



**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBABH • SUPERINTENDENT OF SCHOOLS

Santa Cruz County Board of Education • 400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5900 •  
[www.santacruzcoe.org](http://www.santacruzcoe.org)

**Mr. Ed Acosta • Ms. Alyssa Alto • Ms. Rose Filicetti • Ms. Sandra Nichols**  
**Ms. Sue Roth • Mr. Abel Sanchez • Mr. Bruce Van Allen**

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**Santa Cruz County Board of Education**  
**Regular Board Meeting**  
**Thursday August 19, 2021**  
**Open Session 4:00PM**  
**Held by Videoconference Only**

**NOTICE:**

In order to meet the most recent guidelines from the Santa Cruz County Health Services Agency in regard to COVID-19, this meeting will be **limited to virtual participation only** and made available online via a live video-conference at the following web address:

**<https://santacruzcoe-org.zoom.us/j/85614612348>**

Or join by phone:

**Phone Number: +1 (669) 900-6833**  
**Meeting ID: # 856 1461 2348**

**PUBLIC COMMENT:**

Any person wishing to make a public comment will have the opportunity to do so via videoconference during the virtual meeting for up to three minutes each for any item not listed on the agenda, or for up to two minutes for any item listed on the agenda. To submit a comment to be read aloud on your behalf either listed or not listed on the meeting agenda, please send a comment no longer than 300 words to [vvalentin@santacruzcoe.org](mailto:vvalentin@santacruzcoe.org) no later than 2:00PM on August 19th. Each individual may only make one comment per topic.

Cualquier persona que desee hacer un comentario público tendrá la oportunidad de hacerlo por videoconferencia durante la reunión virtual hasta tres minutos cada uno para cualquier tema que no esté incluido en la agenda, y hasta dos minutos para cualquier tema incluido en la agenda. Para enviar un comentario para ser leído en voz alta en su nombre, ya sea para un tema en la agenda o no en la agenda, envíe un comentario de no más de 300 palabras a [vvalentin@santacruzcoe.org](mailto:vvalentin@santacruzcoe.org) a más tardar a las 2:00PM del 19 de agosto. Cada individuo solo puede hacer un comentario por tema.

**AGENDA**

**1. CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF QUORUM**

Rose Filicetti (President), Ed Acosta, Alyssa Alto, Sandra Nichols, Sue Roth, Abel Sanchez, Bruce Van Allen  
Faris Sabbah, Secretary

**2. PLEDGE OF ALLEGIANCE**

Superintendent Sabbah (Secretary) will lead the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Agenda deletions and/or changes of sequence will be approved or the agenda will be approved as submitted.

**4. PUBLIC COMMENT**

This is an opportunity for the public to address the Board regarding items not on the agenda. The Board President will recognize any member of the audience not previously placed on the agenda who wishes to speak on a matter directly related to school business. Each speaker, on any specific topic, may speak up to **three (3) minutes** unless otherwise limited or extended by the President. The President may allot time to those wishing to speak but no action will be taken on matters presented (EDC § 35145.5). If appropriate, the President, or any Member of the Board, may direct that a matter be referred to the Superintendent's Office for placement on a future agenda. Please refer to item, *Please Note*, on the last item of this agenda.

**5. CONSENT AGENDA**

All items appearing on consent agenda are recommended actions which are considered to be routine in nature and will be acted upon as one motion. Specific items may be removed for separate consideration. Item(s) removed will be considered immediately following the consent agenda motion as Deferred Consent Items.

5.0.1 Minutes of the Regular Board Meeting held on July 15, 2021

5.0.2 Donations

**5.1 DEFERRED CONSENT ITEMS (if required)**

This item is placed on the agenda to address any items that might be pulled from Agenda Item 5.0 for further discussion/consideration if so determined.

**6. CORRESPONDENCE**

Official correspondence received by the Board is included herein.

**7. REPORTS, DISCUSSIONS, AND PRESENTATIONS**

**7.1 Foster Education Presentation**

Dr. Michael Paynter and Kim Corneille will give an overview on the County Office's Foster Youth Services programs and share their plans for the program. The mission of the Foster Youth Services Program is to provide guidance, advocacy, community organization, teaming and collaboration around the issue of school success for students involved in the foster care system, including students living with their birth families but involved with child welfare.

Presenter(s): Dr. Faris Sabbah, County Superintendent of Schools  
Dr. Michael Paynter, Senior Director, Student Support Services  
Kim Corneille, Senior Community Organizer, Foster Youth Services

**7.2 COVID-19 School Update**

Superintendent Sabbah will give a presentation regarding the ways in which the Santa Cruz County Office of Education has been working in collaboration with School Districts and other partners to support students and families during the COVID-19 Pandemic.

Presenter(s): Dr. Faris Sabbah, County Superintendent of Schools

**7.3 Santa Cruz County Administrators Kick Off Update**

This year the annual Administrators' Kickoff for Santa Cruz County administrators was held via Zoom on August 3rd, from 9-12 PM. Administrators attended, to hear the keynote speaker, Dr. Allyson Tintiangco-Cubales from San Francisco State University, and a student panel of students from Santa Cruz County high schools. The focus was on equity, student voice, Ethnic Studies, and student wellness. The session was recorded.

Presenter(s): Debi Bodenheimer, Associate Superintendent, Educational Services

**7.4 Grand Jury Distance Learning During the Pandemic in the Pajaro Valley Unified School District Report**

In March of 2020, schools began closing across California as the realities of the COVID-19 pandemic hit home. The Pajaro Valley Unified School District (PVUSD), the largest in Santa Cruz County serving over 20,000 students, made plans to close for two weeks. PVUSD moved quickly, creating and putting plans in place that provided for distance learning and a way to communicate with students, teachers, and families. As it turned out, students were out of school for approximately one year. The Grand Jury has found that the administrators, teachers, parents, and students themselves are all understandably concerned about students' social-emotional issues arising from the pandemic and additional upgrades in school air quality systems and furniture are necessary to comply with COVID-19 safety protocols.

Presenter(s): Dr. Faris Sabbah, County Superintendent of Schools

**7.5 Grand Jury Turn On, Tune In, and Drop Out Report**

For over a decade Santa Cruz County has worked to expand broadband access for its residents. The efforts of the county were laudable but limited due to regulatory and funding limitations. The COVID-19 crisis changed the funding and regulatory environment drastically to favor local governments establishing, managing, or possibly owning access infrastructure. The Grand Jury has found that an important beneficial outcome of the COVID-19 pandemic has been broadband access and computers for distance learning. Underserved areas, such as the Pajaro Valley where the county's need was the greatest, were significantly improved.

Presenter(s): Dr. Faris Sabbah, County Superintendent of Schools

**8. PUBLIC HEARINGS, NEW BUSINESS, AND ACTION ITEMS**

**8.1 Routine July Budget Revisions**

Deputy Superintendent of Business Services, Liann Reyes will present the changes to the 21-22 budget during the month of July, 2021. The Board will have the opportunity to ask clarifying questions. The Board is asked to adopt the revisions.

Presenter(s): Liann Reyes, Deputy Superintendent, Business Services

Motion & Roll Call Vote: Rose Filicetti (President)

**8.2 First Reading: Board Policies 5000s Series**

Modification and new policies may be adopted by the County Board of Education following a first and second reading by the Board. The Board may accept the following proposed policy(ies) as submitted and waive a second reading and move to take action, order changes, or order changes and bring back for a final reading:

BP 5123 Promotion, Acceleration, and Retention

Presenter(s): Bruce Van Allen, Policy Committee

Motion & Roll Call Vote: Rose Filicetti (President)

**8.3 First Reading: Board Policies 6000s Series**

Modification and new policies may be adopted by the County Board of Education following a first and second reading by the Board. The Board may accept the following proposed policy(ies) as submitted and waive a second reading and move to take action, order changes, or order changes and bring back for a final reading:

BP 6146 High School Graduation Requirements  
BP 6158 Independent Study  
BP 6158.1 Independent Study Addendum  
BP 6174 Education for English Learners

Presenter(s): Bruce Van Allen, Policy Committee

Motion & Roll Call Vote: Rose Filicetti (President)



**8.4     Resolution #21-12 Regarding Defacement of the Santa Cruz Black Lives Matter Mural**

The Santa Cruz County Board of Education finds the recent vandalism and defacing of the Black Lives Matter mural on Center Street at Santa Cruz City Hall to be offensive, unacceptable, unjustifiable, and potentially hazardous to the physical and emotional well-being of young people, especially those from Black and other communities of color. The Santa Cruz County Board of Education believes that a complete education ensures that all students learn about the histories and current conditions of Black Americans, and also that a complete education ensures that all students see roles for themselves in American society's project of correcting injustices and repairing relations and institutions. The Board is asked to adopt the resolution.

Presenter(s):                      Bruce Van Allen, Community Outreach & Legislation Committee

Motion & Roll Call Vote: Rose Filicetti (President)

**9.     SUPERINTENDENT'S REPORT**

County Superintendent of Schools, Dr. Faris M. Sabbah, will provide an update on activities and matters of interest

**10.    TRUSTEE REPORTS (3 minutes each)**

Trustees will report on matters, events, and activities as related to Board goals of: Advocating for students, maintaining community relations, and promoting student achievement.

