

# Burnt Ranch Elementary School District

## Board of Trustees Regular Meeting

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

*\*Meeting will be available remotely via ZOOM. Please call (530) 629-2543 before 3:00pm on 11/12/20 for information regarding remote access.*

**Wednesday, November 10, 2021**

**5:00pm Regular Meeting**

### AGENDA

#### **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 – October 14, 2021
- 4.2 Warrants – October 6, 2021 to November 4, 2021

#### **5.0 Correspondence**

- 5.1 Letter from Trinity County Superintendent of Schools, Sarah Supahan  
Re: 21-22 Budget Approval Letter and Report

#### **6.0 Public Hearing**

**2021 Educator Effectiveness Block Grant Plan**

Open: \_\_\_\_\_ Close: \_\_\_\_\_

## **7.0     Reports**

- 7.1     Building Projects
- 7.2     Superintendent
- 7.3     Business
- 7.4     Principal
- 7.5     Enrollment and attendance
- 7.6     Staff

## **8.0     General Business**

- 8.1     Review Williams Quarterly
- 8.2     Review/Approve Certificated Substitute Salary Schedule
- 8.3     Review/Approve Grant Funded Salary Schedule
- 8.4     Review/Approve Resolution 21-22-05 to Establish Fund 12
- 8.5     Review/Approve Design/Build Prime Contract between BRESO and McKeever Energy & Electric
- 8.6     Review/Approve Board Policies:
  - BP 0470 COVID-19 Mitigation Plan
  - AR 1312.3 Uniform Complaint Procedures
  - BP 3516.5 Emergency Schedules
  - BP/AR 4112.42/4212.42/4312.42 Drug and Alcohol Testing for School Bus Drivers
  - BP/AR 6158 Independent Study
  - PB 6157 Distance Learning - Delete

## **9.0     Future Business**

Next board meeting:

Regular Board Meeting-Thursday, December 9, 2021 at 4:00pm

Annual Organizational Meeting – Tuesday, December 14, 2021 4:00pm

Confirm date, time and location

## **10.0   Adjourn to Closed Session**

- 10.1   Pursuant to Government Code 54957 Personnel or 54956.9 Litigation

## **11.0   Return to Open Session**

## **12.0   Adjourn**

# Burnt Ranch Elementary School District

## Board of Trustees Regular Meeting

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251 Burnt Ranch School Road  
Burnt Ranch, California

*\*Meeting will be available remotely via ZOOM. Please call (530) 629-2543 before 3:00pm on 10/14/21 for information regarding remote access.*

**Thursday, October 14, 2021**  
**4:00pm Regular Meeting**

### Minutes

#### 1.0 Formal Opening

- 1.1 Call to Order – Cyn Van Fleet called the meeting to order at 4:01pm.
- 1.2 Roll Call – Board members present were Cyn Van Fleet, James King, Sarah Brown, Josh McKnight and Mike Harding  
Others present were Principal Krysty Kilgore-Holland, Superintendent of Schools Sarah Supahan (via Zoom,) Deputy Superintendent Fabio Robles, Robin Dummer  
Absent: Superintendent Bryan Caples
- 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. *Ms. Kilgore-Holland spoke on behalf of Tamara West and Casey Geyer. They request that board meeting be held later to accommodate their After-school positions.*

#### 3.0 Accept Open Session Agenda

Motion by Josh McKnight      Second by Michael Harding      Vote 5-0, motion carries

- 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 – September 9, 2021
- 4.2 Warrants - September 8, 2021 to October 6, 2021

*Approved by consent*

## 5.0 Correspondence

**PGE Check** – Robin Dummer shared a check received from PG&E in the amount of \$1,000. This was generated as a bonus from the PSPS contract Kathleen Graham submitted.

4:08pm Parent Leah May joined the meeting

## 6.0 Reports

### 6.1 TCOE County Superintendent & Deputy Superintendent

Superintendent of Trinity County Schools, Sarah Supahan and Deputy Superintendent of Schools, Fabio Robles presented the TCOE Report to the Community. This report summarized services provided to school by TCOE. Also included were their board duties, school and county information and student services. Josh McKnight and Cyn Van Fleet thanked them for their presentation.

### 6.2 Superintendent – No Report

### 6.3 Principal – Krysty Kilgore-Holland reported we are still waiting for phone service to be restored.

9/12 Tyler Thompson installed a bike rack for the students and staff to use! Thank you, Tyler!

- 9/13 All rooms had HEPA filter devices to remove smoke and viruses; the main rooms had the big silver air scrubber and the other rooms had portable units.
- 9/21 Trident was restored--Thank you Mike Harding and Robert Jackson and the Northern Rockies Team Two Incident One Command Team for their help with this.
- 9/23 PTO meeting
- 9/24 Indian Day Cancelled
- 9/27 Main classrooms outfitted with Germ Guardian HEPA filters. We turned off the loud silver air scrubber that was in the library.
- 9/30 PTO meeting--new PTO president--Elizabeth Bolton
  - Gathered parent input on how to spend ESSER funds to facilitate student growth and close the learning gap caused by COVID-19 school closures/distance learning
- 10/4 New Reading Intervention Program up and ready for student use; computer-based program with printable options.
- 10/5 Back-to-School Night--not very well attended, but that was expected due to COVID restrictions
  - Picture Order forms, September Newsletter, and CAASPP reports were sent home at BTS Night or the following day with students.
- 10/8 Air scrubbers picked up by West Coast Fire and Water
- 10/12 Picture Day; photos by Lucas Olivera
- 10/12 Parent Advisory Meeting
  - Discussed the ESSER plan and gathered parent input on how to spend ESSER funds to facilitate student growth and close the learning gap caused by COVID-19 school closures/distance learning
- 10/11-10/15--County Nurses will begin the mandated training. The program is not as helpful to our school as we had hoped. I will explain more at the meeting.
- 10/13--Fire Drill
- 10/24-10/29--Red Ribbon Week hosted by Club Live with fun Dress up days
- 10/29--Harvest Festival: 2:00-4:40. Later bus this Friday--4:40. Trunk-or-Treat in the parking lot with contactless treat distribution. PTO sponsored event
- 11/11-11/12--No School; Veteran's Day is Thursday and we took Friday as a local holiday
- 11/15-11/19--PTO Book Fair
- 11/16-11/19--Min Days for Parent-Teacher Conferences
- 11/22-11/26--Thanksgiving Break

## Information:

- Enrollment is 63; with one Kindergarten that attended 4 days and has been on Independent Study since
- Staffing:
  - Hailey Black resigned from her position due to conflicts with her work schedule at the Post Office.
  - Angela has been working Mondays in the office to support Robin, and in ASES for Casey
  - ASES is significantly understaffed--at min. 1 academic assistant is needed. Preferably 2
  - We need 2 classroom aides or at least 2 more people willing to do lunch duty
  - We need an intervention teacher/aide
  - Relief time for Kristi to perform administrative duties
- Phone--still using the Verizon Prepaid phone--530-739-5306. Not sure when Frontier will be working.
- Ironside--Work has begun to install the permanent internet tower.
- We did have one positive COVID case in our student population. It was an isolated event, and no other cases have been reported.

6.4 Business – Robin Dummer reported the Unaudited Actuals were done by Gretchen at TCOE. Due to the internet issues, she offered to help us with them this period. Census day was October 6, 2021 and attendance was 63 with a 68% free and reduced count. This data will be used throughout the school year. Other business this month included our CHP bus inspection, civil rights training and California Nutrition Program training.

6.5 Enrollment and attendance – 63 Students

6.6 Building Projects – Kathleen Graham sent the following report:

*Burnt Ranch ESD: Project Status as of October 12, 2021*

### **WELL / WATER SYSTEM**

The Pace engineer, Tom Warnock, Rick Reinhard (Whitson's), Jeff Morris and I met to discuss the well, filtration system and new tank. The new well pump is working, the water is clear, and there is enough flow so as long as we get a new permanent, larger tank the school should have enough potable water. Tom will write up a plan and cost estimate for replacing the 5,000 gallon temporary fiberglass tank with a 10,000 gallon glass-fused bolted steel tank on a concrete pad. The challenge will be to find a spot to put it. Jeff and I will do a site visit this week to try to find an acceptable location. Then we will meet again with Tom. Once we have a firm plan, we will submit to OPSC from funding.

### **SHADE STRUCTURE**

The contractor is having the plans engineered so when we have a draft design we will submit it to an architect in Sacramento. We are still aiming for installation in December or January.

### **GENERATOR (including Solar Panel System)**

Delivery of the generator has been delayed by the supplier until mid-to-late December. The infrastructure is ready so Whitson's will either install it right before Christmas or in early January. The RFQ (Request for Qualifications) was put out to solar installers last week to find out who is available and interested. The RFQs are due October 21. We will then solicit bids through the RFP (Requests for Proposals) process. The concern is that we may not get everything installed by the 3/31/22 deadline, mostly due to supply chain and natural element delays. I've been in contact with OES and am hopeful they will work with us, if needed, on an extension past March 31, 2022.

