

Burnt Ranch Elementary School District

Board of Trustees Regular Meeting

Burnt Ranch Elementary School
251 Burnt Ranch School Road
Burnt Ranch, California

Thursday, April 15, 2021

4:00 pm Regular Session

AGENDA

**Meeting will be available remotely via ZOOM.*

Please call (530) 629-2543 before 3:00pm on 4/15/21 or information regarding remote access.

1.0 Formal Opening

- 1.1 Call to Order
- 1.2 Roll call
- 1.3 Additions or Changes to Agenda

2.0 **Public Communication:** Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, per topic. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

3.0 Accept Open Session Agenda

Motion _____ Second _____ Vote _____

4.0 **Consent Agenda:** The following consent agenda items are considered to be routine by the District Board and will be enacted with one motion. There will be no separate discussion of items unless a Board member so requests, in which the items will be considered following approval of the Consent Agenda.

- 4.1 Minutes – March 11, 2021 & April 6, 2021
- 4.2 Warrants – March 10, 2021 – April 7, 2021

5.0 Correspondence

- 5.1 Letter from Cal OES, Governor's Office of Emergency Services
Re: Notice of Subrecipient Allocation
- 5.2 Letter from Sarah Supahan, Trinity County Superintendent of Schools
Re: 2020-2021 Second Interim Review

6.0 Reports

- 6.1 Building Projects
- 6.2 Superintendent
- 6.3 Principal
- 6.4 Business
- 6.5 Enrollment and attendance
- 6.6 LCAP
- 6.7 Staff

7.0 General Business

- 7.1 Review/Approve 2021 – 2022 Bell Schedules
- 7.2 Accept Resignation Letters from Classified Staff
- 7.3 Accept Letter of Retirement from Kristen Peckham
- 7.4 Review/Approve 2021-22 Certificated Teacher Salary Schedule
- 7.5 Review Superintendent Contract for 2021-22 School Year
- 7.6 Review/Approve Board policies:
 - BP/AR 6159 Individualized Education Program
 - BP 6170.1 Transitional Kindergarten
 - BB 9012 Board Member Electronic Communications
 - BB 9320 Meetings and Notices
 - E 9323.2 Actions by the Board

8.0 Future Business

Next regular meeting – May 13, 2021.at 4:00pm

9.0 Adjourn to Closed Session

- 9.1 In accordance with Government Code Section 54957, the Governing Board will meet in Closed Session to consider the appointment, employment, evaluation or performance, discipline, resignation, retirement, reassignment, layoff, dismissal, complaint of a public employee(s):
Review/Approve hiring of Superintendent for 2021-22 School Year
- 9.2 Pursuant to Government Code 54956.9 Litigation

10.0 Reconvene to Open Session

- 10.1 Approve Superintendent Contract for 2021-22 School Year
- 10.2 Other reportable action

11.0 Adjourn

Item 4.1

Burnt Ranch Elementary School District

Board of Trustees Regular Meeting

Burnt Ranch Elementary School
251 Burnt Ranch School Road
Burnt Ranch, California

Thursday, March 11, 2021
4:00 pm Regular Session

MINUTES

**Meeting will be available remotely via ZOOM. Please call (530)629-2543 before 3:00pm on 3/11/21 for information regarding remote access.*

1.0 Formal Opening

- 1.1 Call to Order – *President Cyn Van Fleet called the meeting to order at 4:04pm*
- 1.2 Roll call - *Board members present were Joshua McKnight, Michael Harding, James King, Cyn Van Fleet, and Sarah Brown was present via ZOOM. Also, in attendance was Superintendent Kathleen Graham, Principal Kristi Kilgore and Robin Dummer.*
- 1.3 Additions or Changes to Agenda – *No additions or changes to the agenda*

2.0 Public Communication: Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, per topic. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

3.0 Accept Open Session Agenda

Motion by James King Second by Sarah Brown Vote 5-0

4.0 Consent Agenda: The following consent agenda items are considered to be routine by the District Board and will be enacted with one motion. There will be no separate discussion of items unless a Board member so requests, in which the items will be considered following approval of the Consent Agenda.

- 4.1 Minutes – February 11, 2021
- 4.2 Warrants – February 10, 2021 – March 3, 2021
Approved by Consent

5.0 Correspondence

- 5.1 Lozano Smith, LLP
RE: Brown Act Handbook
- 5.2 Eide Bailly, LLP
RE: 2019-2020 Audit Report

6.0 Reports

- 6.1 Building Projects – *Kathleen reported the following:*
Well: The PACE engineer is going through our paperwork and well history to give us recommendations about how to best proceed. Generator: OES has still not awarded the grants, although they have said they have notified the unsuccessful applicants and are allowing them to go through the appeal process. We have not been informed of a denial, so we are cautiously optimistic. Hydrant: Storckman Plumbing came out and checked the hydrant. He needs to come back with a tool to finish figuring out the problem. Adam Dummer came down as a volunteer helper to assist Storckman.
- 6.2 Superintendent – *Kathleen reported the following:*
The transmission on the bus had to be replaced. A Peterbilt shop in Eureka did the work. Our warranty expired last year. We had to rent a bus from Trinity Alps USD bus shop for almost a month while the work was being done.
- 6.3 Principal – *Kristi Kilgore reported*
 - *Trimester ended Friday, March 5th.*
 - *Parent-teacher conferences for about one-third of each class will occur the week of March 15th.*

- Report cards for non-conferencing students will go home Wednesday, March 17th.
- Friday, March 19th is a minimum day (for Parent Conferences)
- Indian Ed--Julie McCurdy and Kendal Dummer continue to run a successful beading class in afterschool.
- Students and staff enjoyed the 4-day President Weekend

Information:

- We have made it through TWO TRIMESTERS healthy and strong at BRS!
- Continuing to update and redo the website to make it more user friendly and relevant-- Have enlisted support from the county office--Laura Dawson is helping.

- 6.4 Business – Robin Dummer presented a PowerPoint on the Second Interim Report highlighting changes from the First Interim.
- 6.5 Enrollment and attendance – 73 students with 95% attendance. 97% in-person and 3% Distance Learners.
- 6.6 LCAP - Kathleen reported that LCAP reporting will be due in June and she has been working on both the annual update and the writing of the new three-year plan. Completion of both parts will also require CBO Robin Dummer's considerable involvement.
- 6.7 Staff – No Staff report

7.0 General Business

- 7.1 Review/Approve 2020-2021 Second Interim Budget Certification
Motion by Joshua McKnight to approve the 2020-21 Second Interim Budget Certification; second by Michael Harding. Vote 5-0
- 7.2 Review/Approve 2021-2022 Trinity County Technology Agreement with TCOE
Motion by Michael Harding to approve the 2021-2022 Trinity County Technology Agreement with the correct about of 30 Mbps; second by James King. Vote 5-0
- 7.3 Review/Approve 2019-2020 Audit Certification Financial Report
Motion by Michael Harding to approve the 2019-2020 Audit Certification Financial Report; second by James King. Vote 5-0
- 7.4 Review/Approve 2019-2020 Audit Findings Certification of Corrective Action
Motion by James King to approve the 2019-2020 Audit Findings Certification of Corrective Action; second by Joshua McKnight. Vote 5-0
- 7.5 Review/Approve 2020-2021 School Calendar – (Revised)
Motion by James King to approve the 2020-2021 School Calendar; second by Joshua McKnight. Vote 5-0
- 7.6 Review/Approve 2021-2022 School Calendar
Motion by Michael Harding to approve the 2021-22 School Calendar; second by Joshua McKnight. Vote 5-0
- 7.7 Review/Approve Resolution 2020/21-07 Changing Lincoln's Birthday Holiday from February 12, 2022 to February 18, 2022
Motion by James King to approve Resolution 2020/21-07 Changing Lincoln's Birthday Holiday; second by Michael Harding. Vote 5-0

8.0 Future Business

Next meeting – Discussion changing the next board meeting from April 8 to April 15, 2021.
Next meeting changed from April 8 to April 15, 2021 due to Spring Break.

9.0 Adjourn to Closed Session- 5:24pm

9.1 In accordance with Government Code Section 54957, the Governing Board will meet in Closed Session to consider the appointment, employment, evaluation or performance, discipline, resignation, retirement, reassignment, layoff, dismissal, complaint of a public employee(s).

9.2 Pursuant to Government Code 54956.9 Litigation

Note: Trustee Sarah Brown left the meeting at 6:15pm

10.0 Reconvene to Open Session -6:47pm

Reportable Closed Session Action: Board directs Superintendent Graham to advertise in the Trinity Journal and the North Coast Journal and to continue discussion with TCOE about the possibility of a "shared" Superintendent/Administrator.