**11.    AD HOC COMMITTEE REPORTS/ACTIONS (if any)**

**12.    SCHEDULE OF MEETINGS AND UPCOMING EVENTS**

Santa Cruz County Board of Education  
Regular Meeting (Virtual)  
September 16, 2021  
4:00 p.m.

Santa Cruz County Office of Education's Environmental Equity Event  
Virtual Meeting  
September 28, 2021  
6:00 p.m.

**13.    ADJOURNMENT**

The Board President will adjourn the meeting.

**PLEASE NOTE:**

**Public Participation:**

All persons are encouraged to attend and, when appropriate, to participate in meetings of the Santa Cruz County Board of Education. If you wish to speak to an item on the agenda, please be present at the beginning of the meeting as any item, upon motion, may be moved to the beginning of the agenda. Persons wishing to address the Board are asked to state their name for the record. The president of the Board will establish a time limit of three (3) minutes, unless otherwise stated by the president, for comments from the public. Consideration of all matters is conducted in open session except those relating to litigation, personnel and employee negotiations, which, by law, may be considered in closed session. Expulsion appeal hearings are heard in closed session unless a request for hearing in open session is made by the appellant.

**Backup Documentation:**

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the County Office of Education, located 400 Encinal Street, Santa Cruz, CA 95060, during normal business hours.

**Translation Requests:**

Spanish language translation is available on an as-needed basis. Please make advance arrangements with Verenise Valentin by telephone at (831) 466-5900 Traducciones del inglés al español y del español al inglés están disponibles en las sesiones de la mesa directiva. Por favor haga arreglos por anticipado con Verenise Valentin por teléfono al número (831) 466-5900.

**ADA Compliance:**

In compliance with Government Code section 54954.2 (a), The Santa Cruz County Office of Education will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact Verenise Valentin, Administrative Aide to the Superintendent, 400 Encinal St., Santa Cruz, CA 95060, (831) 466-5900.



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## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

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Action

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Information

**TO:** Santa Cruz County Board of Education

**FROM:** Administrative Department

**SUBJECT:** Minutes of the Regular Board Meeting on July 15, 2021

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### BACKGROUND

Minutes from the regular Board meeting held on July 15, 2021

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

To approve the minutes.



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**Ms. Sue Roth • Mr. Abel Sanchez • Mr. Bruce Van Allen**

**Santa Cruz County Board of Education**  
**Regular Board Meeting**  
**Thursday July 15, 2021**  
**Open Session 4:00PM**  
**Held by Videoconference Only**

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**UNAPPROVED MINUTES**

**1. CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF QUORUM**

Trustees Present (via videoconference)

Alyssa Alto, Sandra Nichols, Sue Roth, Abel Sanchez (Vice President), Bruce Van Allen

Staff Present (via videoconference)

Faris Sabbah (Secretary), Debi Bodenheimer, Les Forster, Liann Reyes, Verenise Valentin

Excused Absence

Rose Filicetti (President)

Unexcused Absence

Ed Acosta

**2. PLEDGE OF ALLEGIANCE**

Superintendent Sabbah (Secretary) led the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

A motion was made to approve the agenda as presented (Roth/Nichols 5-0).

Ayes: Alto, Nichols, Roth, Sanchez, Van Allen

Nays: None

Abstain: None

Absent: Acosta, Filicetti

**4. PUBLIC COMMENT**

Erica Stanojevic expressed concerns with the masking requirement in schools, asked for scientific studies to be shared, and asked for the requirement to be removed.

Ximena Ospina and Olga Cepeda shared their education program proposal, *My Big Sib*. The program focuses on teaching students through empathy and social connections with their peers and teachers.

Karen (*last name was not provided*) expressed concerns with the masking requirement in schools and explained the dangers of wearing a mask.

Kristin Hurley expressed concerns with the masking requirements in schools and asked for the requirement to be removed.

**5. CONSENT AGENDA**

- 5.0.1 Minutes of the Special Board Meeting held on June 24, 2021
- 5.0.2 Routine June and July Budget Revisions
- 5.0.3 Alternative Education Consolidated Application
- 5.0.4 Surplus Items
- 5.0.5 Donations

Trustee Roth and Trustee Van Allen thanked the donors for their contributions to the Black Scholars Graduation Celebration.

A motion was made to approve the consent agenda as presented (Van Allen/Roth 5-0).

Ayes:	Alto, Nichols, Roth, Sanchez, Van Allen
Nays:	None
Abstain:	None
Absent:	Acosta, Filicetti

**5.1 DEFERRED CONSENT ITEMS (if required)**

None.

**6. CORRESPONDENCE**

Official correspondence received by the Board was included in the Board packet. Correspondence was received by Cecilia Rodriguez after the packet was made and prior to the Board meeting. Her correspondence was regarding the need to require a civic engagement class for high school students.

**7. REPORTS, DISCUSSIONS, AND PRESENTATIONS**

**7.1 Inside Education Program Presentation**

Les Forster shared updates from the Inside Education program to the Board. The program consists of a series of workshops designed to better acquaint community members with public education in Santa Cruz County. He invited Boardmembers to attend an Inside Education session this upcoming year.

Trustee Alto shared her positive experience with attending previous workshops.

Trustee Roth expressed her interest in attending a workshop.

**7.2 COVID-19 School Update**

Superintendent Sabbah presented on the ways in which the Santa Cruz County Office of Education has been working in collaboration with School Districts and other partners to support students and families during the COVID-19 Pandemic.

Trustee Van Allen asked clarifying questions regarding CDPH's new mask guidance for schools.

Trustee Roth thanked Superintendent Sabbah for his work and diligence with reopening schools and keeping students safe.

Vice President Sanchez asked clarifying questions regarding CDPH's new mask guidance for schools. He also asked President Filicetti to consider forming a Board subcommittee meant to address the direct needs of parents regarding CDPH's guidance.

**8. PUBLIC HEARINGS, NEW BUSINESS, AND ACTION ITEMS**

**8.1 PUBLIC HEARING: Inter-fund Borrowing**

The Santa Cruz County Office of Education conducted a public hearing to discuss the temporary borrowing of cash from one fund to another fund of the COE for payment of obligations. The transfer is accounted for as a temporary borrowing between funds and is not available for budgeting. Amounts that are transferred shall be repaid in the same fiscal year, or within the final 120 calendar days of a fiscal year. No more than 75 percent of the maximum of money held in any fund or account during a current fiscal year may be transferred.

Vice President Sanchez opened the public hearing and explained the procedures for the hearing. Vice President Sanchez then invited Liann Reyes, Deputy Superintendent of Business Services, to make an opening presentation. Liann made a presentation about inter-fund borrowing. Vice President Sanchez then invited members of the public to make comments regarding this item. No public comments were made. Vice President Sanchez then closed the public hearing and announced that the decision for this item would be made in the next agenda item.

**8.2     Resolution #21-11 In The Matter of Authorizing Inter-Fund Loans for Cash Flow Purposes**

The Board was asked to adopt Resolution #21-11 In the Matter of Authorizing Inter-Fund Loans for Cash Flow Purposes. The public hearing to consider the level of support for this item will be held immediately preceding this item.

A motion was made to adopt Resolution #21-11 In The Matter of Authorizing Inter-Fund Loans for Cash Flow Purposes (Nichols/Alto 5-0).

Ayes:             Alto, Nichols, Roth, Sanchez, Van Allen  
Nays:             None  
Abstain:          None  
Absent:           Acosta, Filicetti

**8.3     First Reading: Board Policies 5000s Series**

The Board Policy Committee recommended adoption of the following board policies with minor edits:

BP 5020	Parent Rights and Responsibilities
BP 5022	Student and Family Privacy Rights
BP 5030	Student Wellness
BP 5111	Admission
BP 5113	Absences and Excuses
BP 5113.1	Chronic Absence and Truancy
BP 5116.2	Involuntary Student Transfers
BP 5118.1	Interdistrict Transfer Appeals
BP 5121	Grades/Evaluations of Student Achievements
BP 5123	Promotion/Acceleration/Retention
BP 5125	Student Records
BP 5125.1	Release of Directory Information
BP 5126	Awards for Achievement
BP 5131.2	Bullying
BP 5131.6	Alcohol and Other Drugs
BP 5131.62	Tobacco
BP 5131.7	Weapons and Dangerous Instruments
BP 5132	Dressing and Grooming
BP 5141.31	Immunizations
BP 5141.4	Child Abuse Prevention and Reporting
BP 5142	Safety
BP 5144.1	Suspension and Expulsion/Due Process
BP 5144.3	Expulsion Appeals
BP 5144.4	Required Parental Attendance
BP 5145.11	Questioning and Apprehension by Law Enforcement
BP 5145.12	Search and Seizure
BP 5145.13	Response to Immigration Enforcement
BP 5145.2	Freedom of Speech/Expression
BP 5145.3	Nondiscrimination/Harassment
BP 5145.7	Sexual Harassment
BP 5148.2	Before/After School Programs

Trustee Nichols expressed concerns with Board Policy 5131.7 Weapons and Dangerous Instruments, paragraphs 6-9. She explained a situation at a school district in a different country where a weapon was allowed on school campus with permission granted by the principal and teacher. However, students were injured in this incident. She stated that she would not vote to adopt this policy, unless paragraphs 6-9 were removed.