### **PREVIOUS PROJECT AUDIT**

TCOE has mostly completed their review of the building project. Robin and I will meet with Gretchen to adjust a few expenditures. I am also in the process of submitting the final yearly report to OPSC (Office of Public School Construction) that's due within 30 days. On this final one, they require a lot of

documentation about contracts, bids, advertising, change orders, etc., along with financials. Both Robin and Jeff are on board to help out. This process will also help us be prepared for the Final Audit. Robin reported that there was an extension granted for the project audit. Michael Harding requested communication on where the new water tank would go.

6.7 Staff- No staff report

## 7.0 General Business

- 7.1 Review/Approve ESSER III Expenditure Plan – *Motion by Josh McKnight to approve the ESSER III Expenditure Plan; Sarah Brown seconded the motion; Vote 5-0 – (Unanimous)*
- 7.2 Review/Approve 2020-21 Unaudited Actuals - *Motion by James King to approve the 2020-21 Unaudited Actuals; Michael Harding seconded the motion; Vote 5-0 (Unanimous)*
- 7.3 Review/ Approve Resolution 2021/22-03 Gann - *Motion by Josh McKnight to approve the Resolution 2021/22-03 Gann; Sarah Brown seconded the motion; Vote 5-0 – (Unanimous)*
- 7.4 Review Agreement Regarding the CDPH Support Grant, Between TCOE and Districts- *Motion by Michael Harding to approve the CDPH Support Grant between TCOE and Districts; James King seconded the motion; Vote 5-0 – (Unanimous)*
- 7.5 Review/Approve 2021-22 BRESO Volunteer Policy – *Motion by James King to approve the 2021-22 BRESO Volunteer Policy; Josh McKnight seconded the motion; Vote 5-0 (Unanimous)*
- 7.6 Review/Approve Form J-13 Request for Allowance of Attendance Due to Emergency Conditions, August 23 – September 10, 2021 – *Motion by Sarah Brown to approve Form J-13 Request for Allowance of Attendance Due to Emergency Conditions, August 23 – September 10, 2021; Josh McKnight seconded the motion; Vote 5-0 (Unanimous)*

## 8.0 Future Business

Next board meeting:

Regular Board Meeting – Holiday -Thursday, November 11, 2021 at 4:00pm – Needs to be rescheduled

*Regular Board Meeting moved to Wednesday, November 10, 2021 at 5:00pm.*

## 9.0 Adjourn to Closed Session – *Cyn Van Fleet adjourned the meeting to closed session at 5:24pm.*

9.1 Pursuant to Government Code 54957 Personnel or 54956.9 Litigation

**10.0 Return to Open Session**- *Cyn Van Fleet returned to open session at 6:00 and reported that the board will solicit assistance from retired administrators.*

**11.0 Adjourn** - *Cyn Van Fleet adjourned the meeting at 6:01pm.*

Checks Dated 10/13/2021 through 11/03/2021

Board Meeting Date November 10, 2021

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
5230427	10/13/2021	CA Dept of Tax & Fee Admin	01-4300		5.56
5230428	10/13/2021	California Safety Company	01-5800		40.00
5230429	10/13/2021	Campora	01-5520		4,152.24
5230430	10/13/2021	Producers Dairy	13-4700		636.92
5230431	10/13/2021	SHI International Corp	01-4300		124.52
5230432	10/13/2021	Tom's Trash	01-5550		410.23
5230564	10/20/2021	Ketchum, Sabrina D	13-4700		85.48
5230565	10/20/2021	Bill Anderson	01-5560		550.00
5230566	10/20/2021	Brooklyn Guitar Method	01-4300	178.84	
			Unpaid Tax	12.09-	166.75
5230567	10/20/2021	CA Dept of Tax & Fee Admin	01-4300		2.00
5230568	10/20/2021	Pacific Gas & Electric	01-5510		2,565.27
5230569	10/20/2021	Shasta Tr Schools Ins Dental	01-9580		1,073.67
5230570	10/20/2021	Shasta Tr Schools Ins Medical	01-9580		9,855.00
5230571	10/20/2021	Shasta Tr Schools Ins Vision	01-9580		257.40
5230677	10/27/2021	Dummer, Robin J	01-4300	491.42	
			13-4700	15.61	507.03
5230678	10/27/2021	McCurdy, Julie	01-4300	57.52	
			13-4700	79.49	137.01
5230679	10/27/2021	Frontier	01-5920		342.98
5230680	10/27/2021	Greenfield Learning	01-5800		8,400.00
5230681	10/27/2021	Plotzke Ace Hardware	01-4300		711.09
5230682	10/27/2021	Ray Morgan Company	01-5800		340.97
5230683	10/27/2021	SYNCB/AMAZON	01-4300	1,706.05	
			13-4300	21.44	1,727.49
5230684	10/27/2021	Whitson Inc.	01-5800	2,753.46	
			35-6200	3,544.13	6,297.59
5230837	11/03/2021	Kilgore, Kristi F	13-4700		185.17
5230838	11/03/2021	Geyer, Casey	01-4300		107.17
5230839	11/03/2021	Coast Central Credit Union	01-4300	21.48	
			01-5300	12.50	33.98
5230840	11/03/2021	Mt Shasta Ski Park	01-4300		150.00
5230841	11/03/2021	Scholastic Inc.	01-4300		63.66
5230842	11/03/2021	Student Insurance	01-5440		500.00
5230843	11/03/2021	Valley Pacific Petroleum Services, Inc	01-4300		1,276.55
Total Number of Checks			29		40,705.73

## Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	26	36,149.58
13	Cafeteria Special Reserve	6	1,024.11
35	County School Facilities Fund	1	3,544.13
Total Number of Checks		29	40,717.82
Less Unpaid Tax Liability			12.09-
Net (Check Amount)			40,705.73

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.

ESCAPE ONLINE

Page 1 of 1



## Trinity County Office of Education

Sarah E. Supahan  
Trinity County  
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256  
(530) 623-2861 • FAX (530) 623-4489  
<https://www.tcoek12.org>

October 8, 2021

Board of Trustees  
Burnt Ranch Elementary School District  
P.O Box 39  
Burnt Ranch, CA 95527

RE: County Office Review of District Annual Budget and LCAP

Honorable Board Members,

In accordance with Education Code Sections 52070 and 42127, the Trinity County Office of Education is reviewing the Local Control Accountability Plan (LCAP) and adopted budget of the Burnt Ranch Elementary School District for fiscal year 2021-2022.

We want to thank all districts for the strength and tenacity you have demonstrated over the last few years in the midst of extremely challenging circumstances, including the COVID-19 Pandemic and two very dangerous fire season. Your continued commitment to keep things on track, functional and financially stable is impressive.

### Background

**Budget Review: Education Code requires** the County Superintendent to approve, conditionally approve, or disapprove the adopted final budget for each school district after doing the following:

1. **Examine the adopted budget** to determine whether it complies with the standards and criteria established pursuant to Section 33127 and identify any technical corrections needed to bring the budget into compliance with those standards and criteria.
2. **Determine whether the adopted budget will allow the district to meet its financial obligations** during the current fiscal year and is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments.
3. **Determine whether the adopted budget includes** the expenditures necessary to implement the LCAP or annual update to the LCAP.



**LCAP Review:** Education Code requires the County Superintendent to approve the LCAP or annual update for each school district after determining all of the following:

1. The LCAP adheres to template adopted by the State Board of Education.
2. The budget includes expenditures sufficient to implement the specific actions and strategies included in the LCAP.
3. The LCAP adheres to the expenditure requirements for funds apportioned on the basis of the number and concentration of unduplicated students pursuant to Sections 42238.02 and 42238.03.

Based on our review it has been determined that **the district's LCAP for 2021-2022 is in compliance with the above criteria in the LCAP.**

#### **PUBLIC DISCLOSURE**

**The district is in compliance with Education Code Section 42127.** At the district's public hearing for budget adoption it had available information for 2021-2022 and subsequent years for review and discussion. Some are of the opinion that subsequent years do not need to be included; however there is a value to sharing the reserve information with the board and stakeholders. Our office encourages districts to provide a multiyear reserve disclosure.

#### **Code requires that:**

- The minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget.
- The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve for economic uncertainties for each fiscal year identified in the budget pursuant to Education Code Section 33128(a). The fund balances included are General Fund 01, and Special Reserve Fund 17 for Other Than Capital Outlay Projects.
- A statement of reasons that substantiates the need for an assigned and unassigned ending fund balance in excess of the minimum recommended reserve for economic uncertainties for each fiscal year.

#### **TCOE APPROVAL OF BUDGET**

Based on our review, **the district's 2021-2022 adopted budget is approved.**

### PREPARING FOR FIRST INTERIM

We would like to take this opportunity to remind you that at interim reporting in accordance with Education Code Section 42131(a)(2), the code requires the County Superintendent to make a finding of positive, qualified or negative.

In making this finding, **sections of the California Education Code are reviewed** to ensure the credibility of any given finding. Of these, **Ed Code 42131(a)1** plays a significant role and highlights budget certifications are assigned to school districts in the following manner, based on current projections.