11.0 Adjourn -6:48pm

Item 4.1

**CALL AND NOTICE OF SPECIAL
MEETING OF THE BOARD OF TRUSTEES
Burnt Ranch Elementary School District
SPECIAL BOARD MEETING AGENDA**

Date: Tuesday, April 6, 2021

Time: 10:30am

Location: 251 Burnt Ranch School Road
Burnt Ranch, California

1.0 Call to Order

10:10 AM Cyn Van Fleet called the meeting to order.

2.0 Attendance

Board Members: *Cyn Van Fleet, James King, Josh McKnight, Sarah Brown, Mike Harding*

Others Present: *Angela Wiltse, Kristi Holland-Kilgore, Tamera West, Tony Walendy—via Zoom.*

3.0 Action Item

3.1 Conduct Interview for Superintendent Position

Cyn Van Fleet reviewed the interview questions, policies, and guidelines with interview committee. She also stated there was a preliminary interview last week. She reviewed that the candidate only wanted a part-time position.

10:30 AM: The candidate was brought in and introductions were made. Cyn Van Fleet began the formal interview process. All questions were officiated by Cyn; with the interview panel asking any follow-up questions based on the candidate's response to the questions.

Kristi Holland-Kilgore gave the candidate a brief tour of the campus following the interview.

4.0 Adjourn to Closed Session

11:35 AM Cyn Van Fleet adjourned the meeting to Closed Session.

5.0 Public Employment: Discuss/Hire Administrative Personnel per Government Code 54957

6.0 Reconvene to Open Session

11:47 AM Cyn Van Fleet reconvened the meeting to Open Session.

Reportable Action:

Sarah Brown moved to offer Bryan Caples the position of 0.6 FTE Superintendent at the previous salary recommendation plus benefits—which can be taken in either the benefit package or as salary compensation. Mike Harding seconded. Vote was unanimous: Motion carries

7.0 Adjourn

11:48 AM: Cyn Van Fleet adjourned the meeting.

Checks Dated 03/10/2021 through 04/07/2021 Board Meeting Date April 15, 2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5226837	03/17/2021	Dummer, Robin J	01-4300	Indian Ed, Covid & ASES	324.56	
5226838	03/17/2021	California Safety Company	01-5910	Indian Ed, Covid & ASES	61.34	385.90
5226839	03/17/2021	Pacific Gas & Electric	01-5800	Fire Alarm Monitoring March 2021		40.00
5226840	03/17/2021	Producers Dairy	01-5510	Power March 2021		2,110.19
			13-4700	Milk, Juice & Yogurt	163.84	
				Milk, Juice, Yogurt, Eggs	134.50	
5226841	03/17/2021	Shasta Tr Schools Ins Dental	01-9580	Yogurt, Milk & Juice	191.56	489.90
5226842	03/17/2021	Shasta Tr Schools Ins Medical	01-9580	991.08		991.08
5226843	03/17/2021	Shasta Tr Schools Ins Vision	01-9580	April 2021 Medical Premium		9,438.00
5226975	03/24/2021	Coast Central Credit Union	01-4300	April 2021 Vision Premium		237.60
5226976	03/24/2021	Frontier	01-5920	Arlo services - March		12.97
5226977	03/24/2021	SYNCB/AMAZON	01-4300	Phone Service March		330.70
				ASES Volleyball	36.08	
				ASES Supplies	3.64	
5226978	03/24/2021	Trinity Co Dept of Trans	01-4300	Supplies - Chlorine test	45.69	203.25
5227100	03/31/2021	Holland, Samantha R	13-4700	Supplies - Janitorial	117.84	61.48
5227101	03/31/2021	Mendes Supply Company	01-4300	Fuel		92.85
				Cafeteria Winco, Costco Reimbursement		
				Floor Scrubber Repair	4.00	
5227102	03/31/2021	North Coast Laboratories Inc	01-5800	Sanitizer, dish soap	237.98	241.98
5227103	03/31/2021	Producers Dairy	13-4700	Water Test - March 2021		50.00
				Milk		61.04
				Total Number of Checks	15	14,746.94

Item 4.2

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	12	14,103.15
13	Cafeteria Special Reserve	3	643.79
	Total Number of Checks	15	14,746.94
	Less Unpaid Sales Tax Liability		.00
	Net (Check Amount)		14,746.94

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Item 5.1

GAVIN NEWSOM
GOVERNOR



MARK S. GHILARDUCCI
DIRECTOR

March 12, 2021

Kathleen Graham
Superintendent
Burnt Ranch Elementary School District
P.O. Box 39
Burnt Ranch, CA 95527-0039

SUBJECT: NOTIFICATION OF SUBRECIPIENT ALLOCATION
Fiscal Year (FY) 2020 Community Power Resiliency Allocation to
Special Districts Program
Period of Performance: July 1, 2020, to October 31, 2021

Dear Ms. Graham:

The California Governor's Office of Emergency Services (Cal OES) approved your FY 2020-21 Community Power Resiliency allocation in the amount of \$300,000. Eligible activities under this allocation are limited to:

- Equipment-
Funds may be used for the procurement of:
 - Generators and generator connections for essential facilities, with an emphasis on clean energy and green solutions where possible or other alternative backup power sources;
 - Generator fuel and fuel storage;
 - Redundant emergency communications (e.g., battery-powered radios);
 - Portable vehicle-mounted charging stations;
 - Portable battery-powered and rechargeable radio repeater and transmission equipment.



3650 SCHRIEVER AVENUE, MATHER, CA 95655
(916) 845-8859 TELEPHONE (916) 845-8511 FAX
www.CalOES.ca.gov

Burnt Ranch Elementary School District
March 12, 2021
Page 2 of 3

- Plans-
Funds may be used for the development/update of:
 - Continuity plans;
 - Contingency plans for electrical disruptions that include considerations such as protecting individuals with access and functional needs, medical baseline and socially vulnerable populations, transportation, emergency public information, and preservation of essential functions;
 - Risk assessments for critical infrastructure and lifelines;
 - Post-event reports that identify lessons learned and corrective actions.
- Public education materials or supplies focused on individual family preparedness for electric disruptions.
- One-time costs associated with identifying and equipping resource centers for the public to access during electrical disruptions.

The following activities are **not allowed**:

- These funds shall not be used to secure, compensate, or backfill professional services contracts.
- Response costs associated with electric disruption events including any staffing or new positions, Emergency Operations Center staffing, security, law or fire response, or other overtime charges.

All activities funded with this allocation must be completed within the Grant Subaward period of performance. Additionally, the Subrecipient is subject to the following requirements:

- As a condition of receiving funding, special districts are encouraged to collaborate with their county to support critical infrastructure and resiliency with a particular focus on public safety, vulnerable communities, and individuals with access and functional needs.
- Must ensure they and their principals are not presently debarred, suspended, proposed for debarment, or declared ineligible.
- Must provide a Progress Report on the expenditures of the funds. The Progress Report is due no later than **November 30, 2021**. This Progress Report shall identify how the funds have been used, including identifying each project or activity undertaken, local entity that undertook the project or activity, the amount of funding provided to the project or activity, and a description of each project or activity. The report shall also identify the specific outcomes achieved by each project or activity,

Burnt Ranch Elementary School District
March 12, 2021
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including whether the project or activity was completed and whether it was used during power outages.

- Must coordinate with their city or county planning agency to ensure that the project is in compliance with the California Environmental Quality Act (CEQA) Public Resource Code, Section 21000 et seq.
- Comply with the California Public Records Act, Government Code Section 6250 et seq.
- Must procure goods and services in compliance with applicable state and local laws, ordinances, rules, regulations, and policies.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient: Burnt Ranch Elementary School District
 Signature of Authorized Agent: Kathleen Graham
 Printed Name of Authorized Agent: Kathleen Graham
 Title: Superintendent Date: 3/17/21

Your dated signature and above fillable information is required on this Notification of Subrecipient Allocation. Please sign and return requested information to PSPS@CalOES.ca.gov within 20 calendar days upon receipt and keep a copy for your records. For further assistance, please email Cindy Logan at PSPS@CalOES.ca.gov.