Trustee Alto expressed similar concerns as Trustee Nichols, and explained that she also shares similar concerns about Board Policy 5131.7 Weapons and Dangerous Instruments.

Trustee Van Allen thanked Trustee Nichols and Alto for sharing their concerns and suggested delaying a vote on Board Policy 5131.7.

Trustee Roth asked clarifying questions on Board Policy 5113 Absences and Excuses and Board Policies 5131.2 Bullying.

A motion was made to adopt all the policies, with the exception of Board Policy 5131.7, and waive a second reading (Nichols/Van Allen 5-0):

Ayes:	Alto, Nichols, Roth, Sanchez, Van Allen
Nays:	None
Abstain:	None
Absent:	Acosta, Filicetti

**9. SUPERINTENDENT'S REPORT**

County Superintendent of Schools, Dr. Faris M. Sabbah, provide an update on activities and matters of interest to the Board.

**10. TRUSTEE REPORTS (3 minutes each)**

Trustee Nichols conducted research and spent time diving deeper into the policies that the Policy committee presented.

Trustee Roth attended the Santa Cruz County Black Graduation Celebration, Santa Cruz County Office of Education Special Board Meeting, UC Santa Cruz Juneteenth: Celebrating Creativity, Community and Resilience, Board Agenda Committee Meeting, Santa Cruz County Office of Education Capitol Advisors: Budget Perspectives Workshop 2021-22, and the Santa Cruz County Office of Education All Staff Meeting.

Vice-President Sanchez was called to Jury duty this month and spent his time fulfilling his duties. He also acknowledged and thanked Superintendent Sabbah, COE Leadership, and PVUSD Leadership for their collaboration during the pandemic.

Trustee Van Allen worked on Board policies for the policy committee and he attended the Santa Cruz COE Budget Perspectives Workshop with Capitol Advisors.

Trustee Alto shared that she is wrapping up her final year of her doctoral program and will begin working on her dissertation research soon. She has also been working with the Policy Committee to finish the 5000s series.



President Filicetti was not present, however she did provide her trustee report via email. She has been participating once a month on the Santa Cruz Operational Call on COVID-19 and wildfire relief and vaccine distribution, toured the new Digital NEST Salinas with MCBOE for Salinas, attended the Special Board Meeting, participated in the Policy Committee and thanked Troy Cope for his assistance, attended the Board Agenda Committee, attended the Santa Cruz COE Budget Perspectives Workshop with Capitol Advisors, and will attend the CCBE Board Retreat in Sacramento later this month.

**11. AD HOC COMMITTEE REPORTS/ACTIONS (if any)**

None.

**12. SCHEDULE OF MEETINGS AND UPCOMING EVENTS**

Santa Cruz County Board of Education  
Regular Meeting (Virtual)  
August 19, 2021  
4:00 p.m.

Santa Cruz County Board of Education  
Regular Meeting (Virtual)  
September 16, 2021  
4:00 p.m.

Santa Cruz County Office of Education's Environmental Equity Event  
Virtual Meeting  
September 28, 2021  
6:00 p.m.

**13. ADJOURNMENT**

The Board Vice President adjourned the meeting at 6:07pm



## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

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Action

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Information

**TO:** Santa Cruz County Board of Education

**FROM:** Business Department

**SUBJECT:** Donations and Gifts

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### BACKGROUND

County Board of Education Policy 3280 requires that all gifts and donations received by programs conducted by the County Superintendent of Schools be accepted by the County Board of Education.

### FUNDING IMPLICATIONS

Gifts/Donations received will be utilized by the programs to which they are donated.

### RECOMMENDATION

Accept gifts and donations as follows:

<u>Program</u>	<u>Donor</u>	<u>Value</u>
Special Education Department	Sharon DeJong	\$423
Special Education Department	Omega Nu Charity	\$1,500

Aug 2, 2021

To: Faris Sabbah  
Liann Reyes  
Deven Wood

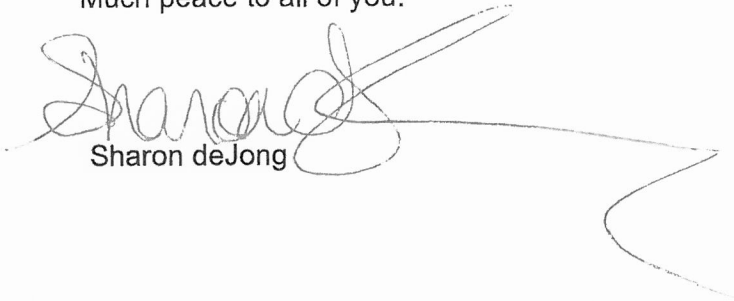
I am making a donation in the amount of \$423.00 to Santa Cruz County Office of Education - Special Education Program. I would like for this donation to cover FUN things for Special Education students to participate in and enjoy.

This money shall be used for any of the following:

Boardwalk admission and food at Boardwalk, cover costs of bowling, buying pumpkins for Halloween, face paints, bubble machines, hiring DJs, bands, photobooths, hiring ice cream trucks, taco trucks, buying pizza and other food for celebrations, tie dye kits, movie passes, art projects, hiring therapy animals to visit classrooms or when students visit therapy animals.

I also am leaving "fun item" decisions to the discretion of Amy Rice and Deven Wood in case I have forgotten something.

Much peace to all of you.



Sharon deJong

**Santa Cruz County Office of Education  
INCOME TRANSMITTAL FORM**

Date: 8/12/2021

To: Sonora Piumarta/Business Services  
Account Specialist IV / CSSF Accounting / Ext.5626

Prepared by: Amy Rice Extension: 5783

Department: Special Education

Subject: Transmittal of Program Related Income

Name of Program Special Education

Program Number  
to be credited:

01	9010	0	0000	0000	8699	700	7013
Fund	Resource	Year	Goal	Function	Object	School	Management

Name of event / reason for transmittal Donation from Omega Nu of Santa Cruz

1. Amount received in checks: \$ 1,500.00

2. Amount received in cash: \_\_\_\_\_

**NOTE: The department must issue a receipt when cash is collected.  
Please submit a copy of all receipts with this form.**

3. Total amount of deposit: \$ 1,500.00

  
Received by: \_\_\_\_\_

8-12-21  
Date

Please submit 2 copies of the Income Transmittal form.

One copy will be your receipt after it is signed by the Business Office.

**Please do not leave cash unattended.**

You may hand deliver cash to:

- Sonora Piumarta
- Janice Berven
- Michelle Coffman
- Melissa Lopez
- Rith Mean Hill



**Omega Nu of Santa Cruz**  
**A Women's Volunteer Organization**  
**Serving the Community since 1903**

**Date: Monday, August 9, 2021**

**Santa Cruz County Office of Education**  
**400 Encinal Street**  
**Santa Cruz, CA 95060**

**Dear Anne,**

**Our membership voted to pledge \$1,500.00 to assist with the cost of the materials for CD/Books that are \$50 per set per family. This pledge was in response to your request on March 3, 2021.**

**To say it has been a challenging year for our community would be an understatement. Omega Nu like so many other organizations in our area that rely on fundraising efforts to help fund our committees. Had much smaller budgets with much larger needs. A check in the amount of \$1,50.00 is enclosed.**

**Your organization fulfills a valuable need in our community. Thank you for giving Omega Nu the opportunity to be of service.**

**Sincerely,**

**Michele Costa, Omega Nu Charity Chair**

**Phone: (408)761-3218**

**Email: [chelecosta15@gmail.com](mailto:chelecosta15@gmail.com)**

**Enc. dk #3207**

**P.O. Box 1696 Santa Cruz, CA 95061**

**[omeganuusc@gmail.com](mailto:omeganuusc@gmail.com)**

**Charity Exempt # 23-7348116**

**"To enhance the health, education and welfare of the children and families in our local community."**



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## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

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Action

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Information

**TO:** Santa Cruz County Board of Education

**FROM:** Administration Department

**SUBJECT:** Correspondence

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### BACKGROUND

Official correspondence received by the Board is included herein.

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Receive correspondence.

July 21, 2021

PVUSD SCHOOL BOARD MEMBERS

**RE: CDPH Guidance Allows School Districts to Develop a Mask Policy of Limited Enforcement**

Dear PVUSD School Board Members,

I submit this letter with support of California Parents United and Protection of the Educational Rights of Kids which are non-partisan organizations who advocate for children. We are writing with a request that this school district follow the new CDPH guidelines and develop a policy for PVUSD that will *limit enforcement* of mask wearing by children. Sufficient enforcement can include posting a notice, sending a letter home, and/or discussion with parents/guardians regarding the risks and benefits of mask wearing. The data is clear that it is time to let parents decide whether or not to send their children to school with masks because continued mandated mask wearing of children impedes learning, physically impacts children negatively<sup>1</sup>, and creates unnecessary liability for teachers and administrators when not approved by parents or their physicians.<sup>2</sup> PVUSD can allow parents to decide *and* follow CDPH guidelines.