POSITIVE CERTIFICATION	QUALIFIED CERTIFICATION	NEGATIVE CERTIFICATION
<b>WILL meet</b> its financial obligations for the current fiscal year and subsequent two fiscal years.	<b>MAY NOT meet</b> its financial obligations for the current fiscal year or two subsequent fiscal years.	<b>WILL BE UNABLE to meet</b> its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

**“These certifications shall be based upon the financial and budgetary reports required by Section 42130 but may include additional financial information known by the governing board of the school district to exist at the time of each certification.”**

The district should continue to share information with its stakeholders regarding the local control funding formula, its impact on the district’s budget, the budget development process and the expectations for the LCAP. In addition, per Education Code 52065 (a) the district shall post on its website the approved LCAP and per (b) 2 TCOE will post all LCAPs on the TCOE website. Our office will post the pdf of your district’s approved LCAP obtained from DTS.

Notes from the review will be 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 (530) 623-2861 ext. 226. If you have any questions about the budget, please contact Gretchen Deichler, Assistant Superintendent of Business Services, at (530) 623-2861 ext. 229.

Thank you all for supporting Trinity County’s students,

Sarah E. Supahan  
Trinity County Superintendent of Schools  
cc: Brian Caples, Robin Dummer, Fabio Robles, Gretchen Deichler

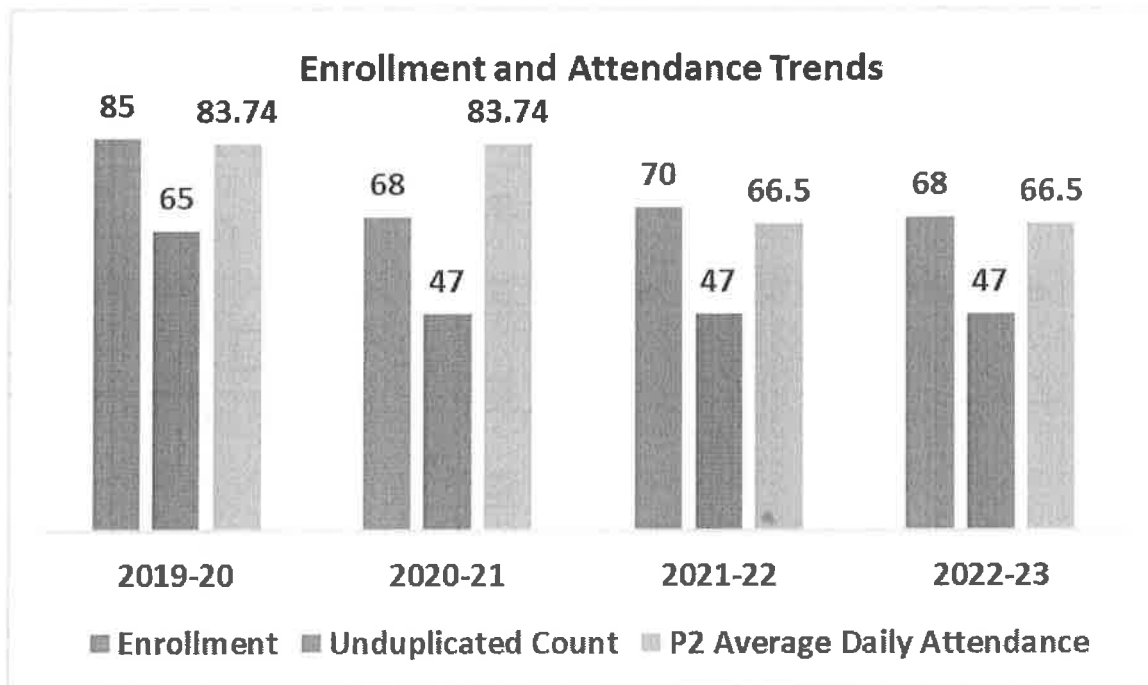
## BURNT RANCH ELEMENTARY SCHOOL DISTRICT

### KEY ITEMS TO CONSIDER: Budget Report: 2021-2022

#### ENROLLMENT AND ATTENDANCE

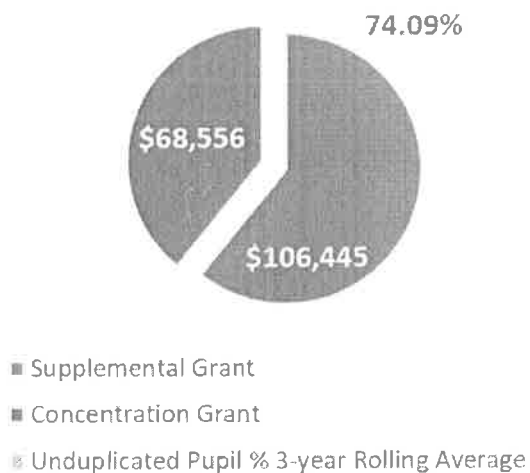
Over the multiyear projection enrollment is very conservative and is projected to decrease from 85 to 68 and average daily attendance (ADA) used for funding in 2019-20 was based on necessary small school in the 4 teacher band (73 – 96 ADA) in all years. However, 2021-22 is funded on prior year NSS Band 4. Continue to review these projections at each reporting period for reasonableness because the district could drop to the 3 teacher band of Necessary Small School Funding (NSS) as early as 2022-23 based on these projections. The multiyear projection for Necessary Small School or LCFF revenue will be based on current or prior year ADA whichever is higher.

**The chart below** shows projected enrollment, unduplicated student (low income, English learners, foster youth) count and average daily attendance estimates for each year.

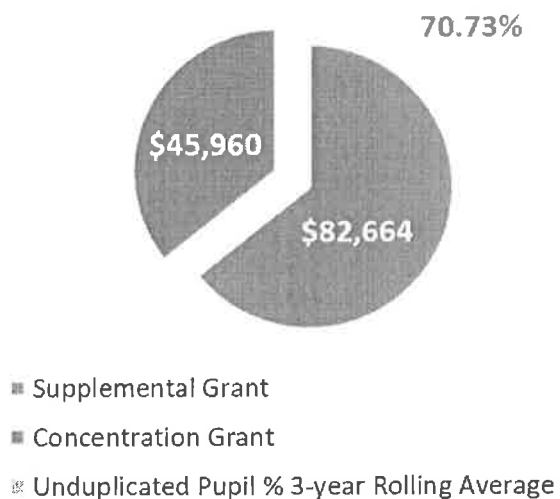


**These pie charts** illustrate the supplemental and concentration grant funding. **Making sure that the unduplicated students are correctly identified each year is important** as it affects the three-year rolling average used to calculate the grant funds.

**2021 - 22**  
**Supplemental and Concentration Grants**



**2022 - 23**  
**Supplemental and Concentration Grants**



### FACILITIES

We're thrilled that the district has continued to make positive forward progress on the completion of the major building project and also on additional supplementary projects. Our office will continue to support your team as they take the next steps towards completing these smaller projects and move forward toward the audit of the major building project.

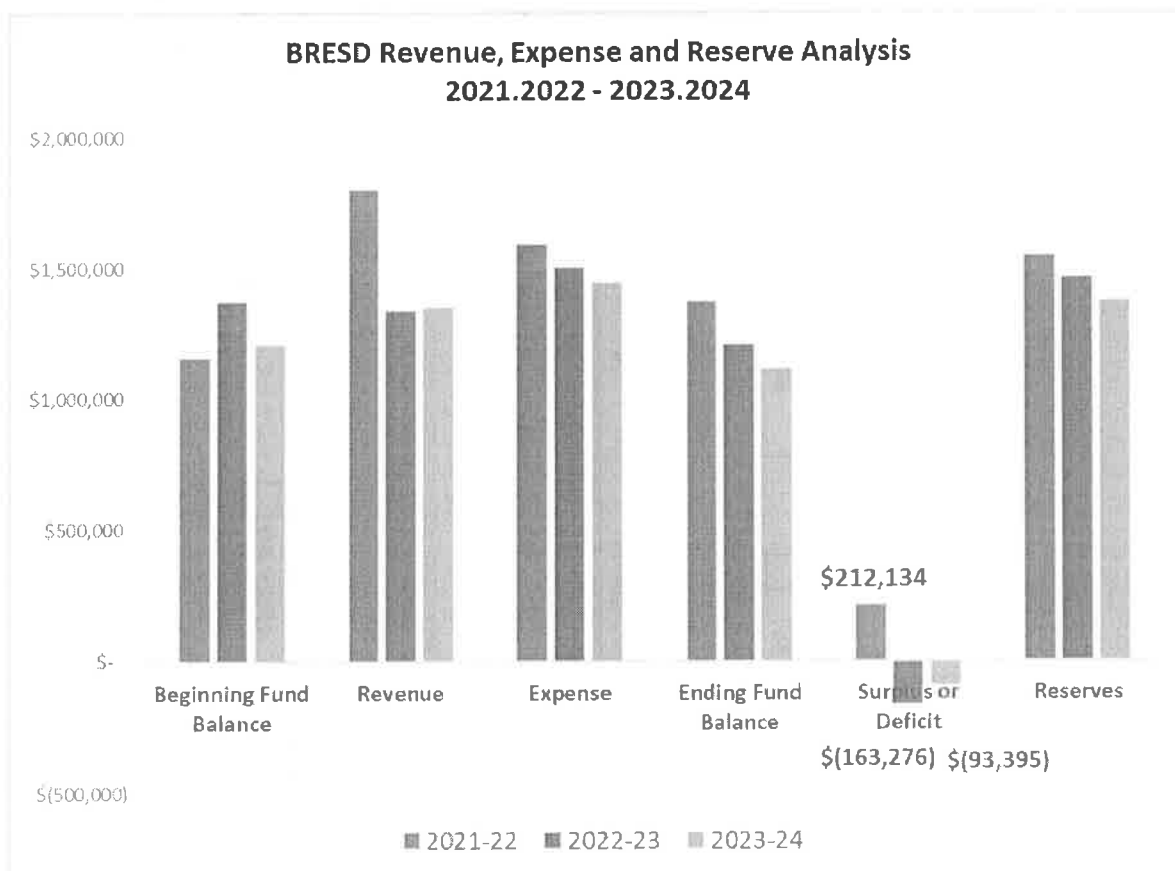
### GRANT OPPORTUNITIES

The district should explore grant opportunities and TCOE is available to assist you in preparing and submitting grant applications. A separate list is included with this letter.

