

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education March 2024 Agenda Item #W-01

## Subject

Request by **Hilmar Unified School District** under the authority of California *Education Code* Section 65001(e) for waivers of *Education Code* sections 65000 and 65001, relating to Schoolsite Council regarding changes in shared, composition, or shared and composition members.

## Waiver Number(s)

3-11-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Specific authority is provided in California *Education Code* (*EC*) Section 65001(e) to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements contained in *EC* sections 65000 and 65001 that would hinder the successful implementation of programs as authorized by *EC* Section 64001. The Hilmar Unified School District (HUSD) is requesting an SSC waiver for Irwin Continuation High School. Irwin Continuation High School has a small pupil population, and it cannot operate a shared SSC under *EC* Section 65001(a) because the school does not share a site administration with any other schools. The school cannot operate a shared SSC under *EC* Section 65001(b) because it does not share a campus with any other schools nor are there any other schools within geographic proximity with similar pupil populations. The school meets the statutory requirements to operate a reduced member SSC composition under *EC* Section 65001(d); however, due to the small, highly mobile pupil population and limited staff, the school cannot adhere to the composition requirements of *EC* Section 65001(d)(1). At its January 2022 meeting, the SBE granted an SSC waiver of *EC* Section 65001(d)(1)’s composition requirements with the following conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers) for the 2021-2022 and 2022-2023 school years.

HUSD is requesting a waiver of the composition requirements of EC *Section* 65001(d)(1) to allow the Irwin Continuation High School to operate a modified SSC with the following composition: the school principal designee, one teacher, one parent, and one student.

## Authority for Waiver

*EC* Section 65001(e)

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The CDE recommends that the SBE grant the waiver to permit the school to operate a modified SSC with the following conditions on the composition: the school principal, one teacher (selected by teachers), one parent or community member (selected by other parents), and one student (selected by other students) for the 2023-2024 and 2024-2025 school years.

## Summary of Key Issues

The Hilmar Unified School District is requesting an SSC composition change for Irwin Continuation High School, a small alternative education high school located in a rural area in Merced County. Irwin Continuation High School enrolls grades 9-12 with approximately 25 to 45 students, with 24 students enrolled at the time this waiver request was written. The school employs only two and a half full-time classroom teachers, one part-time special education teacher, a half-time principal designee, and a full-time secretary.

*EC* Section 65001(d)(1) requires that, for a secondary school with a population of fewer than 300 students, it may operate a schoolsite council that has the representation of all of the following: (A) one (1) principal; (B) one (1) teacher, selected by the teachers; (C) one (1) school staff member representing the other school personnel, selected by other school personnel; and (D) two (2) parents or community members selected by parents; and one (1) student selected by students.

Irwin Contiutation High School is not able to establish a shared SSC as it does not share site administration with any other site in the district, and Irwin Continuation High School employs a separate curriculum. Despite recruitment efforts by the site principal, the school struggles with parent participation due to stability rate as few students remain in the program for the whole year. In turn, the few parents who are able to participate rarely have students enrolled at the school for very long.

At its January 2022 meeting, the SBE granted an SSC waiver of *EC* Section 65001(d)(1)’s composition requirements with the following conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers) for the 2021-2022 and 2022-2023 school years.

Consistent with the waiver that SBE has granted in January 2022 of the *EC* Section 65001(d)(1) SSC composition requirements for Irwin Continuation High School’s SSC, CDE recommends that the SBE grant a waiver pursuant to *EC* Section 65001(e) to allow the Irwin Continuation High School to operate a modified SSC for the 2023-2024 and 2024-2025 school years with the condition that it is composed of four members as follows: the school principal, one teacher (selected by teachers), one parent or community member (selected by other parents), and one student (selected by other students).