As you may know, CDPH *guidelines* have recently changed to return mask *enforcement choices* to school districts. Recognizing within hours that their original *guidance* which mandated refusal to educate, suspension or expulsion violated the actual *law* found in the Education Code<sup>3</sup>, the CDPH is now only requiring schools to determine how to enforce. It states in pertinent part as follows:

**e. Consistent with guidance from the 2020-21 school year, schools must develop and implement local protocols to enforce the mask requirements.**

Clearly, the only “mandate” or “directive” from CDPH that school districts “must” follow is that they develop a local “protocol.” By California law, the protocol can respond to the unique needs of the school district and its surrounding community.<sup>4</sup> The California Constitution states very clearly that it is the legislature, not unelected government officials, that give this power and broad discretion to school boards<sup>5</sup>. This means that PVUSD is within its legal rights to develop a policy that encourages masks, educates parents on the risks and benefits of making their choice, but does not punish a child for not wearing one with illegal expulsion or suspension<sup>6</sup>.

In fact, it is in a school district’s best interest to develop a policy in this recommended manner because the opposite choice of mandating masks or refusing to allow children an in person education violates the law

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<sup>1</sup><https://jamanetwork.com/journals/jamapediatrics/fullarticle/2781743>

<sup>2</sup> Masks are defined by federal law as experimental, only emergency use authorized, and thus require informed consent. 21 U.S. Code § 360bbb-3

<sup>3</sup> Cal Ed Codes §§48213, 48900

<sup>4</sup> Cal Ed Code § 35160 – 35160.2; *American Civil Rights Foundation v. Berkeley Unified School Dist.*, 172 Cal. App. 4th 207, 216 (“...the Legislature has granted school boards wide authority to set policies for the communities they serve”)

<sup>5</sup> Cal Const, Art. IX § 14

<sup>6</sup> Schools can only exclude students from attendance if there is a clear and present danger which requires actual facts such as violence or drugs to support such an act. Cal Ed Codes §§48213, 48900



and could subject the district to civil liability.<sup>7</sup> If a school, or agent of the school such as a teacher, enforces mask wearing and it adversely impacts a child in any way, including but not limited to psychological damage, physical harm, impeding academic progress, then the school could be civilly liable by law.<sup>8</sup> Schools are not even allowed to “use a physical restraint technique that obstructs a pupil’s respiratory airway” in the first place by law<sup>9</sup>.

In the event there is any doubt that an actual risk of harm to a child exists in the event they are forced against their parent’s will to wear a mask by a school district employee, I respectfully direct you to the complaint filed against Los Angeles Unified School District on June 19, 2021 in Case No. 2:21-cv-05009-VAP-MRW.<sup>10</sup> This list of physical and other symptoms is long including increased lactate concentration, stress hormone levels, muscle tension, loss of concentration, loss of reaction time, long-term neurodegenerative disease, hypertension, premature aging, death, fear, mood disturbances, compromised cognitive performance and more. The masks dehumanize people and hide facial expressions and nonverbal communication our most vulnerable members of society need to thrive and prosper. Clearly, there is risk and now school districts across California are on notice of this very real liability.<sup>11</sup>

Considering the foregoing, the respectful recommendation is that the PVUSD School District and School Board Members immediately draft a new protocol or modify the recent protocol to simply create a policy for all staff to encourage mask wearing without denying educational rights. The district could adopt a process of dealing with a student that attends school without a mask as one of education. A call could be made to the parent to confirm their directive and discuss the benefits and risks or a letter could simply go home to the parent to encourage reconsideration of their decision. This would respect the CDPH guidance, relieve the district of liability because the ultimate decision would be the parents, and comply with any individuals concerns over mask choice as an option.

In conclusion, we respectfully request that you immediately develop a policy that encourages, educates but limits enforcement of masking children. Please advise how I can further be of service to PVUSD School District.

Sincerely,



M Reyes

CC: Superintendent, Michelle Rodriguez  
Faris Sabbah, County Superintendent  
Zach Friend, Board of Supervisors  
Gail Newel, County Health Officer

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<sup>7</sup> Cal Gov Code § 815.2; *Dailey v. Los Angeles Unified Sch. Dist.*, 2 Cal. 3d 741, 747 (“Under section 815.2, subdivision (a) of the Government Code, a school district is vicariously liable for injuries proximately caused by such negligence.”)

<sup>8</sup> *Shannon v. Central-Gaither Union School Dist.*, 133 Cal. App. 124, 129, 23 P.2d 769, 771 (“The question of the negligence of the defendants (School District) in the present case should therefore be determined with due regard to all the surrounding circumstances including the age, mentality and childish impulses of the injured boy.”)

<sup>9</sup> Cal Ed Code § 49005.8(3)

<sup>10</sup> *Jennifer Guilfoyle v. Austin Beutner* 2:21-cv-05009-VAP-MPW

<sup>11</sup> <https://www.aier.org/article/medical-journal-warns-about-maskss-potentially-devastating-consequences/>



Dear Readers, Policy Makers, and Representatives:

I write to you as a teacher in Santa Cruz County. I am white and identify as female. I mention these things because I want you to know that I have led a life of privilege and while I cannot speak for my fellow colleagues, I can observe that most of them are white and female or pass as such.

If nothing else, this last year has put a magnifying glass on systemic racism in this country, whether it be with police brutality or access to healthcare. In education, we are still at a standstill on how to diversify our staff. My school site has book-club-like meetings once a month to discuss how we can become anti-racists in the classroom--a passion we all possess. However, when I look around the room, diversity is lacking and I cannot help but think it is because teaching can only hope to attract people of privilege. It is a well known fact that teachers do not make a lot of money; in fact we often make below a comfortable wage. So, how is it that so many of us are living in California on a teaching wage and traveling during our summer vacations? It is privilege.

I am in my early thirties and I'm still paying off my student loans from Grad School, and I have given up hope that I will ever own property in California or drive a nice car. The American Dream is beyond my reach if I stay in the profession I love, in the town that I love. What I do have is an extremely low rent of 800\$ that I pay to my landlord, who also happens to be my father. I share rent with my sister and brother-in-law (also teachers), where we share two dogs and several chickens. This would not be possible without identifying my privilege: low rent, ability to live in a house owned by a parent, with animals, maintaining food security, etc... In fact, many of my white friends still located in Santa Cruz share that privilege and live in or on property owned by their parents. I chose this life of an educator when I got to college; I decided on a degree that would allow me to follow my passion only because I knew that I would be able to live somewhat comfortably, even if I did not make a substantial amount of money. Others may not be so lucky, and when/if they get the opportunity to go to college, they choose a more lucrative career with a comfortable paycheck. In fewer words, this profession can not hope to attract many people, let alone a diverse group of people who have not led a life of privilege unless some things start to change.

Here are a few suggestions on how to make the pathway to becoming a teacher more desirable to everyone:

- a. President Biden is working on a plan to make undergrad free, in the meantime, let's advocate to make the pathway to becoming a teacher free; this includes no tuition fees for the credential process.
- b. Pay student teachers. Their time is definitely worth something. Let's not treat them like teaching slaves or free substitutes. My brother in law is currently entering into his student teaching year, and is planning to work nights at Safeway. I fear that he will burn out and leave the profession before even getting started because student teaching will

be considered a secondary position and on paper, it is less valuable than his paid position.

- c. Let's advocate to incorporate a bonus for staying 5 years or a significant pay raise! Too many teachers quit during that first five years of teaching--between 19 and 30 percent to be exact (WeAreTeachers.com, 2019).
- d. Let's advocate for free mental healthcare for teachers. During the pandemic, I paid \$220 a month for access to an online therapist for six months which put a strain on my finances, but allowed me to continue working in a hopeless time. We need to support our teachers so they can be at 100% if they are going to be asked to work with anywhere from 30 to 150 children on a daily basis.
- e. Provide each new teacher a budget to start a classroom. Gift cards to places like Office Max, FedEx, Staples, or even Starbucks would make a world of difference. Our own paychecks should not finance our own classrooms.
- f. Reduce the class sizes of newer teachers who are still figuring out classroom management skills. Stress is a big reason why teachers quit; thus reducing one of the number one stressors would do wonders for new teachers.
- g. Give tax breaks or rewards for everyone working in public schools.
- h. Provide a more comfortable wage, or room for more salary increases.
- i. Begin the discussion of purchasing land to build teacher housing.

If the options above do not seem possible, consider this: California was recently assessed at having 80% of their school districts in a teacher deficit (EdSource, 2019). Last year, we saw that COVID-19 was driving even more of those already in the profession away, with an uptick of nearly 26% earlier retirees (EdSource, 2021). California has always led the way with progressive steps towards change and we need some immediate change if we want to continue to provide our students with a quality education with a diverse group of teachers.