### DEFICIT SPENDING

The district is projecting deficit spending in future years that can be absorbed, in the short term, with existing reserves. There may need to be analysis of expenses over the next few years to ensure that if revenues decline further, the district will be able to pivot budget priorities as needed.

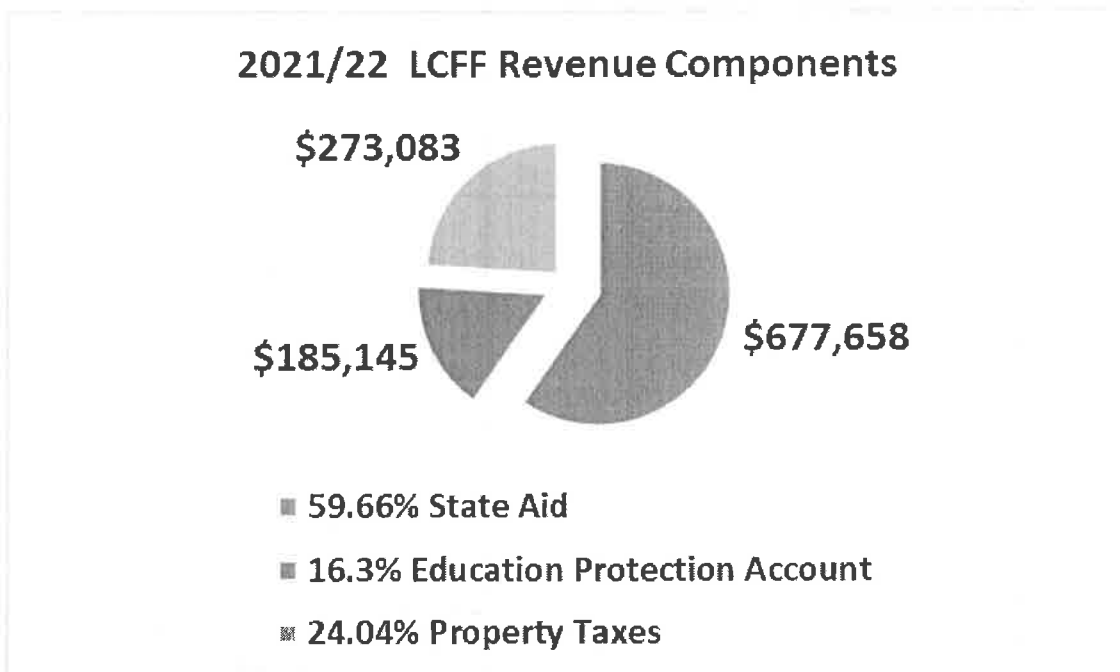
*The chart to below* illustrates the estimated revenues, expenditures and annual surplus or deficit affecting the fund balance each year of the MYP.



## FUND BALANCE AND CASH

Property taxes represent 24% of total Local Control Funding Formula Revenue. 55% of secured property taxes are apportioned in January or February. 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.

*The chart below* illustrates the difference 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.



## RESERVES

The district has continued to build and maintain sufficient reserves in excess of the minimum economic uncertainties of \$71,000 or 5% of expenditures whichever is higher. Due to the uncertainty of any district share that might be owed for the facility project it is prudent to build reserves.

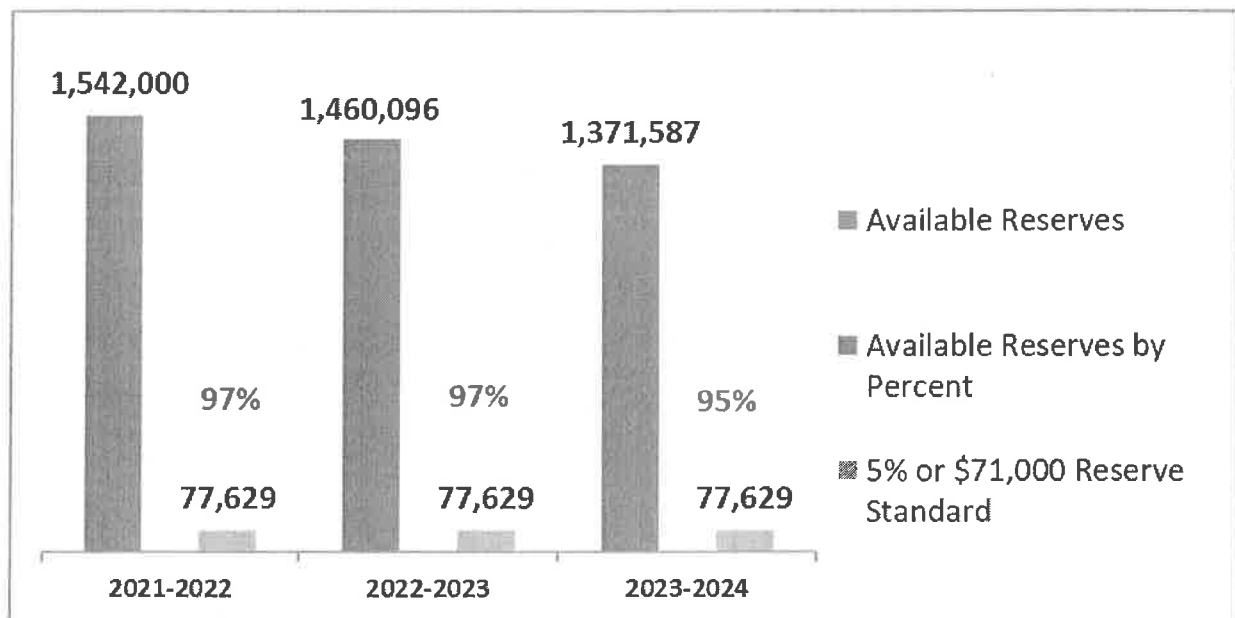
We continue to reinforce the need for reserves over the minimum reserve requirements and are pleased that the district continues to build and operate with ample reserve balances.

We continue to remind all districts that the experience from the last recession has clearly demonstrated the minimum levels are insufficient to protect educational programs from severe disruption in an economic downturn. The typical 5% reserve minimum is insufficient. Many LEAs have established reserve policies higher than minimum reserves, recognizing their duty to maintain fiscal solvency. The adequacy of a given reserve level should be assessed based on the

district's own specific circumstances, and numerous reasonable models are available for consideration. Examples include:

- The Government Finance Officers Association recommends reserves equal to two months of average general fund operating expenditures, or about 17%.
- Rating agencies like Fitch or Moody's typically assess the adequacy of a district's reserves by comparing them to statewide averages, which have hovered around 15% for California unified school districts in recent years.
- The Fiscal Crisis and Management Assistance Team (FCMAT) emphasizes the need to assess not only fund balance but also actual cash on hand.

