each resource center location, student demographics and specific needs are identified in "Attachment B".

The ruling impacts approximately 1,900 students annually with 87% of the population Socioeconomically Disadvantaged, 54% English Learners and 19% SPED students. Also impacted are the 115 Mission View employees.

Mission View provides support including, but not limited to, Certificated Teachers, Special Education Teachers, Counselors, School Psychologists, Tutors, Student Relation Technicians, Student Relations Mangers, Registrars, Student Retention Support Specialists, Principals, Assistant Principals, Learning Center Coordinators, Community Liaisons, English Learner and Special Education Clerks, Administrative Assistant, Instructional Specialist Career Technical Education and an Instructional Specialist Online.

As a non-classroom based charter school, Mission View is not eligible for Proposition 39 funding so each initial build out and start up is directly funded by the charter school. In addition, each resource center lease agreement does not have a termination “out clause” allowing the schools to release them of their long term financial liability. Furthermore, despite Mission View’s high free and reduced lunch ratio, it is not eligible for rental reimbursement under SB 740 as a nonclassroom based charter school.

Mission View created these resource centers in alignment with the direction provided by the California Department of Education as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (see Attachment A).

The impact of the court’s ruling in *Shasta* may result in the closing of these resource centers impacting 1,900 highly at-risk students who are now engaged in school and on a path towards graduation, employment of 115 school employees and the inability to meet the millions of dollars in long-term leases and other financial obligations. The result may cause Mission View to become insolvent and force it to file for bankruptcy. In addition to the impact on students being displaced, staff’s loss of employment and school closure costs, local communities and the state of California will be affected by the loss of the societal benefit of each high school dropout recovered through Mission View’s educational program. On average each high school dropout costs the state of California \$209,200.<sup>1</sup> The dropout recovery of Mission View’s educational program has a potential savings of \$397,480,000 for the state California. For many of these students Mission View’s program is their last hope of obtaining a high school diploma.

<sup>1</sup>Source: Levin, et al.

This waiver is necessary to protect the continued operation of Mission View’s existing resource centers that provide the services and resources required under Education Code Section 51746, intervention support for all students, direct instruction opportunities for all students, and also provides a location for Federally mandated special education services to allow the provision of a free appropriate public education (“FAPE”) to students who qualify under the Individuals with Disabilities in Education Act (“IDEA”), UCOP approved A-G coursework including hands on science labs with equipment and manipulatives and state mandated testing as required of charter schools pursuant to Education Code Section 47605(c).

Student: 1,900

City Type: City

Public Hearing Date: May 17, 2017

Public Hearing Advertised: Notice Posted at the William S. Hart Union High School District main office and Mission View Public Charter School main office, Mission View resource centers and Mission View website.

Local Board Approval Date: May 17, 2017

Committee/Council Reviewed By: Mission View Public Charter School Board of Directors

Committee/Council Review Date: December 1, 2016

Committee/Council Objection: N

Committee/Council Objection Explanation:

Bargaining Units: District to complete with their information

Audit Penalty: N

Categorical Program Monitoring: N

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District or County Certification: The district or county office of education Superintendent or designee must certify to the accuracy of the information and date the request.