Sincerely,

A Concerned Teacher

The following letter was received by the following individuals:

- Vickie Orsini (Aptos & Soquel Parents)
- Geralyn DeCanalo (Santa Cruz County Resident)
- Dione Konwon (Scotts Valley Parent)
- Kristen Hurley (Pajaro Valley Parent)
- KK (Pajaro Valley Parent)
- Karen Corsino (Santa Cruz City Schools District Parent)
- Kathry Nation

July 21, 2021

SANTA CRUZ COUNTY OFFICE OF EDUCATION BOARD MEMBERS

RE: CDPH Guidance Allows School Districts to Develop a Mask Policy of Limited Enforcement

Dear Sue Roth, Bruce Van Allen, Sandra Nichols, Rose Filicetti, Alyssa Alto, Ed Acosta, Abel Sanchez, and Faris Sabah:

I submit this letter with support of California Parents United and Protection of the Educational Rights of Kids, which are non-partisan organizations who advocate for children. We are writing with a request that this school district follow the new CDPH guidelines and develop a policy for Santa Cruz County School Districts that will *limit enforcement* of mask wearing by children. Sufficient enforcement can include posting a notice, sending a letter home, and/or discussion with parents/guardians regarding the risks and benefits of mask wearing. The data is clear that it is time to let parents decide whether or not to send their children to school with masks because continued mandated mask wearing of children impedes learning, physically impacts children negatively<sup>1</sup>, and creates unnecessary liability for teachers and administrators when not approved by parents or their physicians.<sup>2</sup> Santa Cruz County Office of Education can allow parents to decide *and* follow CDPH guidelines.

As you may know, CDPH guidelines have recently been updated, delegating mask *enforcement choices* to school districts. Recognizing within hours that their original *guidance*, which mandated refusal to educate, suspension or expulsion, violated the actual *law* found in the Education Code<sup>3</sup>, the CDPH is now only requiring schools to determine how to enforce. It states in pertinent part as follows:

**e.Consistent with guidance from the 2020-21 school year, schools must develop and implement local protocols to enforce the mask requirements.**

Clearly, the only “mandate” or “directive” from CDPH that school districts “must” follow is that they develop a local “protocol.” By California law, the protocol can respond

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<sup>1</sup> <https://www.mdpi.com/1660-4601/18/8/4344/htm>

<sup>2</sup> Masks are defined by federal law as experimental, only emergency use authorized, and thus require informed consent. 21 U.S. Code§ 360bbb-3

<sup>3</sup> Cal Ed Codes §§48213, 48900

to the unique needs of the school district and its surrounding community.<sup>4</sup> This means that Santa Cruz County Office of Education is within its legal rights to develop a policy that encourages masks, educates parents on the risks and benefits of making their choice, but does not punish a child for not wearing one with illegal expulsion or suspension.<sup>5</sup>

In fact, it is in a school district's best interest to develop a policy in this recommended manner because the opposite choice of mandating masks or else refusing to allow children an in person education violates the law and could subject the district to civil liability.<sup>6</sup> If a school, or agent of the school such as a teacher, enforces mask wearing and it adversely impacts a child in any way, including but not limited to psychological damage, physical harm, impeding academic progress, then the school could be civilly liable by law.<sup>7</sup> Schools are not even allowed to "use a physical restraint technique that obstructs a pupil's respiratory airway" in the first place, by law.<sup>8</sup>

In the event there is any doubt that an actual risk of harm to a child exists if they are forced against their parents will to wear a mask by a school district employee, I respectfully direct you to the complaint filed against Los Angeles Unified School District on June 19, 2021 in Case No. 2:21-cv-05009-VAP-MRW.<sup>9</sup> This list of physical and other symptoms is on including increased lactate concentration, stress hormone levels, muscle tension, loss of concentration, and loss of reaction time, long-term neurodegenerative disease, hypertension, premature aging, death, fear, mood disturbances, compromised cognitive performance and more. The masks dehumanize people and hide facial expressions and nonverbal communication. Our most vulnerable members of society need to thrive and prosper. Clearly, there is risk and now school districts across California are on notice of this very real liability.<sup>10</sup>

Considering the foregoing, the respectful recommendation is that the Santa Cruz County Office of Education and School Board Members immediately draft a new

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<sup>4</sup> Cal Ed Code § 35160 – 35160.2; *American Civil Rights Foundation v. Berkeley Unified School Dist.*, 172 Cal. App. 4th 207, 216 ("...the Legislature has granted school boards wide authority to set policies for the communities they serve")

<sup>5</sup> Schools can only exclude students from attendance if there is a clear and present danger which requires actual facts such as violence or drugs to support such an act. Cal Ed Codes §§48213, 48900

<sup>6</sup> Cal Gov Code § 815.2; *Dailey v. Los Angeles Unified Sch. Dist.*, 2 Cal. 3d 741, 747 ("Under section 815.2, subdivision (a) of the Government Code, a school district is vicariously liable for injuries proximately caused by such negligence.")

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protocol or modify current protocol to simply create a policy for all staff to encourage mask wearing without denying educational rights. The district could adopt a process of dealing with a student that attends school without a mask as one of education. A call could be made to the parent to confirm their directive and discuss the benefits and risks, or a letter could simply go home to the parent to encourage reconsideration of their decision. This would respect the CDPH guidance, relieve the district of liability because the ultimate decision would be the parents, and comply with any individual's concerns over mask choice as an option.

In conclusion, we respectfully request that you immediately develop a policy that encourages, educates but limits enforcement of masking children. Please advise how I can further be of service to the Santa Cruz County Office of Education.

Sincerely, Megan Bridgette,

parent of a student at AVUSD School District

Tracy L. Henderson, Esq.  
Founder California Parents United



Amy Bohn  
Executive Director PERK





**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBABH • SUPERINTENDENT OF SCHOOLS

## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☐

Action

☒

Information

**TO:** Santa Cruz County Board of Education

**FROM:** Dr. Faris Sabbah, County Superintendent of Schools  
Dr. Michael Paynter, Senior Director, Student Support Services  
Kim Corneille, Senior Community Organizer, Foster Youth Services

**SUBJECT:** Foster Education Presentation

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### BACKGROUND

Dr. Michael Paynter and Kim Corneille will give an overview on the County Office's Foster Youth Services programs and share their plans for the program. The mission of the Foster Youth Services Program is to provide guidance, advocacy, community organization, teaming and collaboration around the issue of school success for students involved in the foster care system, including students living with their birth families but involved with child welfare.

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Receive the presentation



**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBABH • SUPERINTENDENT OF SCHOOLS

## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☐

Action

☒

Information

**TO:** Santa Cruz County Board of Education

**FROM:** Dr. Faris Sabbah, County Superintendent of Schools

**SUBJECT:** COVID-19 School Update

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### BACKGROUND

Superintendent Sabbah will give a presentation regarding the ways in which the Santa Cruz County Office of Education has been working in collaboration with School Districts and other partners to support students and families during the COVID-19 Pandemic.

### SUPERINTENDENT'S RECOMMENDATION:

Receive the presentation.

### FISCAL IMPLICATIONS:

None.





**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBAH • SUPERINTENDENT OF SCHOOLS

## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☐

Action

☒

Information

**TO:** Santa Cruz County Board of Education

**FROM:** Debi Bodenheimer, Associate Superintendent, Educational Services

**SUBJECT:** 2021 Administrators' Kick Off Update

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### BACKGROUND

This year the annual Administrators' Kickoff for Santa Cruz County administrators was held via Zoom on August 3rd, from 9-12 PM. Administrators attended, to hear the keynote speaker, Dr. Allyson Tintiangco-Cubales from San Francisco State University, and a student panel of students from Santa Cruz County high schools. The focus was on equity, student voice, Ethnic Studies, and student wellness. The session was recorded.

### SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION:

Receive presentation.

### FISCAL IMPLICATIONS:

None.



# SANTA CRUZ

COUNTY OFFICE OF

# EDUCATION

DR. FARIS SABBAAH • SUPERINTENDENT OF SCHOOLS

## 2021 Administrators' Kickoff

Santa Cruz COE Board of Education Report  
Debi Bodenheimer, Associate Superintendent  
August 19, 2021





# Administrators' Kickoff Details



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

August 3, 2021: 9-12 on Zoom

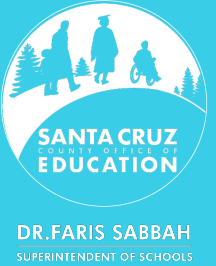
- 202 people attended, all districts/COE represented

## Agenda:

- Welcome and Introduction of New Administrators
- Keynote Speech
- Student Voices
- Breakout Rooms Discussions
- Closing and Updates



# Keynote Speaker



Dr. Allyson Tintiangco-Cubales, Ph.D

- Professor of Ethnic Studies at SFSU
- Founder & Director of Teacher Development, Pin@y Educational Partnerships
- Co-Founder & Co-Director, Community Responsive Education
- She will be working with our county all year long to support Ethnic Studies work, with a COP for the county, a COP for PVUSD and a lecture series.