Sincerely,



MARK S. GHILARDUCCI
Director

GAVIN NEWSOM
GOVERNOR



MARK S. GHILARUCCI
DIRECTOR

March 12, 2021

Kathleen Graham
Superintendent
Burnt Ranch Elementary School District
P.O. Box 39
Burnt Ranch, CA 95527-0039

SUBJECT: NOTIFICATION OF SUBRECIPIENT ALLOCATION
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- Must ensure they and their principals are not presently debarred, suspended, proposed for debarment, or declared ineligible.
- Must provide a Progress Report on the expenditures of the funds. The Progress Report is due no later than **November 30, 2021**. This Progress Report shall identify how the funds have been used, including identifying each project or activity undertaken, local entity that undertook the project or activity, the amount of funding provided to the project or activity, and a description of each project or activity. The report shall also identify the specific outcomes achieved by each project or activity,

Burnt Ranch Elementary School District
March 12, 2021
Page 3 of 3

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- Must coordinate with their city or county planning agency to ensure that the project is in compliance with the California Environmental Quality Act (CEQA) Public Resource Code, Section 21000 et seq.
- Comply with the California Public Records Act, Government Code Section 6250 et seq.
- Must procure goods and services in compliance with applicable state and local laws, ordinances, rules, regulations, and policies.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient: Burnt Ranch Elementary School District
 Signature of Authorized Agent: Kathleen Graham
 Printed Name of Authorized Agent: Kathleen Graham
 Title: Superintendent Date: 3/17/21

Your dated signature and above fillable information is required on this Notification of Subrecipient Allocation. Please sign and return requested information to PSPS@CalOES.ca.gov within 20 calendar days upon receipt and keep a copy for your records. For further assistance, please email Cindy Logan at PSPS@CalOES.ca.gov.

Sincerely,



MARK S. GHILARDUCCI
Director



Trinity County Office of Education
201 Memorial Drive
Post Office Box 1256
Weaverville, CA 96093
(530) 623-2861
Fax (530) 623-4489
www.tcoek12.org

April 6, 2021

Board of Trustees
Burnt Ranch Elementary School District
Post Office Box 39
Burnt Ranch, CA 95527

Honorable Board Members:

In accordance with Education Code Section 42127, we have examined the second interim report for the fiscal year 2020-21 to determine if it complies with the criteria and standards adopted by the State Board of Education pursuant to Education Code Section 42131.

Based on our review and analysis, we are satisfied that the second interim report approved by the district's governing board reflects the financial status of the district and is consistent with the state's criteria and standards. We therefore concur with the district's positive certification.

We have produced the attached document, Key Items to Consider, for your review to assist in your additional analysis of the second interim report and future budget planning.

As a reminder, the timeline for the Local Control and Accountability Plan (LCAP), Budget Overview for Parents and Annual Update will be changing from the prior year. More details will be shared as the information becomes available. The district should continue to work with its stakeholders to develop a Local Control and Accountability Plan (LCAP) that is reflective of local wisdom and responds to the needs of your community. The county office provides LCAP support and training as well as differentiated assistance to requesting districts. Based on enrollment and unduplicated pupil percentage, the amount of supplemental and concentration funding fluctuates each year.

The Governor will release the 2021-22 May Revision in mid-May. The details of this proposal will be reviewed with your district administrator and business manager with recommendations for inclusion in the preparation of 2021-22 budget and multi-year projections. Additionally, information on new federal and state stimulus for education will be shared for inclusion in the 2021-22 budget.

Assembly Bill (AB) 2756 requires school districts to submit copies of any study or report that indicate signs or symptoms of fiscal distress to the county office of education. Should the district acquire any such reports or studies during the fiscal year, please submit them to Gretchen Deichler at Trinity County Office of Education as soon as they are available.

The Fiscal Crisis and Management Assistance Team (FCMAT) has their Indicators of Risk or Potential Insolvency. This can be used to evaluate and/or improve processes in your district. The form can be found on their website www.fcmat.org.

Notes from the review have been shared with the fiscal officer and administrator of the district. If you have any questions about the LCAP, please contact Fabio Robles, Deputy Superintendent at frobles@tcoek12.org. If you have any questions about the budget, please contact Gretchen Deichler, Assistant Superintendent of Business Services, at gretchend@tcoek12.org.

We would like to thank the district staff for working closely with the TCOE staff to develop budget, payroll, attendance, accounts payable and receivable procedures and processes. The hard work and dedication is truly appreciated and the outcomes have improved the district's long term solvency.

TCOE staff is available to attend the next board meeting to review the contents of this letter and review the district options and timelines with administration and the board.

Sincerely,



Sarah E. Supahan
Trinity County Superintendent of Schools

cc: District Superintendent
District CBO or Business Manager

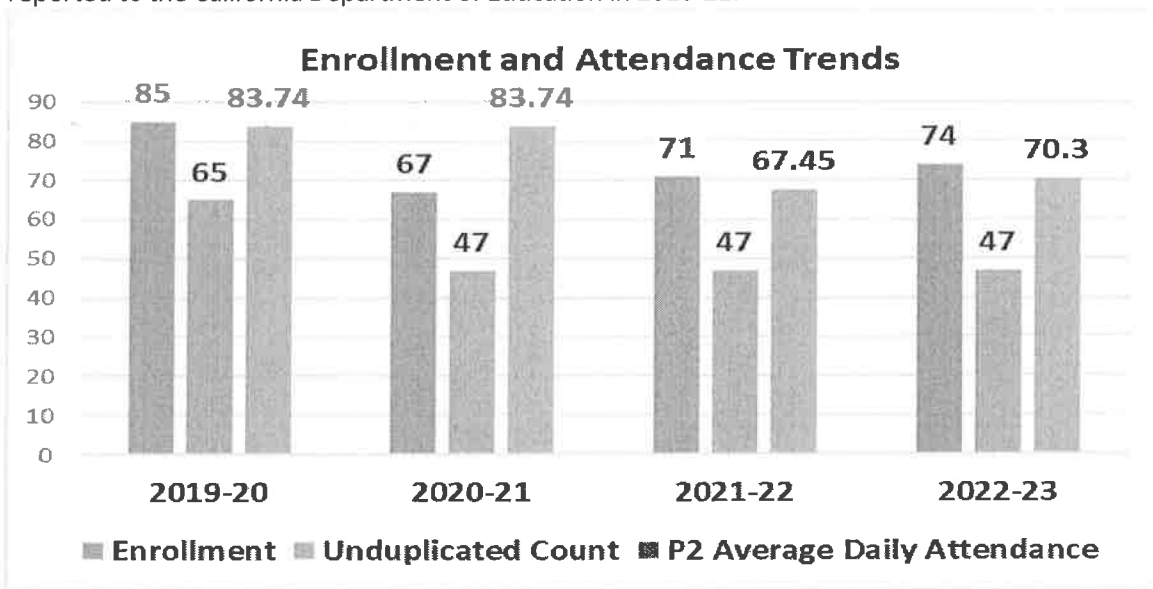
BURNT RANCH ELEMENTARY SCHOOL DISTRICT

KEY ITEMS TO CONSIDER: Second Interim Report, 2020-2021

ENROLLMENT AND ATTENDANCE

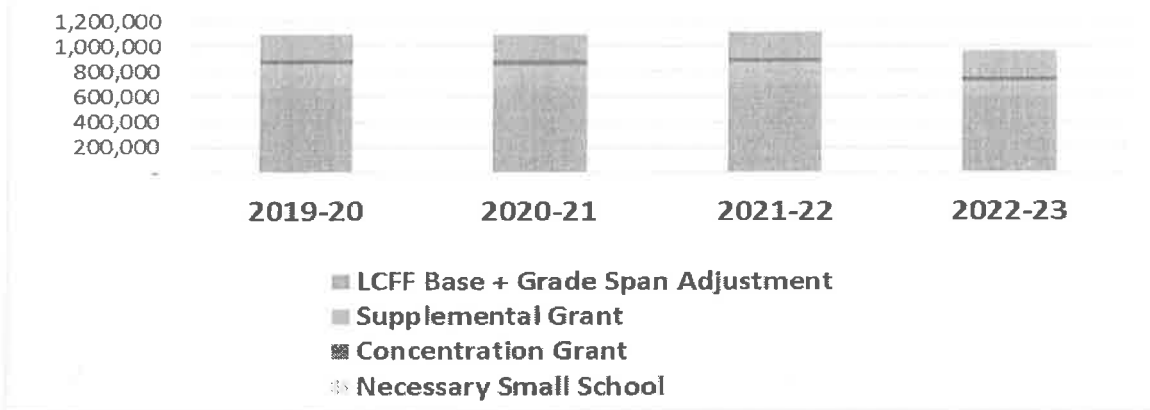
Over the multiyear projection enrollment is projected to decrease from 85 to 67 and average daily attendance (ADA) used for funding is based on LCFF funding in all years. The multiyear projection for Necessary Small School or LCFF revenue will be based on current or prior year ADA whichever provides higher revenue.

This chart illustrates enrollment and ADA projections included in the district’s multiyear projection (MYP) assumptions. Note that for the current year (2020-21) Fall 1 enrollment is reflected but Average Daily Attendance (ADA) for this year are based on 2019-20 P2 ADA. ADA will not be reported to the California Department of Education in 2020-21.