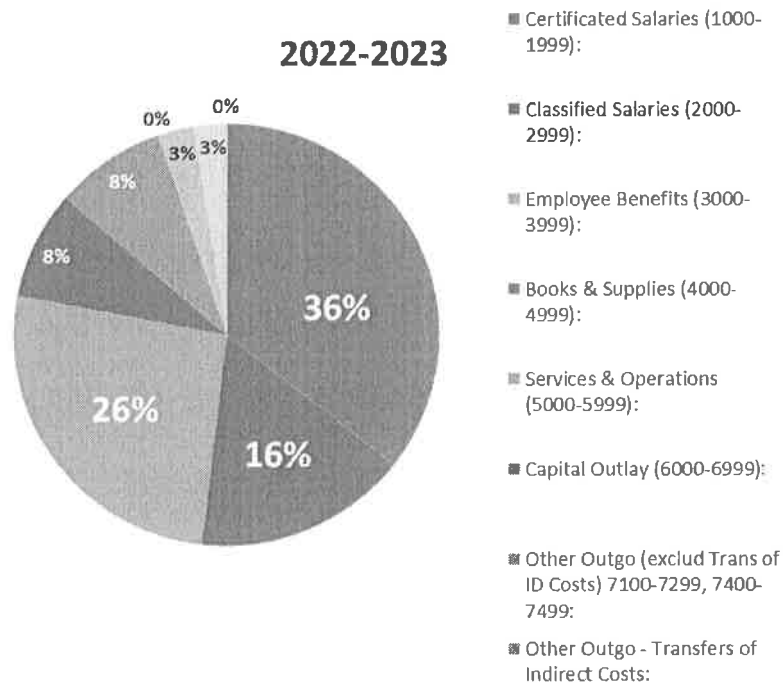
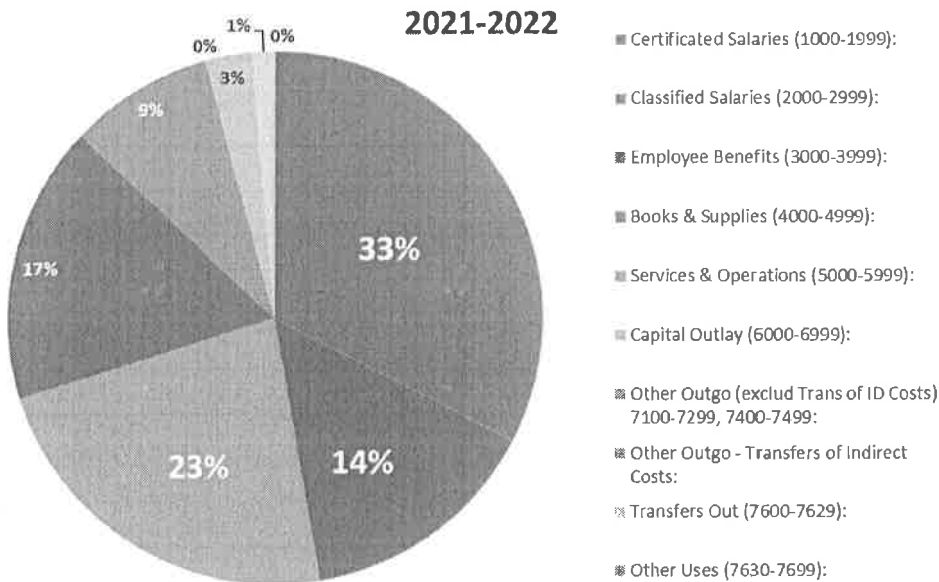
**This chart** illustrates the district's available reserve based on the MYP.



#### EXPENDITURE ASSUMPTIONS

The multiyear projection does not have a lot of fluctuation from year to year.

**The next two pie charts show** the expenditure percentage for the current and subsequent year. Salary and benefits represent 70% in 2021-22 and 84% in 2020-21.





## SPECIAL EDUCATION EXPENDITURES AND MAINTENANCE OF EFFORT (MOE)

The district contribution to special education in 2019-20 is in excess of \$9,000, and the estimated Trinity SELPA billback is in excess of \$50,000.

### Special Education Program Compliance Overview

The Special Education Maintenance of Effort reports are used to determine if a local educational agency (LEA) met the maintenance of effort required by the federal Individuals with Disabilities Education Act (IDEA) and implementing regulations. In summary, an LEA may not reduce the amount of state and local, or local only funds that it spends for the education of children with disabilities below the amount it spent for the comparison year. The comparison year is the year in which the LEA met MOE using the same method. There are two components to the LEA MOE requirement – the eligibility standard and the compliance standard.

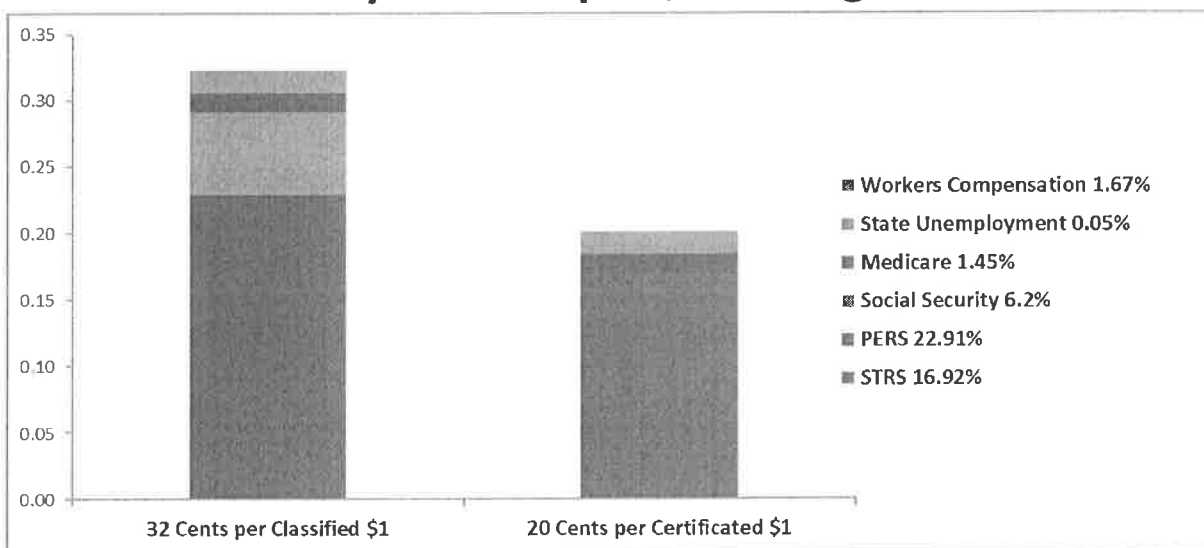
Although MOE calculation is not done until yearend it should be reviewed during the year. Current calculations indicate that the MOE should be met when comparing 2017-18 to 2018-19.

## FACTORS BEYOND DISTRICT CONTROL

The employer contribution rates for 2021 are:

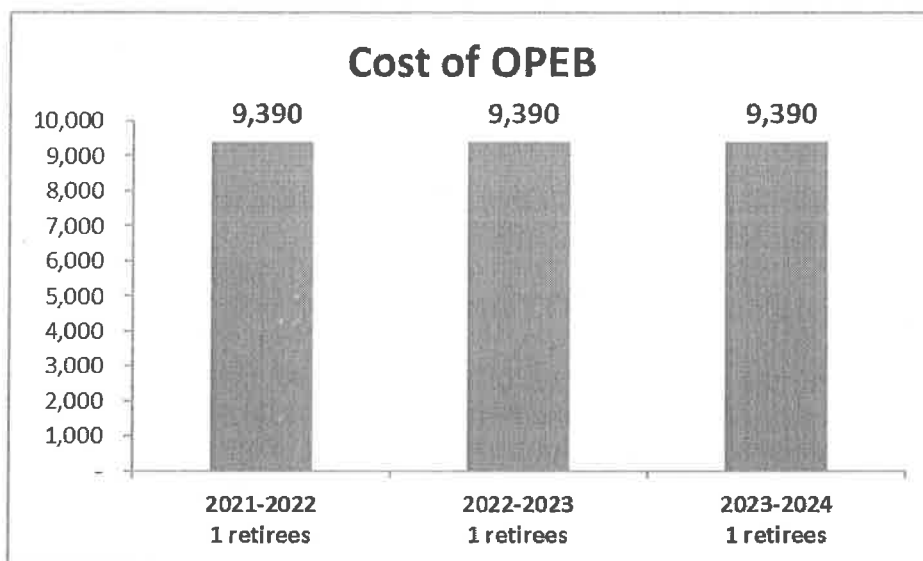
- Cal STRS: 16.92 %
- CalPERS: 22.91 %

## 2021-22 Statutory Benefits per \$1 in Wages



## POST RETIREMENT OBLIGATIONS

As of the end of 2020-2021 the district has a single retiree and there is a requirement to have a GASB 75 actuarial. The study needs to be updated every two years. The chart below indicates the cost of OPEB using the pay-as-you-go method.



# Educator Effectiveness Block Grant 2021

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Burnt Ranch Elementary School District	Kathleen Graham Superintendent	kgraham@tcoek12.org 530-629-2543

Total amount of funds received by the LEA:	Date of Public Meeting prior to adoption:	Date of adoption at public meeting:
\$35,609	November 10, 2021	

## EC 41480

(a)(2) A school district, county office of education, charter school, or state special school may expend the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2025–26 fiscal year, inclusive. School districts, county offices of education, charter schools, and state special schools shall coordinate the use of any federal funds received under Title II of the federal Every Student Succeeds Act of 2015 (Public Law 114–95) to support teachers and administrators with the expenditure of funds received pursuant to this subdivision.