# Keynote Speech Content



DR. FARIS SABBAAH  
SUPERINTENDENT OF SCHOOLS

A focus on Student Wellness and Student Voice

One way to allow for wellness and voice is through Ethnic Studies

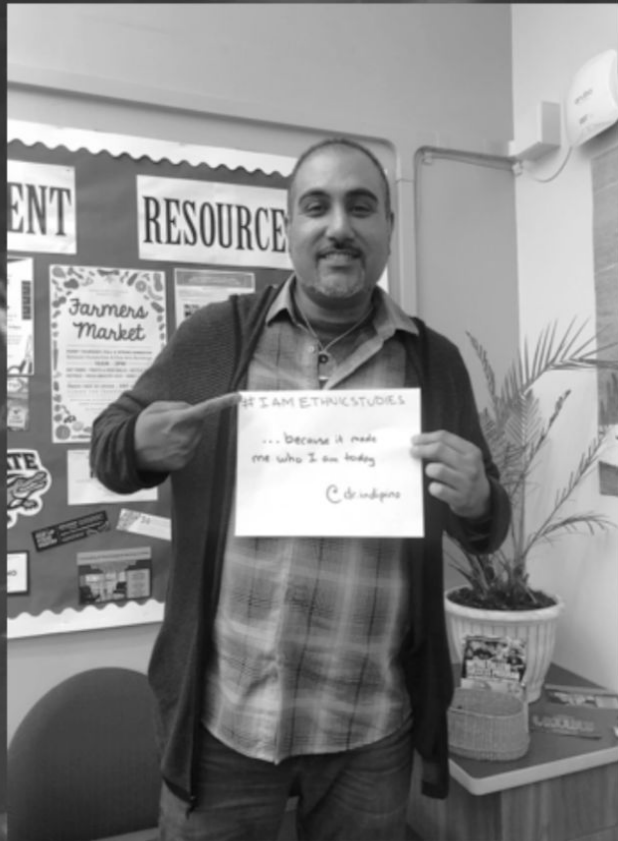
1. Equity, for what? Education, for what?
2. **WHAT** is Youth Wellness? **WHY** does it matter?
3. **HOW DO WE:** prioritize, develop, sustain, protect and measure youth wellness...through Ethnic Studies?
4. **WHERE** do we go from here?



# Keynote Speech Content



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS



“Ethnic Studies provides ‘safe’ academic spaces for **all** to learn the histories, cultures, and intellectual traditions of **Native peoples and communities of color in the U.S. in the first-person** and also practice theories of resistance and liberation to **eliminate racism** and other forms of oppression.”

College of Ethnic Studies, SFSU, est. 1969

# ETHNIC STUDIES



# Ethnic Studies Content



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

## COMMUNITY RESPONSIVE WELLNESS

1. **Innerself:** a strong sense of culture, identity, and agency;
3. **Interconnectedness:** positive interrelatedness to ancestors, place, land, and the natural world.

2. **Interpersonal:** a rootedness and commitment to showing empathy toward family, community, and peers; and

This grows ecosystems where people and communities experience place, power, purpose, awareness, resilience, empathy, hope, love, and joy.



# Keynote Speech Content



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

## LEADING INDICATORS OF STUDENT GROWTH

	Mind	Body	Emotion	Spirit
INNERSELF	hope	physical health	self-love	sacred purpose
INTERPERSONAL	respect	boundaries	empathy	love of all people
INTERCONNECTEDNESS	responsibility + resilience	connection	awareness	collective joy

## INDICATORS OF GROWTH

## LAGGING INDICATORS OF STUDENT GROWTH

Attendance	Computation	GPA	Test Scores
Behavior 36	Engagement	Reading	Writing



# Student Speakers



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

- Lauren: PVHS
- Tajin: Watsonville HS
- Carmen: Cabrillo Freshman (Harbor HS)
- Karla: PVHS

## Discussion points:

- The power of their experiences in Ethnic Studies
- How student voice can empower students
- How teachers and schools can support students to feel listened to and to feel represented in their education



# Feedback (from the chat)



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

This is one of the best Admin Kick-off we've ever had! The stars of the day are definitely the students. Karla, Tajin, Lauren, and Carmen, you guys have been so eloquent, honest and bigger than life today. Continue being the people that you are and I look forward to hearing great things from all of you in the near future..



# Breakout Rooms



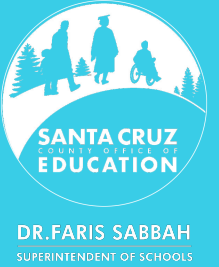
DR. FARIS SABBAAH  
SUPERINTENDENT OF SCHOOLS

We organized facilitated Breakout Rooms by district and COE. Here were the questions discussed:

- What are the next steps to implementing Ethnic Studies curriculum in the district? What are the impediments and how to overcome?
- What are the best ways to support student wellness in the district? What plans do we already have in place? What new plans can we put in place?
- How do we support teacher wellness, since that is related to student wellness?
- How to set up collaborative structures in the classroom and how to ensure that students have a voice in the classroom?
- How do we dismantle white supremacy and systemic racism? How do we, as site and district leaders, help move this forward? What actions can we take?



# More Feedback (from the survey)



- “It was a wonderful day. The only thing that would improve it would be being in person. Thank you so much.”
- “How do we take wellness to the next level for ourselves as leaders?”
- “We need to discuss the changes that sites are making to integrate Ethnic Studies, wellness, and address systemic racism.”
- “Thank you for your organization and hard work, and your leadership and support of the districts.”



# Next Steps



DR. FARIS SABBABH  
SUPERINTENDENT OF SCHOOLS

- Ethnic Studies
  - District COP with Allyson
  - PVUSD COP with Allyson
  - Lecture Series
- Racial Equity and Justice COP with Dr. Kofi Akinjide
- Continued focus on Equity, Wellness and Student Voice for Santa Cruz County



## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021 ☐ Action ☒ Information

**TO:** Santa Cruz County Board of Education

**FROM:** Dr. Faris Sabbah, County Superintendent of Schools

**SUBJECT:** Grand Jury Distance Learning During the Pandemic in the Pajaro Valley Unified School District Report

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### BACKGROUND

In March of 2020, schools began closing across California as the realities of the COVID-19 pandemic hit home. The Pajaro Valley Unified School District (PVUSD), the largest in Santa Cruz County serving over 20,000 students, made plans to close for two weeks. PVUSD moved quickly, creating and putting plans in place that provided for distance learning and a way to communicate with students, teachers, and families. As it turned out, students were out of school for approximately one year. The Grand Jury has found that the administrators, teachers, parents, and students themselves are all understandably concerned about students' social-emotional issues arising from the pandemic and additional upgrades in school air quality systems and furniture are necessary to comply with COVID-19 safety protocols. The Board is asked to review our response

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Review our response



## **Distance Learning During the Pandemic in the Pajaro Valley Unified School District**

### **Successes, Pitfalls, and Plans for the Future**

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#### **Summary**

In March of 2020, schools began closing across California as the realities of the COVID-19 pandemic hit home. The Pajaro Valley Unified School District (PVUSD), the largest in Santa Cruz County serving over 20,000 students, made plans to close for two weeks. PVUSD moved quickly, creating and putting plans in place that provided for distance learning and a way to communicate with students, teachers, and families. As it turned out, students were out of school for approximately one year.

PVUSD is to be applauded for its agile and broad response to the COVID-19 pandemic. Within five days the district furnished the students with computers and internet access. Teachers and students received training in distance learning. Social services were provided to families. Students, parents, and teachers have been surveyed numerous times, providing information on what worked and what did not.

PVUSD should analyze and apply these findings, and continue with evaluations when schools reopen. The findings should be documented and shared so that distance learning can be further improved in the upcoming school year and beyond to help students succeed. In our unpredictable world, distance learning is here to stay.

## Background

The COVID-19 pandemic has forced students everywhere to employ new ways of learning when their schools closed down. The focus of this investigation is on PVUSD because it serves nearly half of all students in the county, contains the greatest percentage of low-income and Latinx families (see Figure 1), and is in the area with the highest COVID-19 case rate in the county.<sup>[1]</sup>

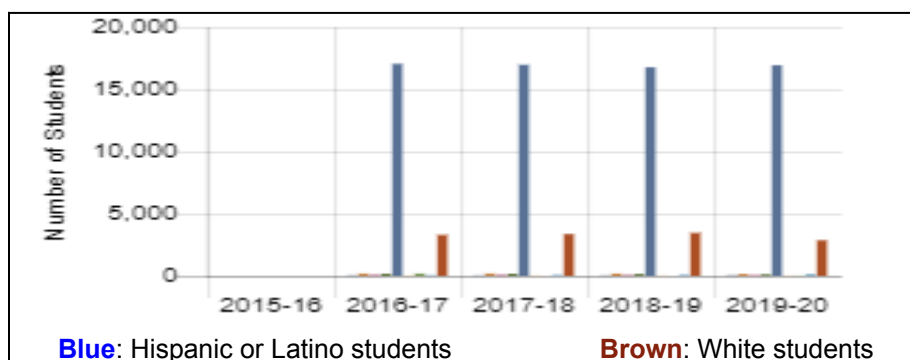


Figure 1. **PVUSD Cumulative Enrollment by Race/Ethnicity**<sup>[2]</sup>

Within five days of the schools' shutdown and the implementation of distance learning, PVUSD updated its webpage with information for the community and equipped all students with Chromebook computers and school supply bags to help prepare them for remote learning. Students without internet connection at home had **Safe Spaces** provided. These spaces gave students secure and safe places to do their schoolwork and also served as a location for resources, with school staff working to meet individual student needs for food, clothing, and counseling support. Additionally, 500 *hotspots*, some in school busses, were made available throughout the district to ensure that all students had access to internet connections.<sup>[3]</sup><sup>[4]</sup> Community programs provided families in need with meals, clothing, rental assistance, and counseling. Agencies collaborated to take care of their community by removing obstacles and finding innovative solutions. Funding through the CARES Act helped to improve and upgrade some of the heating, ventilation, and air conditioning systems in the district's schools.<sup>[3]</sup><sup>[5]</sup><sup>[6]</sup>

It should be noted that planning for school closures had been ongoing for months, beginning as early as January 2020. Superintendent Michelle Rodriguez sent the first communication to the educational community about COVID-19 on January 24, 2020.<sup>[7]</sup>

The effect of the pandemic has been more severe for students living in poverty, are of color, LGBTQ, or have learning and/or social-emotional problems. Teachers, too, have struggled, having to quickly learn new approaches to teach and communicate with students and families, often while parenting their own children in the home.