This chart illustrates the components of the Local Control Funding Formula. The 2012-13 categoricals amount (Small School Bus Replacement, Targeted Instructional and Transportation) and the economic recovery target will remain the same. The other components vary based on ADA and unduplicated pupil percentage. This chart shows that the district is funded with LCFF funding in all years of the MYP. This chart illustrates the “cliff” and loss of approximately \$149,000 that the district is approaching in 2022-23 caused by projected declining enrollment. Starting in 2021-22 each year the LCFF will be based on the higher or the current or prior year P2 ADA.

Components of Local Control Funding Formula

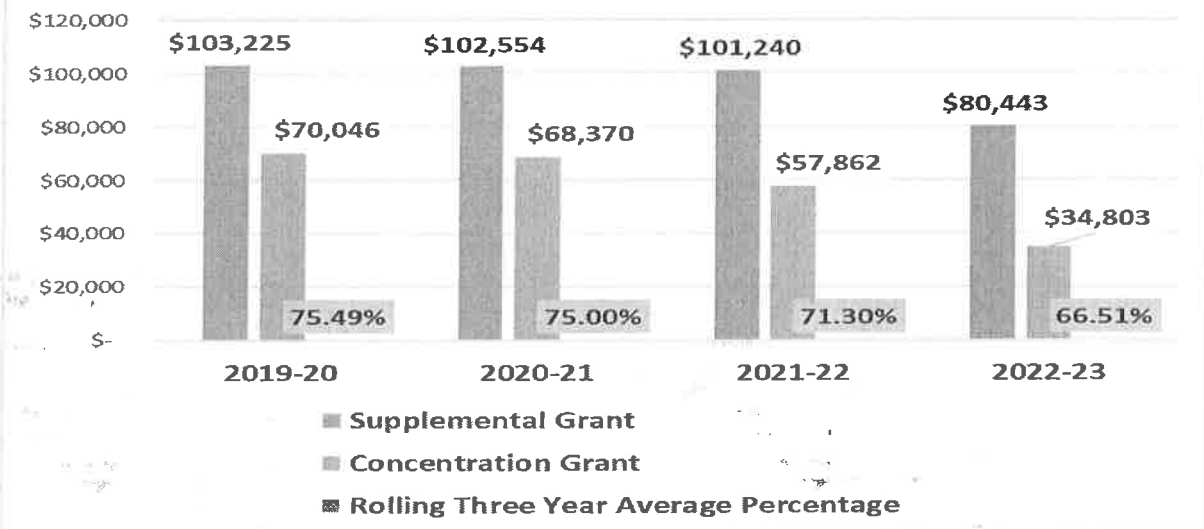


The bar graph below illustrates the supplemental and concentration grant funding. Making sure that the unduplicated students are correctly identified each year is important as it affects the three-year rolling average used to calculate the grant funds.

The actual funding is determined by the enrollment identified as the unduplicated pupil count as of Fall 1 Census Day, which is always the first Wednesday in October, and the district P2 average daily attendance.

However, the Local Control Accountability Plan will be based on estimates at the time of the budget adoption. Note that in 2022-23 the supplemental and concentration funding decreases based on the declining enrollment and P2 ADA. This should be considered during the development of the 3 year LCAP in the spring.

Supplemental and Concentration Grants



Federal Stimulus Funding

CARES ACT signed into law March 27, 2020

The district has budgeted CARES Act revenues of \$90,171. Expenses for one-time supplies and staffing are included in the second interim report.

CRRSA ACT signed into law December 27, 2020

The district estimated allocation for Expanded Learning Opportunities and In-Person Instruction is \$112,956 and ESSER II is \$161,735. The GEER II allocation has not been released. The revenues and expenditures should be included in the 2021-22 budget.

FACILITIES & MAINTENANCE (update provided by Jeff Morris)

BURNT RANCH

- Previous Project Close Out: *Unchanged status* - The final vendor payment was completed in January and we are expecting to start working on the close out reporting for the project soon.
- Well / Water Supply: PACE has submitted a nominal proposal to align all information collected to date to confirm status of current situation and present viable options. We hope to have more information by the April report.
- BRESA Generator application: BRESA was awarded \$ 300,000 from the California on March 12. TCOE is working with the district to work up a bid process for implementation.

DEVELOPER FEES

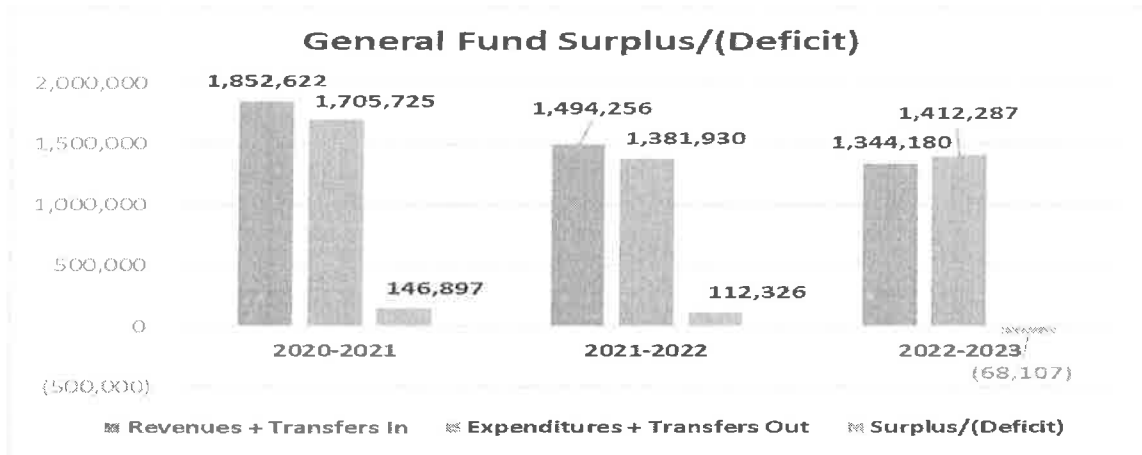
The district has received developer fees this year. Below are the historical receipts over the last few years. If this does not seem to be accurate please contact our office.

Account Object Code	2020/21 Account Actuals	2019/20 Account Actuals	2018/19 Account Actuals	2017/18 Account Actuals
Fund 25 - Capital Facilities				
Revenue				
8681 Developer Fees	363.84	7,899.88	9,741.83	

DEFICIT SPENDING

The district is projecting deficit spending in the last year of the multiyear projection and spending down the General Fund balance which is estimated to increase in the first two years of the MYP.

The graph below illustrates the estimated revenues, expenditures and annual surplus or deficit affecting the fund balance each year of the MYP.



INTERFUND TRANSFERS

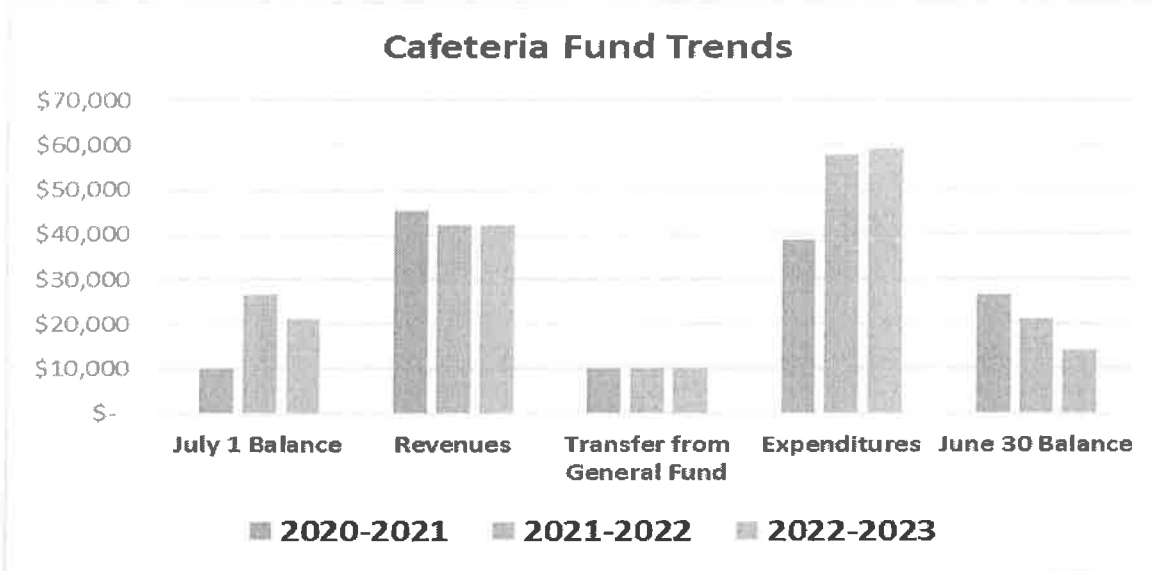
The table below shows the transfers in the 2020-21 second interim report.