(b) A school district, county office of education, charter school, or state special school shall expend funds apportioned pursuant to this section to provide professional learning for teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils, with a focus on any of the following areas:

- (1) Coaching and mentoring of staff serving in an instructional setting and beginning teacher or administrator induction, including, but not limited to, coaching and mentoring solutions that address a local need for teachers that can serve all pupil populations with a focus on retaining teachers, and offering structured feedback and coaching systems organized around social-emotional learning, including, but not limited to, promoting teacher self-awareness, self-management, social awareness, relationships, and responsible decision-making skills, improving teacher attitudes and beliefs about one's self and others, and supporting learning communities for educators to engage in a meaningful classroom teaching experience.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Coaching and mentoring classroom teachers while in the beginning teacher induction program.	3500	1000	1000	1000	1500	8,000.00
<b>Subtotal</b>	<b>3,500.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,500.00</b>	<b>8,000.00</b>

6.0

- (2) Programs that lead to effective, standards-aligned instruction and improve instruction in literacy across all subject areas, including English language arts, history-social science, science, technology, engineering, mathematics, and computer science.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs targeting the implementation of effective, standards-aligned literacy instruction in all subject areas.	0	1109	1800	1800	1800	6,509.00
<b>Subtotal</b>	<b>0.00</b>	<b>1,109.00</b>	<b>1,800.00</b>	<b>1,800.00</b>	<b>1,800.00</b>	<b>6,509.00</b>

- (3) Practices and strategies that reengage pupils and lead to accelerated learning.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs that reengage students and lead to accelerated learning.	0	1000	1000	1000	1000	4,000.00
<b>Subtotal</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>4,000.00</b>

- (4) Strategies to implement social-emotional learning, trauma-informed practices, suicide prevention, access to mental health services, and other approaches that improve pupil well-being.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs targeting all approaches that will improve student well-being including social-emotional learning and trauma-informed practices.	0	1000	1500	1500	1500	5,500.00
<b>Subtotal</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>5,500.00</b>

- (5) Practices to create a positive school climate, including, but not limited to, restorative justice, training around implicit bias, providing positive behavioral supports, multitiered systems of support, transforming a school's culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on

actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs that create or strengthen positive school climate.	0	1000	1200	1200	1200	4,600.00
<b>Subtotal</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>4,600.00</b>

(6) Strategies to improve inclusive practices, including, but not limited to, universal design for learning, best practices for early identification, and development of individualized education programs for individuals with exceptional needs.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

(7) Instruction and education to support implementing effective language acquisition programs for English learners, which may include integrated language development within and across content areas, and building and strengthening capacity to increase bilingual and biliterate proficiency.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

(8) New professional learning networks for educators not already engaged in an education-related professional learning network to support the requirements of subdivision (c).

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

(9) Instruction, education, and strategies to incorporate ethnic studies curricula adopted pursuant to Section 51226.7 into pupil instruction for grades 7 to 12, inclusive.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs that will support the implementation of ethnic studies curricula for grades 7 and 8.		1000	1000	1000	1000	4,000.00
<b>Subtotal</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>4,000.00</b>

(10) Instruction, education, and strategies for certificated and classified educators in early childhood education, or childhood development.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Provide opportunities to participate in programs that support educators in early childhood education.	0	0	1000	1000	1000	3,000.00
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>3,000.00</b>

Summary of Expenditures

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
<b>Subtotal Section (1)</b>	<b>3,000.00</b>	<b>2,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>8,000.00</b>
<b>Subtotal Section (2)</b>	<b>0.00</b>	<b>1,109.00</b>	<b>1,800.00</b>	<b>1,800.00</b>	<b>1,800.00</b>	<b>6,509.00</b>
<b>Subtotal Section (3)</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>4,000.00</b>
<b>Subtotal Section (4)</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>1,500.00</b>	<b>5,500.00</b>
<b>Subtotal Section (5)</b>	<b>0.00</b>	<b>1,000.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>1,200.00</b>	<b>4,600.00</b>
<b>Subtotal Section (6)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Subtotal Section (7)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Subtotal Section (8)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

6:0

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal Section (9)	0.00	1,000.00	1,000.00	1,000.00	1,000.00	4,000.00
Subtotal Section (10)	0.00	0.00	1,000.00	1,000.00	1,000.00	3,000.00
<b>Totals by year</b>	<b>3,000.00</b>	<b>7,109.00</b>	<b>8,500.00</b>	<b>8,500.00</b>	<b>8,500.00</b>	<b>35,609.00</b>

<b>Total planned expenditures by the LEA:</b>
35,609.00

**Note:**

Per EC 41480 (d)(2): On or before September 30, 2026, the LEA must report detailed expenditure information to the California Department of Education, including, but not limited to:

- specific purchases made;
- the number of the following educators who received professional development:
  - o Teachers;
  - o Administrators;
  - o Paraprofessional educators;
  - o Classified staff.

## Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

**2021-2022**

District: Burnt Ranch Elementary School District

Person completing this form: Robin Dummer Title: Business Manager

Quarterly Report Submission Date: ☐ August 2021  
☒ November 2021  
☐ February 2022  
☐ May 2022

(Check one)

Date for information to be reported publicly at governing board meeting: November 10, 2021

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
Valenzuela/CAHSEE Intensive Instruction and Services	0		
<b>TOTALS</b>	<b>0</b>		

\_\_\_\_\_  
Print Name of District Superintendent

\_\_\_\_\_  
Signature of District Superintendent

November 10, 2021  
Date



2021

## BURNT RANCH ELEMENTARY SCHOOL DISTRICT

## Substitute, Long-Term Substitute and Intern CERTIFICATED SALARY SCHEDULE

Position	Daily Rate	STEP
Daily Substitute	\$140	30 days or less
Long-term Substitute	\$175	1-30 School Days
	\$190	31-90 School Days
	\$200	91+ School Days
	\$150	Inservice Days/Non-School Days
Intern BA + Emergency Credential	Annual	STEP
	42,000	Year 1
	43,000	Year 2
	44,000	Year 3

Board Approved:

8.2

2013/2014  
 BURNT RANCH SCHOOL DISTRICT  
 SUBSTITUTE TEACHER SALARY SCHEDULE

A			
COLUMN	STEP	DAILY RATE	
A	1.0	\$120	DAY
A	2.0	\$150	DAY 31 + EVALUATION
A	3.0	\$180	DAY 61 + EVALUATION
A	4.0	\$200	LONG TERM SUB

# BURNT RANCH ELEMENTARY SCHOOL DISTRICT

## Grant Funded Classified SALARY SCHEDULE

Position	Class	1	2	3	4	5	6 to 8	9 to 11	12 to 14	15 +
After School Coordinator	GA	17.00	17.50	18.00	18.50	19.00	19.50	20.00	20.50	21.00
After School Assistant Coordinator	GB	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00	20.50
After School Activity Assistant	GC	16.00	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00
School Readiness Coordinator	GD	16.50	17.00	17.50	18.00	18.50	19.00	20.00	21.00	21.50
School Readiness Assistant	GE	15.00	15.50	16.00	16.50	17.00	17.50	18.00	18.50	19.00
Academic Tutor I	GFI	16.00	16.50	17.00	17.50	18.00	18.50			
Academic Tutor 2	GF2	20.00	21.00	22.00	23.00	24.00	25.00			
Academic Tutor 3	GF3	25.00	26.00	27.00	28.00	29.00	30.00			
Indian Education Site Coordinator	GG	17.00	18.00	19.00	20.00	21.00	22.00			
Indian Education Cultural Specialist I	GH	16.00	16.50	17.00	17.50	18.00	18.50			
Indian Education Cultural Specialist II	GI	20.00	21.00	22.00	23.00	24.00	25.00			
Indian Education Cultural Specialist III	GJ	25.00	26.00	27.00	28.00	29.00	30.00			

**Vacation Pro-Rated equals subtotal days worked x .045 (Board Adopted 5-09-19)**

\*Personnel, new to the district/and or position, shall be given year for year credit for comparable experience up to 2 years and be placed on Step 3.

\*Upon recommendation to the Superintendent and approval of the Board, personnel who have demonstrated meritorious service in a previous employment may be given additional credit and placed accordingly on the salary schedule.

**Board Approved: November 10, 2021**

# BURNT RANCH ELEMENTARY SCHOOL DISTRICT

## Grant Funded Classified SALARY SCHEDULE

Position	Class	1	2	3	4	5	6 to 8	9 to 11	12 to 14	15 +
After School Coordinator	GA	17.00	17.50	18.00	18.50	19.00	19.50	20.00	20.50	21.00
After School Assistant Coordinator	GB	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00	20.50
After School Activity Assistant	GC	16.00	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00
School Readiness Coordinator	GD	16.50	17.00	17.50	18.00	18.50	19.00	20.00	21.00	21.50
School Readiness Assistant	GE	14.00	14.50	15.00	15.50	16.00	16.50	17.00	17.50	18.00
Indian Education Tutor	GF	16.00	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00
Indian Education Site Coordinator	GG	16.50	17.00	17.50	18.00	18.50	19.00	19.50	20.00	20.50
Indian Education Cultural Specialist I	GH	16.00	16.50	17.00	17.50	18.00	18.50			
Indian Education Cultural Specialist II	GI	20.00	21.00	22.00	23.00	24.00	25.00			
Indian Education Cultural Specialist III	GJ	25.00	26.00	27.00	28.00	29.00	30.00			

**Vacation Pro-Rated equals subtotal days worked x .045 (Board Adopted 5-09-19)**

\*Personnel, new to the district/and or position, shall be given year for year credit for comparable experience up to 2 years and be placed on Step 3.

\*Upon recommendation to the Superintendent and approval of the Board, personnel who have demonstrated meritorious service in a previous employment may be given additional credit and placed accordingly on the salary schedule.