The Grand Jury wanted to find out how distance learning has worked for all concerned. It will be important for PVUSD to process the lessons learned so that distance learning can be utilized in the best possible way in the future.



On March 14, 2020, there were seven cases of COVID-19 in Santa Cruz County. One of them was an employee at Rio Del Mar Elementary School, part of PVUSD. That same day, the PVUSD Board of Trustees held an emergency meeting to unanimously approve a plan to close all district schools for two weeks, and allow most employees to work from home.<sup>[8]</sup>

As part of this mandate, PVUSD technology employees were tasked with disinfecting some 15,000 Chromebooks for students to use at home. The district, along with local company Cruzio and Equal Access Santa Cruz County, provided internet access to the district's students, some of whom lived in remote areas of the county.<sup>[9] [10] [11]</sup>

Schools across the state were planning to close for one to two weeks. However, PVUSD Superintendent Michelle Rodriguez said at the time, "This is not going to go away in a few weeks, so we need to have continuity of learning."<sup>[8]</sup>

## **Scope and Methodology**

The Grand Jury conducted interviews of administrators, teachers, students, and parents. We listened to webinars featuring these groups. We requested and examined documents and monitored newspapers, Facebook postings, and internet sources for updates on local school issues.

## **Investigation**

The PVUSD, with over 20,000 students, is a large school district managing:

- 16 elementary schools,
- 6 middle schools,
- 3 high schools,
- 8 charter and alternative schools, and
- 1 adult education school.

On January 28, 2020 the PVUSD Superintendent sent out a note to staff and families informing the district about the potential of a COVID-19 pandemic, what individuals could do, and what actions PVUSD and the County Public Health Division was taking.<sup>[12]</sup> This was one of the earliest efforts to keep the community informed about COVID-19. Dr. Rodriguez's FAQs, which provided updated information on COVID-19 testing, vaccinations, safety protocols, internet access, and school closures, continued consistently throughout these early days and beyond.<sup>[13]</sup> On March 14, 2020, when the schools were ordered to stop in-person learning, it was not a complete surprise to the PVUSD administration, faculty, students and parents.

Within five days of the schools' shutdown and the implementation of distance learning, PVUSD equipped the district's students with Chromebook computers and school supply bags to help prepare them for remote learning. However, despite the tremendous success in providing the majority of students internet access, approximately 400 students don't effectively participate. These students live in rural areas of the county. Some did not pick up their Chromebook or have reliable internet access, and some the district was unable to locate.

The social-emotional issues that students experienced during the pandemic have been worrisome for administrators, teachers, and parents.<sup>[14]</sup> Some students hesitate or avoid turning their computer cameras on because of privacy issues; they don't want others to see how they live. Some are lonely, tired, depressed, or are being abused. Some have no one at home who can help with schoolwork and computer issues. Some have experienced serious illness and deaths in their families. Some are in desperate need of food, clothing, and housing. Others need to care for younger siblings while parents work, or need to work themselves to help out financially. Teachers have been trained to look for signs of distress, and reach out to students and families via the internet, mail, and phone. Home visits and support from PVUSD Student Services, Pajaro Valley Prevention and Student Assistance,<sup>[15]</sup> and other social service agencies have increased. More funding and support for qualified outreach staff will be needed to effectively continue these services.

Some students, however, have thrived with distance learning. They say they have more time to focus on schoolwork, and have fewer distractions and social pressures. Some like the ease with which they can communicate with teachers. Remote learning can be a complement to in-person learning, allowing students to explore additional areas of interest. It can also be used to help students needing extra help academically. Governor Newsom has said it will definitely be a part of California's educational system, even when schools reopen, and that money is available to help with funding.<sup>[16][17]</sup> The pandemic offers an opportunity to think "out of the box."

"What we're hearing very broadly from schools all across the state is that they do want to have some level of flexibility to continue to provide distance learning for some families," said Kevin Gordon, president of Capitol Advisors, a lobbying firm representing hundreds of California school districts.<sup>[18]</sup>

The role of parents has also changed during the pandemic. They are more involved now than ever before. Virtual communication has made it easier to participate. The Superintendent's office is concerned with the emotional needs of parents as well as the students. Parents can join live meetings and provide feedback. PVUSD sends out updates on the web at least once a week to provide current information and resources.<sup>[13]</sup>

Teachers have received continued support for digital training throughout this timespan of distance learning. PVUSD provides a Digital Learning Resources website that provides direct assistance for teachers with technical support and access to tools and resources.<sup>[19]</sup> The site also provides direct coaching support through the County Office of Education Teacher On Special Assignment (TOSA) program. Parents and students have access to the website with online activities and distance learning support.<sup>[20]</sup> Teachers have continued to receive training and support throughout the pandemic. They have put in hours of unpaid time to participate in trainings. While everyone – teachers, administrators, students, and families – is striving to make remote learning work, it has left many of them tired and frustrated.

PVUSD has put a good deal of effort into reaching students and families who speak Spanish and Mixteco bajo, with multi-lingual family support staff and phone-based and in-person technical help.<sup>[21]</sup> The PVUSD superintendent has said it is important to listen, provide information, and engage families in their preferred language.<sup>[21]</sup>

As schools reopen, safety protocols are a big challenge, as well as how to continue to help students academically, socially, and emotionally. The American Federation of Teachers (AFT) has laid out safeguards such as masks, physical distancing, sanitizing, ventilation upgrades, testing and contact tracing.<sup>[22]</sup> Randi Weingarten, AFT president, said:

*We must reimagine learning beyond COVID-19 and create the conditions to help all children thrive. Rather than the traditional spring state testing, we should assess and respond to students' wide-ranging needs; support our most vulnerable students; focus on educators' professional learning and growth to meet these unprecedented challenges; and promote equity and excellence in all of our public schools.*<sup>[22]</sup>

The PVUSD Board of Trustees has approved a plan to ease graduation requirements for high school students who have experienced learning loss. It was found that 85% of the seniors at Aptos High School are on track to graduate this year, along with 66% of those at Pajaro Valley High and 65% at Watsonville High – all percentages down from previous years.<sup>[23]</sup>

As one local parent said, “Hopefully the focus won’t be on catching students up academically, but rather that they talk about the experience. There is a lot to be learned.”<sup>[24]</sup>

## Conclusion

The PVUSD Board of Trustees approved a plan to close all district schools for two weeks beginning on March 16, 2020. The District moved quickly, putting previously thought-out plans in place that provided for distance learning and a path for communicating with students, teachers, and families.

PVUSD is to be applauded for its agile and broad response to the COVID-19 pandemic. In the first five days after the schools shut down the district furnished the students with computers and internet access. Teachers and students received training in distance learning. Critical social services were provided to families.

PVUSD can learn from the immediate and commendable actions taken to put distance learning in place. This is the time to evaluate what worked and what didn’t. Classes look different as safety measures are established and there are new concerns as students and teachers have returned to the classroom. PVUSD services need to be provided as the community heals from COVID-19, especially to those most vulnerable and difficult to locate in its District.

## Findings

- F1.** Since distance learning will continue after schools reopen, students, teachers, families, and administrators will need to continue learning new ways to operate and will require continued support.
- F2.** Students, teachers, and families were well-served by the continuously-updated information provided by the PVUSD Superintendent's weekly FAQ postings on PVUSD's website.
- F3.** The administrators, teachers, parents, and students themselves are all understandably concerned about students' social-emotional issues arising from the pandemic.
- F4.** The reasons that approximately 2% of PVUSD students have been "lost" are not well understood. Possible answers might include that they are either not logging on at all, or have left the area.
- F5.** The Safe Spaces program has worked well, supporting online learning as well as providing counseling and food to students.
- F6.** Even with all the training provided to teachers, and internet accessibility provided to students, distance learning has not worked well for some students.
- F7.** Additional upgrades in school air quality systems and furniture are necessary to comply with COVID-19 safety protocols.