Fund	2020-21	2021-22	2022-23
General Fund	\$ 6,000 from Special Reserve for Current Year Retiree Benefits	\$ 0 from Special Reserve for Current Year Retiree Benefits	\$ 0 from Special Reserve for Current Year Retiree Benefits
	\$10,000 to Cafeteria	\$10,000 to Cafeteria	\$10,000 to Cafeteria
	\$53,651 Current Year Forest Reserve to Special Reserve	\$3,000 Current Year Forest Reserve to Special Reserve	\$3,000 Current Year Forest Reserve to Special Reserve
	\$9,390 to Special Reserve for Future Retiree Benefits	\$9,390 to Special Reserve for Future Retiree Benefits	\$9,390 to Special Reserve for Future Retiree Benefits
	\$256,192 to Building Fund		

CONTRIBUTION TO CAFETERIA FUND

The annual contribution to the Cafeteria Fund from the General Fund is \$10,000 each year of the multiyear projection. Based on current year revenue and expenses the contribution may not be needed. In subsequent years, expenditure budgets far out-pace revenues for the cafeteria program. Further analysis of projected revenues and expenditures should be done during budget development.

This chart illustrates how cafeteria expenditures are projected in subsequent years to outpace revenues requiring transfers from the General Fund each year.



This chart illustrates that the projected ending fund balance is in excess of the allowance. Federal regulations require that School Food Authorities (SFAs) limit their Net Cash Resources (NCR) to an amount that does not exceed three months of average operating expenditures for its cafeteria fund. If SFAs have an excess balance, they should contact the Resource Management Unit (RMU) by email at snpba@cde.ca.gov to create an approved budget agreement to spend down the excess funds. It is important that the district review the actual activity in this fund to determine the necessity of an interfund transfer or if temporary borrowing might be the best option when necessary. Our office will contact your business manager to do further analysis.

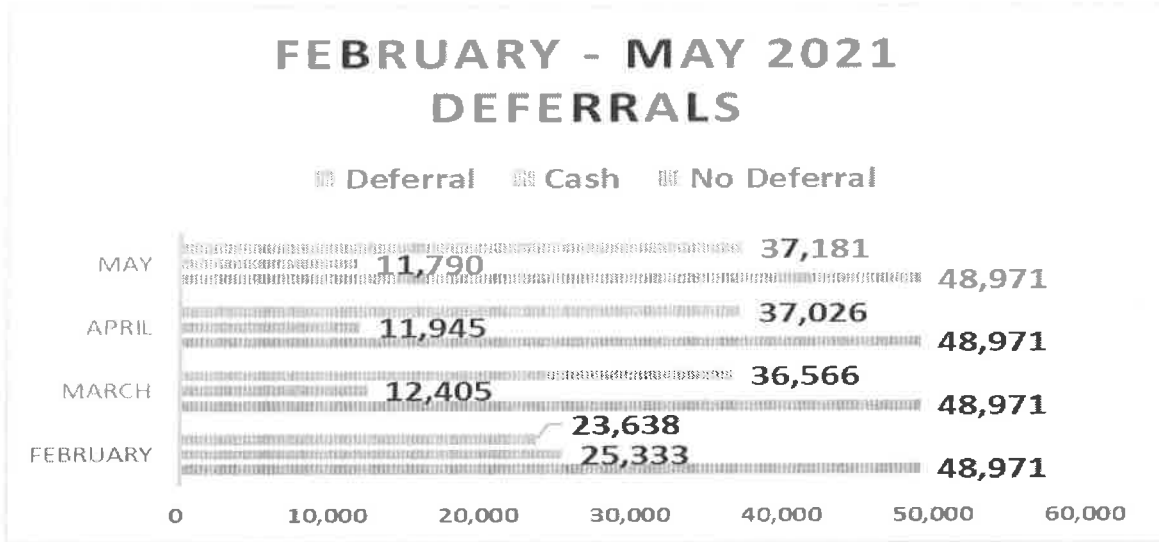
Fund 13	2020-21	2021-22	2022-23
Expenditures	\$ 38,788	\$ 57,770	\$ 59,214
Expenditures ÷ 10 x 3:	\$ 11,636	\$ 17,331	\$ 17,764
Ending Balance:	\$ 26,668	\$ 21,098	\$ 14,084
% of Allowed Balance	229%	122%	79%

CASH AND CASHFLOW

The district maintains sufficient cash flow for payroll and other obligations. The first installment of property taxes was received on December 10, 2020.

The 2020-21 final budget language included \$12 billion of principal apportionment cash deferrals from fiscal year 2020-21 to fiscal year 2021-22. **These principal apportionment deferrals are ongoing and were added through EC Sections 14041.5 and 14041.6.** *The Governor's proposed budget included the elimination of all or part of the deferrals.* The details should be part of the May Revision. However, that will not be in time to change the deferral schedule in place for the remainder of this year.

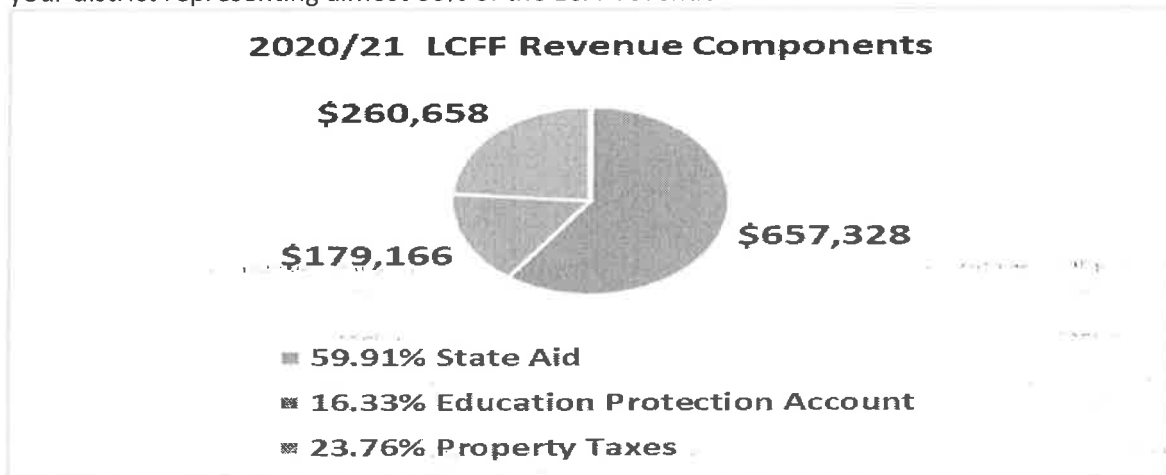
The chart below shows how cash for your district will be impacted. The orange bar shows the cash to be received, the gray bar shows the amount that is deferred until next fiscal year. The blue bar shows the cash that would have been received if the deferrals were not in place. Over \$134,000 is deferred from February through May. The June 2021 apportionment is not included below but 100% of it will be deferred to July 2021.



FUND BALANCE AND CASH

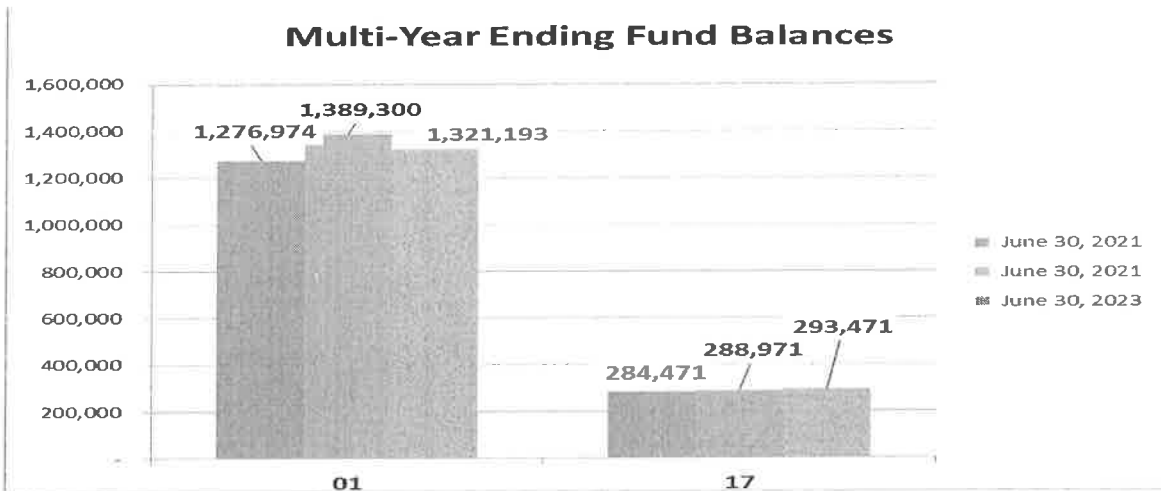
Property taxes represent 24% of total Local Control Funding Formula Revenue. If the reliance on property tax cash is high cash flow could be affected. The district does not have cash flow concerns based on this or other factors.