**Board Approved: MAY 13, 2021**

Sub 120/150

**BURNT RANCH ELEMENTARY SCHOOL DISTRICT  
BOARD OF TRUSTEES  
RESOLUTION 2021/22-05**

**Resolution Establishment of Child Development Fund 12**

**BE IT RESOLVED** that the Trustees of the Burnt Ranch Elementary School District, in accordance with Education Code Section 8200 and 8328, hereby resolves to establish a Child Development Fund 12 for the following purposes:

**THEREFORE, BE IT RESOLVED** that the Child Development Fund be established for the 2021-2022 fiscal year and subsequent years, as deemed necessary.

Passed and adopted by the Burnt Ranch Elementary School District Board of Trustees at a regular meeting of the board held on November 10, 2021.

AYES \_\_\_\_\_

NOS \_\_\_\_\_

ABSENT \_\_\_\_\_

ABSTAINED \_\_\_\_\_

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BOARD REPRESENTATIVE

DATE

**Philosophy, Goals, Objectives and Comprehensive Plans****BP 0470 (a)****COVID-19 MITIGATION PLAN**

The following policy establishes actions that will be taken by the district to provide a safe learning and working environment during the coronavirus (COVID-19) pandemic, and shall supersede any conflicting language in existing district policies or administrative regulations until the Governing Board determines that the need for this policy no longer exists. The Board acknowledges that, due to the evolving nature of the pandemic, federal, state, and local orders impacting district operations are subject to change without notice. In the event that any federal or state law and/or order or local order may conflict with this policy, the law or order shall govern.

The Board may also adopt resolutions or take other actions as needed to respond to such orders or provide further direction during the pandemic.

To limit the impact of the pandemic on the education of district students, the district shall implement learning recovery, social-emotional support, and other measures and strategies designed to keep students learning and engaged in the instructional program.

**COVID-19 Safety Plan**

The Superintendent or designee shall establish, implement, and maintain a COVID-19 safety plan that complies with any mandatory public health guidance of the California Department of Public Health (CDPH), the COVID-19 prevention program ("CPP") consistent with the regulations of the California Division of Occupational Safety and Health, any orders of state or local health authorities, and any other applicable law and/or health order(s). The Superintendent or designee shall ensure, at a minimum, that the COVID-19 safety plan complies with all mandatory guidance and gives priority to recommended practices that are identified as being particularly effective at COVID-19 mitigation. The Superintendent or designee shall regularly review public health guidance to ensure that the district's COVID-19 mitigation strategies are current with public health mandates or recommendations.

The district's COVID-19 safety plan shall be posted on the district's web site.

To promote transparency and facilitate decision-making regarding COVID-19 mitigation strategies, the Superintendent or designee shall report to the Board on a regular basis regarding the following:

1. Level of community transmission of COVID-19.
2. COVID-19 vaccination coverage in the community and among students and staff
3. Any local COVID-19 outbreaks or increasing trends
4. Changes to local, state, and/or federal public health guidance, orders, and laws
5. Any revisions to the district's COVID-19 safety plan Reporting to the Public Health Department

**Reporting to the Public Health Department**

Upon learning that a school employee or student who has tested positive for COVID-19 was present on campus 2 while infectious, the Superintendent or designee shall immediately, and in no case later than 24 hours after learning of the positive case, notify the local health officer or the local health officer's representative about the positive case. The notification shall be made even if the individual who tested positive has not provided prior consent to the disclosure of personally identifiable information and shall include all of the following information, if known: (Education Code 32090)

## COVID-19 MITIGATION PLAN

BP 0470 (b)

1. Identifying information of the individual who tested positive, including full name, address, telephone number, and date of birth
2. The date of the positive test, the school(s) at which the individual was present, and the date the individual was last onsite at the school(s)
3. The name, address, and telephone number of the person making the report

If a school has two or more outbreaks of COVID-19 and is subject to a safety review by CDPH pursuant to Education Code 32090, the Superintendent or designee shall cooperate fully with the review.

### Statewide Instructional Mode Survey

On or before the second and fourth Monday of each month, the Superintendent or designee shall submit to the California Collaborative for Educational (CCEE) information required under Education Code 32091, in accordance with the form and procedures determined by CCEE.

### Stakeholder Engagement and Community Relations

The district shall solicit input from stakeholders on how to best support students following the learning disruptions of the pandemic through appropriate methods, which may include surveys, community and family meetings, and other methods identified by the Superintendent or designee.

The Superintendent or designee shall collaborate with local health authorities to ensure that parents/guardians are provided with the information needed to ensure that public health guidance is observed in the home as well as in school, such as information about isolation and quarantine requirements, face mask requirements, symptom checks prior to school attendance, and who to contact when students have symptoms and/or were exposed.

The Superintendent or designee shall use a variety of methods to regularly communicate with students, parents/guardians, and the community regarding community transmission levels, district operations, school schedules, and steps the district is taking to promote the health and safety of students. In addition, the members of the Board have a responsibility as community leaders to communicate matters of public interest in a manner that is consistent with Board policies and bylaws regarding public statements.

The district shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that district operations reflect current recommendations and best practices for COVID-19 mitigation strategies. The Superintendent or designee shall keep informed about resources and services available in the community to assist students and families in need.

### Learning Recovery and Social-Emotional Support

The Superintendent or designee shall develop a plan for assessing students' current academic levels early in the school year to ensure that each student is provided with appropriate opportunities for learning recovery based on need. The plan may include:

1. Use of interim or diagnostic assessments
2. Review of available data from assessments within the California Assessment of Student Performance and Progress
3. Review of attendance data from the 2020-2021 school year

**COVID-19 MITIGATION PLAN****BP 0470 (c)**

4. Review of prior year grades
5. Discussion of student needs and strengths with parents/guardians and former teachers

The Superintendent or designee shall develop and implement a learning recovery program that, at a minimum, provides supplemental instruction and support for social emotional well-being, and to the maximum extent permissible meals and snacks, to eligible students. (Education Code 43522)

**Supplemental Instruction and Support**

The district shall provide students with evidence-based supports and interventions in a tiered framework that bases universal, targeted, and intensive supports on students' needs for academic, social-emotional, and other integrated student supports through a program of engaging learning experiences in a positive school climate. (Education Code 43522)

Targeted and intensive supports may include: (Education Code 43522)

1. Extending instructional learning time based on student learning needs including through summer school or intersessional instructional programs
2. Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff
3. Learning recovery programs and materials designed to accelerate student academic proficiency, English language proficiency, or both
4. Integrated student supports to address other barriers to learning, such as:
  - a. The provision of health, counseling, or mental health services
  - b. Access to school meal programs
  - c. Access to before and after school programs
  - d. Programs to address student trauma and social-emotional learning
  - e. Referrals for support for family or student needs
5. Community learning hubs that provide students with access to technology, high-speed internet, and other academic supports
6. Supports for credit deficient students to complete graduation or grade promotion requirements and to increase or improve students' college eligibility
7. Additional academic services for students, such as diagnostic, progress monitoring, and benchmark assessments of student learning
8. Other interventions identified by the Superintendent or designee

To ensure schoolwide implementation of the district's tiered framework of supports, the Superintendent or designee shall plan staff development that includes: (Education Code 43522)

1. Accelerated learning strategies and effective techniques for closing learning gaps, including training in facilitating quality learning opportunities for all students
2. Strategies, including trauma-informed practices, to engage students and families in addressing students' social-emotional health needs and academic needs

**Reengagement for Chronically Absent Students**

The Superintendent or designee shall implement strategies for identifying, locating, and reengaging students who were chronically absent or disengaged during the 2020-21 school year, including students who were kindergarten-age but who did not enroll in kindergarten. Strategies for reengaging students may include:



**COVID-19 MITIGATION PLAN****BP 0470 (d)**

1. Personal outreach to families, including by staff who are known to families
2. Door-to-door campaigns
3. The use of social media to spread awareness about the implementation of COVID-19 mitigation strategies
4. Welcoming and supporting students who experienced chronic absenteeism due to the COVID-19 pandemic or who are returning to school after a long absence

**Student Absence and Attendance**

The Board recognizes that COVID-19 will continue to impact the attendance of students. The Superintendent or designee shall notify students and parents/guardians of expectations regarding school attendance. Such notification shall direct any student who contracts the virus or is subject to a quarantine order to stay home in accordance with state and local health orders.

The Superintendent or designee shall ensure continuity of instruction for students who may be under a quarantine order to stay home, by offering such students independent study or other instructional delivery channels that allows the student to continue to participate in the instructional program to the greatest extent possible.

**Nondiscrimination**

The Board prohibits discrimination based on actual or perceived medical condition or disability status. (Government Code 11135)

Individual students and staff shall not be identified as being COVID-positive, nor shall students be shamed, treated differently, or denied access to a free and appropriate public education because of their COVID-19 status or medical condition. Staff shall not disclose confidential or privileged information, including the medical history or health information of students and staff except as allowed by law. (Education Code 49450)

The Superintendent or designee shall investigate any reports of harassment, intimidation, and bullying targeted at any student based on their medical condition or COVID status, exposure, or high-risk status.

## UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)  
 (cf. 1312.2 - Complaints Concerning Instructional Materials)  
 (cf. 1312.4 - Williams Uniform Complaint Procedures)  
 (cf. 4031 - Complaints Concerning Discrimination in Employment)

### Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual Harassment)

**Bryan Caples, Superintendent or Kristi Holland/Kilgore, Principal**

**P.O. Box 39, 251 Burnt Ranch School Road**

**Burnt Ranch, CA 95527**

**530-629-2543**

**bcaples@bresd.org or kkilgore@bresd.org**

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)  
 (cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (b)****Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1) (5 CCR 4622)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (c)**

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

**Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (d)**

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

**Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

**Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (e)**

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**Timeline for Investigative Report**

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

**Investigative Report**

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

## UNIFORM COMPLAINT PROCEDURES (continued)

## AR 1312.3 (f)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling  
(cf. 6164.2 - Guidance/Counseling Services)
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (g)**

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team  
(cf. 6164.5 - Student Success Teams)
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law  
(cf. 6145 - Extracurricular and Cocurricular Activities)
7. Disciplinary action, such as suspension or expulsion, as permitted by law  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)



**UNIFORM COMPLAINT PROCEDURES (continued)****AR 1312.3 (h)**

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

## EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental or weather conditions or other emergencies warrant

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction (SPI) the necessary forms and/or affidavits for obtaining approval of apportionment credit for the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

For school closures due to emergency events occurring after September 1, 2021, the Superintendent or designee shall develop a plan for offering independent study within 10 days of school closure to any student impacted by the emergency condition. The plan shall also address the establishment, within a reasonable time, of independent study master agreements as specified in BP 6158 - Independent Study. The plan shall require reopening in person as soon as possible once allowable under the direction from the city or county health officer. The Superintendent or designee shall certify that the district has a plan for independent study in the affidavit submitted to the SPI pursuant to Education Code 46392. (Education Code 46393)

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating as scheduled, the school day schedule is changed, or the school is closed. The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

The Superintendent or designee may provide a means to make up lost instructional time later during the year. Students and parents/guardians shall receive timely notice in advance of any resulting changes in the school calendar or school day schedule.

**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

**Consequences Based on Test Results**

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

**Voluntary Self-Identification**

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
  - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
  - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

**Legal Reference:**

## EDUCATION CODE

35160 Authority of governing boards

## GOVERNMENT CODE

8355 Drug-free workplace; employee notification

## VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

## CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

## UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

## UNITED STATES CODE, TITLE 49

31306 Alcohol and drug testing

## CODE OF FEDERAL REGULATIONS, TITLE 21

1308.11-1308.15 Controlled substances

## CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Drug and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

**Management Resources:**

## CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

## WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance: <http://www.dot.gov/ost/dapc>

## **DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

### **Definitions**

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4020 - Drug and Alcohol-Free Workplace)

### **Designated Employer Representative**

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

### **Pre-employment Testing**

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months from the date of application.

3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

### **Post-Accident Testing**

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

### **Random Testing**

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

### **Reasonable Suspicion Testing**

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

### **Return-to-Duty Testing**

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

### **Follow-Up Testing**

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

### **Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse**

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

### **Notifications**

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing

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3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management (cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

**Records**

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained for 3 years in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405. (cf. 3580 - District Records)



## INDEPENDENT STUDY

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days.

### General Independent Study Requirements

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

### **Master Agreement**

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress

2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction
10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/ guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil, no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

### **Course-Based Independent Study**

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. The certification shall also include plans to provide opportunities for students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.

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5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.
11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.
12. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
13. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.
14. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
15. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

**Learning Agreement for Course-Based Independent Study**

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021–22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

**Student-Parent-Educator Conferences**

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

**Records for Audit Purposes**

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

**Program Evaluation**

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

## Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

5 CCR 11700-11703

Ed. Code 17289

Ed. Code 41976.2

Ed. Code 42238

Ed. Code 42238.05

Ed. Code 44865

Ed. Code 46200-46208

Ed. Code 46300-46307.1

Ed. Code 46390-46393

Ed. Code 47612-47612.1

Ed. Code 47612.5

Ed. Code 48204

Ed. Code 48206.3

Ed. Code 48220

Ed. Code 48340

Ed. Code 48915

Ed. Code 48916.1

Ed. Code 48917

Ed. Code 49011

Ed. Code 51225.3

Ed. Code 51745-51749.6

Ed. Code 52522

Ed. Code 52523

Ed. Code 56026

Ed. Code 58500-58512

**Federal**

20 USC 6301

**Management Resources**

California Department of Education Publication

California Department of Education Publication

Court Decision

Website

Website

Website

Cross References

**Description**Independent studyExemption for facilitiesIndependent study programs; adult education fundingRevenue limitsLocal control funding formula; average daily attendanceQualifications for home teachersIncentives for longer instructional day and yearMethods of computing average daily attendanceEmergency average daily attendanceCharter School OperationCharter schools operations, general requirementsResidency requirements for school attendanceHome or hospital instruction; students with temporary disabilitiesClasses of children exemptedImprovement of pupil attendanceExpulsion; particular circumstancesEducational program requirements for expelled studentsSuspension of expulsion orderStudent feesHigh school graduationIndependent studyAdult education alternative instructional deliveryAdult education as supplement to high school curriculum; criteriaIndividual with exceptional needsAlternative schools and programs of choice**Description**Highly qualified teachers**Description**California Digital Learning Integration and Standards Guidance, April 2021Elements of Exemplary Independent StudyModesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365California Consortium for Independent StudyCalifornia Department of Education, Independent StudyEducation Audit Appeals Panel

## INDEPENDENT STUDY

BP 6158(i)

8.6

Code	Description
0410	<u>Nondiscrimination In District Programs And Activities</u>
0420.4	<u>Charter School Authorization</u>
0470	<u>COVID-19 Mitigation Plan</u>
0500	<u>Accountability</u>
3260	<u>Fees And Charges</u>
3580	<u>District Records</u>
4112.2	<u>Certification</u>
4131	<u>Staff Development</u>
5111.1	<u>District Residency</u>
5112.3	<u>Student Leave Of Absence</u>
5113	<u>Absences And Excuses</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5125	<u>Student Records</u>
5126	<u>Awards For Achievement</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5147	<u>Dropout Prevention</u>
6000	<u>Concepts And Roles</u>
6011	<u>Academic Standards</u>
6112	<u>School Day</u>
6142.4	<u>Service Learning/Community Service Classes</u>
6143	<u>Courses Of Study</u>
6152	<u>Class Assignment</u>
6159	<u>Individualized Education Program</u>
6162.5	<u>Student Assessment</u>
6162.51	<u>State Academic Achievement Tests</u>
6164.5	<u>Student Success Teams</u>
6172	<u>Gifted And Talented Student Program</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6183	<u>Home And Hospital Instruction</u>
6184	<u>Continuation Education</u>
6185	<u>Community Day School</u>
6200	<u>Adult Education</u>



## INDEPENDENT STUDY

### Definitions

*Live interaction* means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

*Student-parent-educator conference* means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

*Synchronous instruction* means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

### Educational Opportunities

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel
5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

### Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

**Eligibility for Independent Study**

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

**Monitoring Student Progress**

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

**Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

**INDEPENDENT STUDY****AR 6158(c)****Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11700-11703	<u>Independent study</u>
Ed. Code 17289	<u>Exemption for facilities</u>
Ed. Code 41976.2	<u>Independent study programs; adult education funding</u>
Ed. Code 42238	<u>Revenue limits</u>
Ed. Code 42238.05	<u>Local control funding formula; average daily attendance</u>
Ed. Code 44865	<u>Qualifications for home teachers</u>
Ed. Code 46200-46208	<u>Incentives for longer instructional day and year</u>
Ed. Code 46300-46307.1	<u>Methods of computing average daily attendance</u>
Ed. Code 46390-46393	<u>Emergency average daily attendance</u>
Ed. Code 47612-47612.1	<u>Charter School Operation</u>

State	Description
Ed. Code 47612.5	<u>Charter schools operations, general requirements</u>
Ed. Code 48204	<u>Residency requirements for school attendance</u>
Ed. Code 48206.3	<u>Home or hospital instruction; students with temporary disabilities</u>
Ed. Code 48220	<u>Classes of children exempted</u>
Ed. Code 48340	<u>Improvement of pupil attendance</u>
Ed. Code 48915	<u>Expulsion; particular circumstances</u>
Ed. Code 48916.1	<u>Educational program requirements for expelled students</u>
Ed. Code 48917	<u>Suspension of expulsion order</u>
Ed. Code 49011	<u>Student fees</u>
Ed. Code 51225.3	<u>High school graduation</u>
Ed. Code 51745-51749.6	<u>Independent study</u>
Ed. Code 52522	<u>Adult education alternative instructional delivery</u>
Ed. Code 52523	<u>Adult education as supplement to high school curriculum; criteria</u>
Ed. Code 56026	<u>Individual with exceptional needs</u>
Ed. Code 58500-58512	<u>Alternative schools and programs of choice</u>
<b>Federal</b>	<b>Description</b>
20 USC 6301	<u>Highly qualified teachers</u>
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<u>California Digital Learning Integration and Standards Guidance, April 2021</u>
California Department of Education Publication	<u>Elements of Exemplary Independent Study</u>
Court Decision	<u>Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365</u>
Website	<u>California Consortium for Independent Study</u>
Website	<u>California Department of Education, Independent Study</u>
Website	<u>Education Audit Appeals Panel</u>