## Summary of Previous State Board of Education Discussion and Action

The California Department of Education has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* sections 65000 and 65001 to allow one shared SSC for multiple schools or to change the number of SSC members. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

At its January 2022 meeting, the SBE approved with conditions that the Irwin Continuation High School may operate a modified SSC for the 2021–2022 and 2022–2023 school years (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/jan22w10.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Hilmar Unified School District Specific Waiver Request 3-11-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Sections 65000 and 65001

| Waiver Number | Local Educational Agency (LEA) for School(s) (County-District-School Code[s]) | LEA’s Request for a Schoolsite Council (SSC) Waiver | California Department of Education Recommendation | Waiver Renewal Yes or No Period of Request/Period Recommended | Collective Bargaining Unit Position/ Current Agreement | SSC/Advisory Committee Position | Local Board Approval Date |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 3-11-2023 | Hilmar Unified School District for Irwin Continuation High School (2465698 2430080) | SSC composition change | Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers). | **No**  **Requested**  08/09/2023 to 06/15/2025  **Recommended**  08/09/2023 to 06/15/2025 | Hilmar Unified Teachers Association  Paul Willis  President  09/14/2023  **Support** | Irwin Continuation High School SSC  10/05/2023  **No Objection** | 11/14/2023 |

Created by California Department of Education

March 2024

# Attachment 2: Hilmar Unified School District Specific Waiver Request 3-11-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 2465698

Waiver Number: 3-11-2023

Active Year: 2023

Date In: 11/15/2023 9:50:52 AM

Local Education Agency: Hilmar Unified

Address: 7807 North Lander Ave.

Hilmar, CA 95324

Start: 8/9/2023

End: 6/15/2025

Waiver Renewal: No

Waiver Topic: Schoolsite Council Statute

Ed Code Title: Number and Composition of Members

Ed Code Section: 65000-65001(a)-(d)

Ed Code Authority: 65001(e)

*Education Code* or *CCR* to Waive: *EC* 52852

Requesting reduced composition in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary school site council. Revised regulations still require 6 members for small schools with less than 300 students).

Outcome Rationale: Irwin Continuation High School is operated by the Hilmar Unified School District, a small rural district in Merced County. Irwin Continuation High School enrolls approximately 25 students, with 24 students enrolled at the time this waiver request was written. It employs only 2.5 full-time classroom teachers, 1 part-time special education teacher, a half-time principal designee, and a full-time secretary. Because this site is an alternative high school setting, the student population is extremely mobile and enrollment numbers can range anywhere from 25 to 45 students.

Despite the continual recruitment efforts of the site principal designee, most parents are not willing to sit on the School Site Council, and the few that are rarely have students enrolled at the school for very long. The principal designee will continue to seek out parents willing to serve on the SSC; however, a waiver of the parity requirements of *EC* Section 52852 is currently needed.

In order to maintain the parity between the school employees and the community/parent/student representation, the proposal of this waiver is to allow Irwin Continuation High School to have a School Site Council composed of four members: the school principal designee, one teacher, one parent, and one student.

A composition waiver is needed rather than a waiver allowing the sharing of a Site Council with another school because Irwin Continuation High School is the only alternative high school in the district; and as a result, the criteria required for school sharing of a SSC cannot be met: Irwin does not share site administration with any other site in the district, its student population is much smaller than Hilmar High School’s (which currently has an enrollment of 701 students), and Irwin Continuation High School employs a separate curriculum than Hilmar High School.

A composition waiver allowing the Irwin Continuation High School Site Council to be composed of four members: the school principal designee, one teacher, one parent, and one student, is the only option for this site to meet the parity requirements of *Education Code* (*EC*) Section 52852.

Student Population: 24

City Type: Rural

Local Board Approval Date: 11/14/2023

Council Reviewed By: Irwin Continuation High School Site Council

Council Reviewed Date: 10/5/2023

Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cecilia Areias

Position: State and Federal Programs TOSA

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Telephone: 209-669-5463

Bargaining Unit Date: 09/14/2023

Name: Hilmar Unified Teachers' Association (HUTA)

Representative: Paul Willis

Title: HUTA President

Phone: 209-667-5903

Position: Support