This chart illustrates the different components of the Local Control Funding Formula; state aid, education protection account (EPA) and property taxes. State aid is the largest component for your district representing almost 60% of the LCFF revenue.



FUND BALANCE AND RESERVES

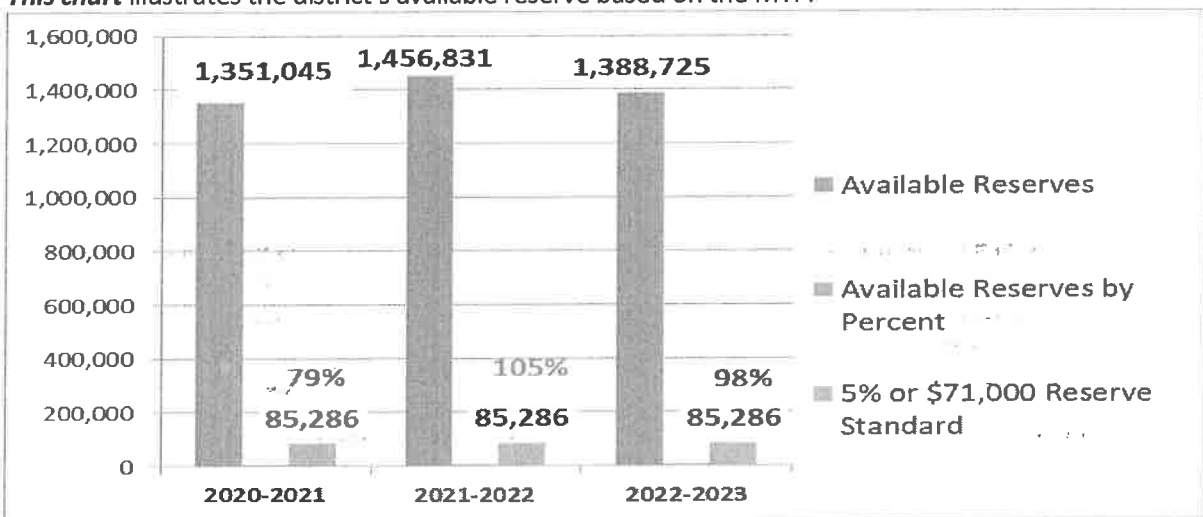
The General Fund balance is projected to fluctuate over the multiyear projection while the Special Reserve Fund 17 is projected to increase. The district's cashflow needs in the General Fund is significantly less than the balance and reserves and the board could consider transferring some funds to be held in Fund 17. Currently the district is not using the Deferred Maintenance Fund 14 or School Bus Replacement Fund 15. The district should continue to review trends and review its fiscal health at each reporting period.



RESERVES

The district has built and maintained sufficient reserves well in excess of the minimum economic uncertainties of \$71,000 or 5% of expenditures whichever is higher. In part it was due to the uncertainty of any district share that might be owed for the facility projects and it was prudent to build reserves. *Now that the project is completed the district might consider annual transfers to the deferred maintenance fund, special reserve fund and or small school bus replacement fund to build reserves in other funds for the future.*

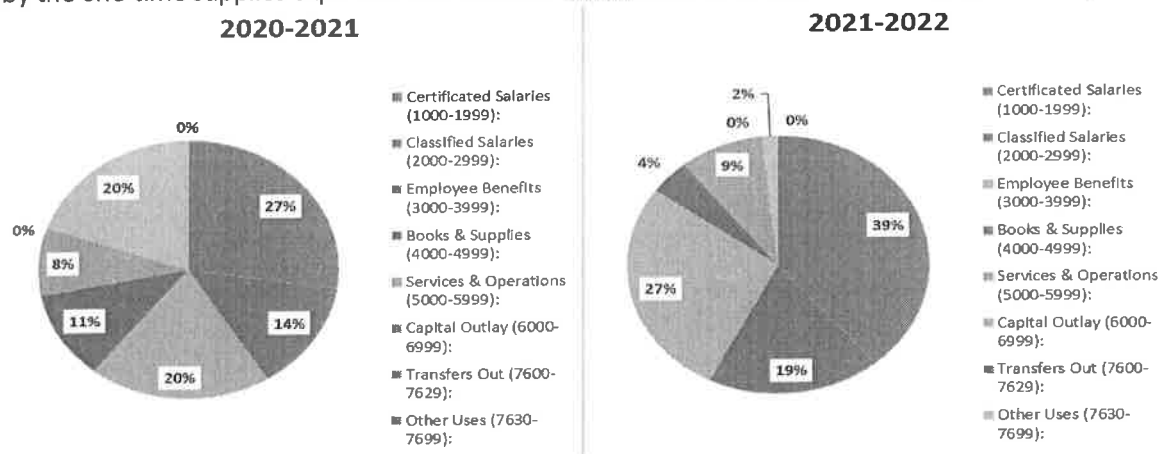
This chart illustrates the district's available reserve based on the MYP.



EXPENDITURE ASSUMPTIONS

Other than the elimination of one-time expenditures, the multiyear projection has minimal changes to expenditures. One-time expenses are reflected in 2020-21 only. This is illustrated by the reduction of the supplies and transfers out sections in the charts.

The pie charts shown here demonstrate the expenditure percentage for the current and subsequent year. Salary and benefits represent 61% in 2020-21 and 85% in 2021-22. The fluctuation is caused by the one-time supplies expenses and transfers out in 2020-21 as shown on the graphs below.



SALARY AND BENEFIT NEGOTIATIONS

At the approval of the second interim financial report the salary and benefit negotiations have been settled for the current fiscal year.

For future negotiations, even though the district does not have an organized bargaining unit, in order to be able to do the required oversight please provide us with the following:

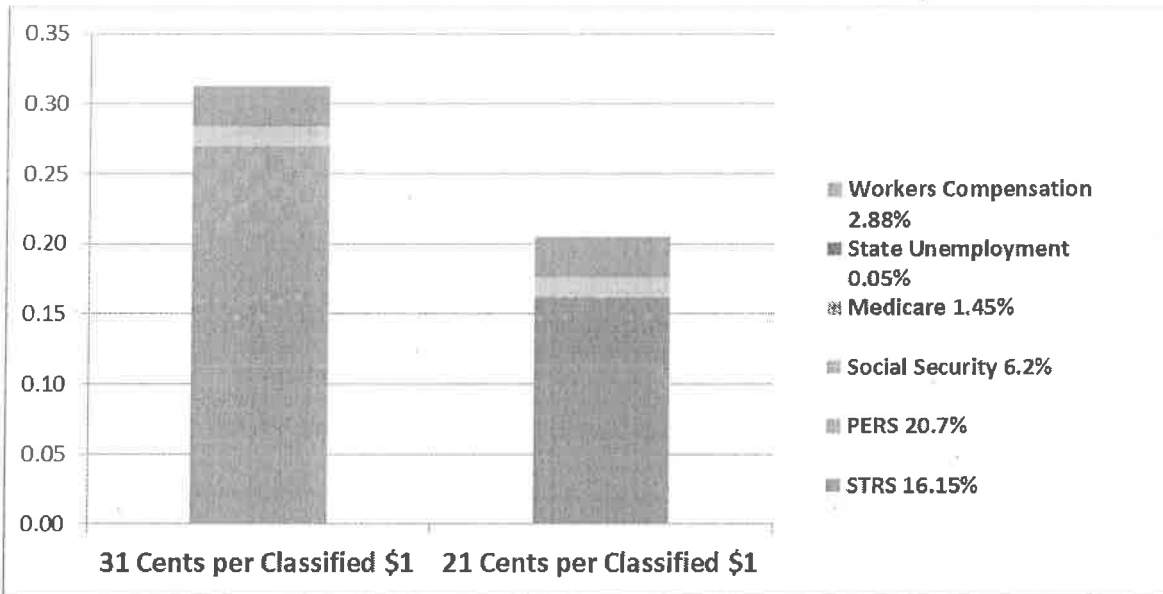
- A copy of the Public Disclosure of Collective Bargaining Agreement at least six working days prior to the date the District Governing Board will take action on the proposed bargaining agreement
- An analysis of the cost of the settlement and its impact on the operating budget

STATUTORY BENEFITS

Factors Beyond District Control

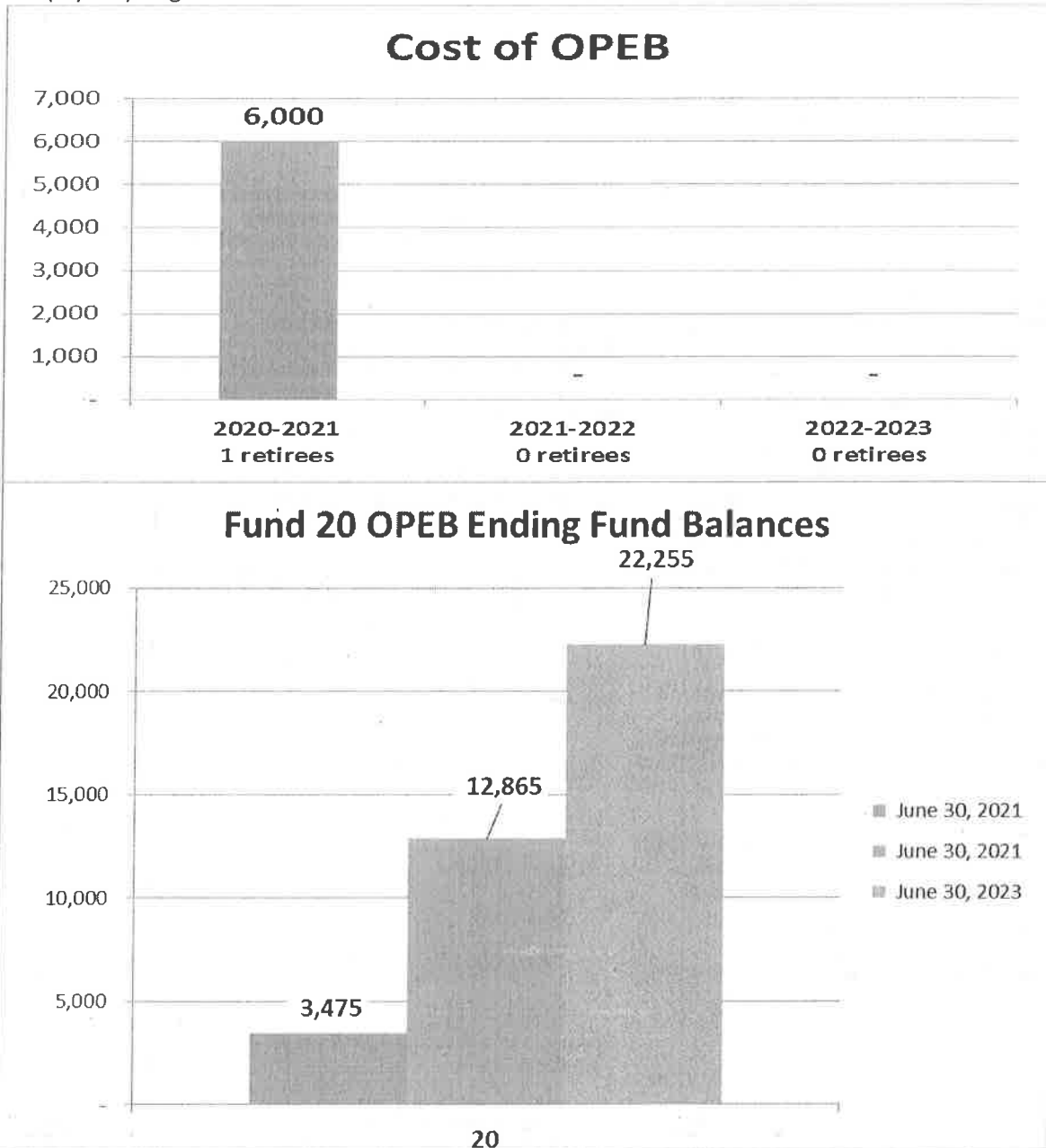
Retirement contribution rates for employers are projected to increase significantly in subsequent years. However, the 2020-21 Governor's budget included a one-time buy down of the employer CalSTRS rates and the proposed 2021-22 Governor's budget references continuation of buy downs. Guidance regarding subsequent year rates will be provided for inclusion in the second interim report.

The district has been and is encouraged to continue to do projections to determine the impact on future year fund balances. 2020-21 rates are listed in the table below. Note that the Employment Development Department just notified all the districts that effective 2021-22 the Unemployment Insurance rate will increase from .05% to 1.23%. This assumption should be included in the 2021-22 budget development along with other changes to the statutory benefits.



POST RETIREMENT OBLIGATIONS

The district does annual transfers from the Special Reserve for OPEB Fund 20 to the General Fund annually equal to the current year cost of postemployment benefits. The district should continue to review the financial impact of these obligations as indicated on the GASB 75 actuarial to determine the correct funding methodology to use for this liability. Even though the district will not have any retirees next year the district does have a policy for district post-employment benefits. The actuarial study is required to be updated every two years. The chart below indicates the cost of OPEB using the pay-as-you-go method.



Item 7.2



Krysty Kilgore <kkilgore@bresd.org>

Letter of Resignation

Erin Burger <eburger@bresd.org>

Mon, Mar 15, 2021 at 3:24 PM

To: Krysty Kilgore <kkilgore@bresd.org>

I would like to submit my letter of resignation for the Teachers Assistant position at the end of this season June 4 2021. It has been my extreme pleasure to have this job for the last five years.

Thank you,
Erin Burger



From: Sophia Sady ssady@bresd.org

Subject: Resignation Letter

Date: March 18, 2021 at 6:55 AM

To: Kathleen Graham kgraham@tcoek12.org, Krysty Kilgore kkilgore@bresd.org, Casey Geyer csygyr7@gmail.com

Good morning,

I am writing to you today to formally submit my resignation from Burnt Ranch School, both in the Classroom Aide and ASES positions. I will finish out the 2020-2021 school year working my regular contracted hours until June, but will not be returning in the fall for the '21-'22 school year.

It has been an eye-opening experience to be a part of the education team at Burnt Ranch and I am beyond grateful to all of you for the mentorship, patience, creativity, and flexibility you have shown throughout this rollercoaster 2 years.

Seriously, it has been incredible to be a part of the magic you all work at our little school. I have learned an insane amount about education and have a newfound, deep appreciation for the effort, thought, and care that the entire Burnt Ranch staff put into their work.

Thank you so much for everything these past two years. The staff have been wonderful and it has truly been a delight to get to know this special community through my interactions with colleagues, students, and parents. I will be leaving Burnt Ranch School a more rounded and integrated community member and I am forever grateful for that.

Warmly,
Sophia Sady

March 15, 2021

Kristen Cairns Peckham
444 Galaxy Drive
Salyer, CA 95563

Ms. Kathleen Graham
Superintendent
Burnt Ranch Elementary School District
P.O. Box 39
Burnt Ranch, CA, 95527

Dear Kathleen:

Please accept this letter as formal notice of my resignation as a teacher in the Burnt Ranch Elementary School District effective at the conclusion of the 2020-2021 school year. The last seven years with Burnt Ranch Elementary have been wonderful. However, after thirty years in education, it is time for me to retire. I will certainly miss teaching, but this is the best decision for our family.

My time with Burnt Ranch Elementary School has been a tremendous benefit to me and I consider it both an honor and a privilege to be among its staff members. Please accept my sincere thanks for the opportunities my position here has afforded me. I truly enjoyed teaching here. I will not forget working with the amazing students and the supportive, motivated staff.

I am grateful for my time with this district and I hope you will remember me and my work with appreciation and a positive spirit. Best wishes to the students, staff, and the future of the district.

Cordially,

Kristen Cairns Peckham
Teacher

INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Legal Reference:

EDUCATION CODE

- 46392 Emergencies
- 51225.3 Requirements for high school graduation and diploma
- 56040.3 Assistive technology
- 56055 Rights of foster parents pertaining to foster child's education
- 56136 Guidelines for low incidence disabilities areas
- 56195.8 Adoption of policies
- 56321 Development or revision of IEP
- 56321.5 Notice to include right to electronically record
- 56340.1-56347 Instructional planning and individualized education program
- 56350-56354 IEP for visually impaired students
- 56380 IEP reviews; notice of right to request
- 56390-56392 Certificate of completion, special education
- 56500-56509 Procedural safeguards
- 60640-60649 California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 State assessments, accommodations

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

3051-3053 Implementation of the individualized education program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

COURT DECISIONSMarshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 157 (2002)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITESCalifornia Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/osep>

Instruction

INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them
To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)
2. If the student is or may be participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general education curriculum
 - c. Knowledgeable about the availability of district resources
 (cf. 0430 - Comprehensive Local Plan for Special Education)

5. An individual who can interpret the instructional implications of assessment results
This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability

In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age. In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)

- a. The student, regardless of the student's age

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

Contents of the IEP

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)

INDIVIDUALIZED EDUCATION PROGRAM

- b. For a preschool student, as appropriate, the manner in which the disability affects the student's participation in appropriate activities
 - c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from the disability in order to enable the student to be involved in and make progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from the disability
 3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
 4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP
- (cf. 3541.2 - Transportation for Students with Disabilities)
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP
 6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6162.51 - State Academic Achievement Tests)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
 - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
 - b. The transition services, including courses of study, needed to assist the student in reaching those goals

INDIVIDUALIZED EDUCATION PROGRAM

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5
11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)
12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services
(cf. 6174 - Education for English Learners)
13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer Learning Programs)
14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:
 - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week
 - b. Support the transition of the student from the special education program into the general education program
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178 - Career Technical Education)
(cf. 6181 - Alternative Schools/Programs of Choice)
15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136
To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school.
(Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular

INDIVIDUALIZED EDUCATION PROGRAM

school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific

INDIVIDUALIZED EDUCATION PROGRAM

responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
 - b. The results of any reassessment conducted pursuant to Education Code 56381
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381
 - d. The student's anticipated needs
 - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the

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Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6173.1 - Education for Foster Youth)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded.

Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

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The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341
 - b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320
2. An indication that the student is invited to the IEP team meeting (cf. 5145.6 - Parental Notifications)

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)
(cf. 5125 - Student Records)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

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If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

Instruction**BP 6170.1 (a)****TRANSITIONAL KINDERGARTEN**

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Eligibility

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education. It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

TRANSITIONAL KINDERGARTEN**BP 6170.1 (b)**

The Board shall establish the length(s) of the school day in the district's TK program. TK programs may be maintained for different lengths of time either at the same or different school sites, as long as the school day is at least three hours but no more than four hours. The Superintendent or designee shall annually report to the California Department of Education as to whether the district's TK programs are offered full day, part day, or both. (Education Code 37202, 46111, 46117, 48003)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

Staffing

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.
(cf. 4112.2 - Certification)

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2021, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.
(cf. 4131 - Staff Development)

Continuation to Kindergarten

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

A student shall not attend more than two years in a combination of TK and kindergarten.
(Education Code 46300)
(cf. 5123 - Promotion/Acceleration/Retention)

Assessment

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.
(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)

TRANSITIONAL KINDERGARTEN

BP 6170.1 (c)

Legal Reference:

EDUCATION CODE

- 8970-8974 Early primary programs; extended-day kindergarten
- 37202 School calendar; equivalency of instructional minutes
- 44258.9 Assignment monitoring by county superintendent of schools
- 46111 Kindergarten, hours of attendance
- 46114-46119 Minimum school day, kindergarten
- 46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten
- 48000 Age of admission, kindergarten and transitional kindergarten
- 48002 Evidence of minimum age required to enter kindergarten or first grade
- 48003 Kindergarten annual report
- 48200 Compulsory education, starting at age six

Management Resources:

CSBA PUBLICATIONS

What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

Desired Results Developmental Profile, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School

California Preschool Curriculum Framework, Vol. 3, 2013

California Preschool Learning Foundations, Vol. 3, 2012

California Preschool Curriculum Framework, Vol. 2, 2011

California Preschool Learning Foundations, Vol. 2, 2010

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Kindergarten Association: <http://www.ckanet.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Transitional Kindergarten California: <http://www.tkalifornia.org>

Board Bylaws**BB 9012(a)****BOARD MEMBER ELECTRONIC COMMUNICATIONS**

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the district and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting, circumvent the public's right to access records regarding district business, or restrict access to a public forum.

(cf. 1100 - Communication with the Public)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board, as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. A Board member is prohibited from responding directly to any communication from other Board members regarding matters that are within the subject matter jurisdiction of the Board or using digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. (Government Code 54952.2)

Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.

Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board members participating in the discussion.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that the response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the media shall be forwarded to the designated district spokesperson.

BOARD MEMBER ELECTRONIC COMMUNICATIONS**BB 9012(b)**

(cf. 1112 - Media Relations)
 (cf. 1312.1 - Complaints Concerning District Employees)
 (cf. 1312.2 - Complaints Concerning Instructional Materials)
 (cf. 1312.3 - Uniform Complaint Procedures)
 (cf. 1312.4 - Williams Uniform Complaint Procedures)
 (cf. 3320 - Claims and Actions Against the District)
 (cf. 9005 - Governance Standards)
 (cf. 9121 - President)
 (cf. 9200 - Limits of Board Member Authority)

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

(cf. 1340 - Access to District Records)
 (cf. 3580 - District Records)

Legal Reference:**EDUCATION CODE**

35140 Time and place of meetings
 35145 Public meetings
 35145.5 Agenda; public participation; regulations
 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

6250-6270 California Public Records Act
 11135 State programs and activities, discrimination
 54950-54963 The Ralph M. Brown Act, especially:
 54952.2 Meeting, defined
 54953 Meetings to be open and public; attendance
 54954.2 Agenda posting requirements, board actions

COURT DECISIONS

Garnier v. Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)
 Knight First Amendment Institute at Columbia University v. Trump, 928 F.3d 226 (2019)
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Management Resources:**CSBA PUBLICATIONS**

The Brown Act: School Boards and Open Meeting Laws, rev. 2019
 Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

CSBA: <http://www.csba.org>
 CSBA, GAMUT Meetings: <http://www.csba.org/ProductsAndServices/AllServices/GamutMeetings>
 Policy
 California Attorney General's Office: <http://oag.ca.gov>

Board Bylaws**BB 9320 (a)****MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members.

(Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1, 54954.2)

Regular Meetings

The Board shall hold ONE regular meeting each month. Regular meetings shall be held at 4:00 p.m. on the second Thursday at the Burnt Ranch Elementary School District.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose.

(Government Code 54957.5)

(cf. 1340 - Access to District Records)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

MEETINGS AND NOTICES

BB 9320 (b)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

MEETINGS AND NOTICES

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property

MEETINGS AND NOTICES

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954))

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

MEETINGS AND NOTICES

Legal Reference:

EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions in connection with a student
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities; prohibition of discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
 - 54953 Meetings to be open and public; attendance
 - 54954 Time and place of regular meetings
 - 54954.2 Agenda posting requirements, board actions
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications for individuals with disabilities
- 36.303 Auxiliary aids and services for individuals with disabilities

COURT DECISIONS

Garnier v. Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)

Knight First Amendment Institute at Columbia University v. Trump, 928 F.3d 226 (2019)

Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 54433

ATTORNEY GENERAL OPINIONS

- 88 Ops.Cal.Atty.Gen. 218 (2005)
- 84 Ops.Cal.Atty.Gen. 181 (2001)
- 84 Ops.Cal.Atty.Gen. 30 (2001)
- 79 Ops.Cal.Atty.Gen. 69 (1996)
- 78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

WEB SITES

CSBA: <http://www.csba.org>

CSBA, GAMUT Meetings: <http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy>

California Attorney General's Office: <http://oag.ca.gov/home>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

Adopted: Burnt Ranch Elementary School District

Approved: April 2021

Board Bylaw

ACTIONS BY THE BOARD

Exhibit 1

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board

1. Resolution declaring the Governing Board's intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)
7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)
(cf. 6185 - Community Day School)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)
(cf. 7214 - General Obligation Bonds)
10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)
(cf. 7213 - School Facilities Improvement Districts)
11. Resolution to place a parcel tax on the ballot (Government Code 53724)
(cf. 3471 - Parcel Taxes)
12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)
13. When the district has a three-member Board and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the

ACTIONS BY THE BOARD

repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)
(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session)

Actions Requiring a Four-Fifths Vote of the Board

1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)
(cf. 3311 - Bids)
4. When the district has a five-member or seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

Action Requiring a Four-Fifths Vote of the Board Members Present at the Meeting

A four-fifths vote of the Board members present at the meeting shall be required to approve the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792)
(cf. 3110 - Transfer of Funds)

ACTIONS BY THE BOARD

E 9323.2 (c)

Actions Requiring a Unanimous Vote of the Board

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546) (cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Exhibit 2 (9323.2)

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

To: (Name of district attorney or any interested person)

The Governing Board of (name of school district) has received your cease and desist letter dated (date) alleging that the following past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)