## Recommendations

- R1.** Within six months, to prepare for continued distance learning, and possible future situations, PVUSD should survey students, teachers and parents to evaluate what worked and what didn't work regarding distance learning. (F1, F2, F6)
- R2.** PVUSD should continue the Safe Spaces program. Evaluate and modify over time as students return to school. (F5)
- R3.** PVUSD should continue to keep their website updated with information and resources for teachers, students and families, including social-emotional issues, community support organizations, and educational resources.(F1, F2)
- R4.** Within six months, PVUSD should use forthcoming federal and state money to provide summer and after-school programs to help with learning loss and social-emotional issues. (F3, F6)
- R5.** Within nine months, PVUSD should use forthcoming funds to make necessary upgrades in air quality systems and furniture in the schools. (F7)
- R6.** Within six months, "lost" students who are still in the district should be located and their needs addressed. (F4)

## Commendations

- C1.** PVUSD rose to the occasion to meet the needs of teachers, students and families during the pandemic. Resources including training, internet access, food, clothing, housing, and mental health services were provided; communication was prioritized.
- C2.** There is expanded internet connectivity now in the Watsonville/Pajaro area due to the efforts of PVUSD, Cruzio, and Equal Access Santa Cruz County..
- C3.** There is increased collaboration among agencies that provide services and support, including Pajaro Valley Prevention and Student Assistance, the Santa Cruz County Office of Education, and PVUSD.

## Required Responses

<i><b>Respondent</b></i>	<i><b>Findings</b></i>	<i><b>Recommendations</b></i>	<i><b>Respond Within/ Respond By</b></i>
Santa Cruz County Board of Supervisors	F3, F6, F7	R4, R5	90 Days September 15, 2021
Board of Trustees, Pajaro Valley Unified School District	F1–F7	R1–R6	90 Days September 15, 2021
Superintendent, Santa Cruz County Office of Education	F3, F7	R4, R5	60 Days August 16, 2021

## Invited Responses

<i><b>Respondent</b></i>	<i><b>Findings</b></i>	<i><b>Recommendations</b></i>	<i><b>Respond Within/ Respond By</b></i>
Superintendent, Pajaro Valley Unified School District	F1, F2, F4–F6	R1–R3, R6	90 Days September 15, 2021

## Definitions

- **CARES Act:** The Coronavirus Aid, Relief, and Economic Security (CARES) Act (2020) and the Coronavirus Response and Consolidated Appropriations Act (2021) provided fast and direct economic assistance for American workers, families, small businesses, and industries.
- **Chromebooks:** laptops that run on Google's operating system known as "Chrome OS," or Chrome Operating System, instead of Windows or Mac OS. These notebooks should be connected to the internet, as most of the applications reside online and require a connection to run web applications and store data.<sup>[25]</sup>
- **Distance or Remote Learning:** a method of studying in which lectures are broadcast or classes are conducted by correspondence or over the internet, without the student's needing to attend a school or college in person.
- **Hotspots:** a specific location that provides internet access via a wireless local area network.
- **Latinx:** a person of Latin American origin or descent.
- **LGBTQ:** lesbian, gay, bisexual, transgender, and queer (or questioning).<sup>[26]</sup>
- **PVPSA:** Pajaro Valley Prevention and Student Assistance. Their mission is to improve the quality of life of youth and families of the greater Pajaro Valley by providing health education, mental health, and substance use services, and by advocating for public policies that protect the wellbeing of the community.
- **PVUSD:** Pajaro Valley Unified School District.
- **PVUSD Board of Trustees:** Trustees are elected by the community to provide leadership and citizen oversight of the district's schools.
- **Safe Spaces:** places that provide a supportive and supervised environment, including academic assistance, counseling, and snacks, for high need students who will benefit from specialized intervention and support. They are located at Aptos Junior High, Radcliff, Mar Vista, Pajaro Middle School, and Watsonville High.<sup>[27]</sup>
- **TOSA:** Teacher on Special Assignment.

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PVUSD Distance Learning Resources

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SC County Office of Education <https://www.sccoe.org/>

Pajaro Valley Teachers Union <https://pvft.net/>



## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☐

Action

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Information

**TO:** Santa Cruz County Board of Education

**FROM:** Dr. Faris Sabbah, County Superintendent of Schools

**SUBJECT:** Grand Jury Turn On, Tune In, and Drop Out Report

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### BACKGROUND

For over a decade Santa Cruz County has worked to expand broadband access for its residents. The efforts of the county were laudable but limited due to regulatory and funding limitations. The COVID-19 crisis changed the funding and regulatory environment drastically to favor local governments establishing, managing, or possibly owning access infrastructure. The Grand Jury has found that an important beneficial outcome of the COVID-19 pandemic has been broadband access and computers for distance learning. Underserved areas, such as the Pajaro Valley where the county's need was the greatest, were significantly improved. The Board is asked to review and respond to the report.

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Review the response.



## **Turn On, Tune In, and Drop Out**

### **Broadband Access in Santa Cruz County**

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#### **Summary**

For over a decade Santa Cruz County has worked to expand broadband access for its residents. The efforts of the county were laudable but limited due to regulatory and funding limitations. The COVID-19 crisis changed the funding and regulatory environment drastically to favor local governments establishing, managing, or possibly owning access infrastructure.

In 2015 the county had a Broadband Master Plan drafted. There have been substantial changes in the funding, regulatory, and technological landscape since then and an updated plan is needed. The most important consideration to be addressed is how much responsibility the county is willing and able to take towards the establishment and operation of broadband connectivity infrastructure.

Funding opportunities are becoming available from the state of California and the federal government that were inconceivable before 2020. Legislative and regulatory obstacles have been eliminated that blocked a county or other local government entity from getting deeply involved in the build out, management, and even ownership of broadband infrastructure. No consistent answer or plan was found on how far the county is ready and willing to pursue these opportunities. This should be decided quickly, and executed promptly.

## Background

Santa Cruz County has a long history of seeking opportunities to provide access to broadband for its residents. In June of 2015 the county was given an Achievement Award from the National Association of Counties for its efforts in this area.<sup>[1]</sup> This statewide effort, which Santa Cruz County has participated in to lay broadband infrastructure, dates back more than a decade.<sup>[2] [3]</sup>

A frequently cited analogy to the situation we currently find ourselves in with broadband access is to the establishment of access to electricity starting in the 1920s through the 1930s. The cost and difficulty in establishing access to electricity in rural areas was a major obstacle. It took the intervention of the federal government in 1936 to bring electricity to rural America.<sup>[4] [5]</sup> Building out internet access is now as important as distributing electricity was then.

The dominant Internet Service Providers (ISPs) have been large nationwide companies who only build infrastructure where it can be profitable.<sup>[6]</sup> Municipalities have a stake in providing connectivity to their residents without consideration of lack of profitability. For many years the political landscape was controlled by the large ISPs, and many states had restrictive laws hindering or even banning municipal broadband.<sup>[7]</sup> Large ISPs such as Comcast and AT&T have hindered efforts at formation of municipal internet utilities. They have declined to install higher speed technology in rural areas in order to maintain income from existing older infrastructure.<sup>[8] [9] [10] [11]</sup>

After two years in development, a final draft of a Broadband Master Plan was presented to the Board of Supervisors on the March 24, 2015 agenda.<sup>[12]</sup> The report comprehensively addressed general business and residential needs and laid out alternatives for funding and managing the infrastructure. The report included estimates of how much bandwidth will be needed as internet technology progresses. The report contains projections for five and 10 years into the future after 2013. This was based on the improvement of internet and computer capability from 2009 to the time of completion of the report in 2015.<sup>[13]</sup>

The plan also concluded that the upload speed of data from the computer being used must be as high as the download speed of data to the computer. This is called symmetric bandwidth. The evaluation of the necessity of this capability is worded in the report as "...a critically important issue..."<sup>[14]</sup> Residential needs in 2009 were estimated to be "25-50 megabits of symmetric bandwidth" as reported in the Broadband Master Plan.

On the other hand, twelve years later, on March 26, 2021, AT&T argued that such speed isn't necessary and that a 10Mbps upload speed would be "good enough."<sup>[8] [9]</sup> Municipalities are concerned with the longest lasting and best performing infrastructure, while ISPs maximize profit by using obsolete infrastructure as long as possible.<sup>[10] [11]</sup>

The master plan points out the divergence of the priorities and needs of municipal residents and businesses, and the priorities and business models of the large ISPs. Up until 2020, the large ISPs had the upper hand on the legislative and regulatory functions of government at all levels.<sup>[15] [16] [17]</sup>

A nationwide change in these priorities began before 2020, but the COVID-19 crisis and the requirement for universal distance learning dramatically changed the landscape. This happened nationwide, but again the county excelled in this changing environment.<sup>[18] [19] [20]</sup> Santa Cruz County was able to develop a coordinated response by the end of 2020 in which everyone who wanted broadband connectivity in its neediest area, the Pajaro Valley Unified School District, got it.<sup>[19] [20] [21]</sup>

During the last half of 2020 and the first quarter of 2021 the political, financial, and regulatory landscape for broadband access turned on its head. Governor Gavin Newsom issued an executive order mandating high speed broadband connectivity for all Californians.<sup>[22]</sup> Seven pending bills in the California legislature address infrastructure and funding to implement Governor Newsom's executive order as follows:

- Senate Bills SB4, SB28, SB275 and SB378,<sup>[15] [23]</sup> and
- Assembly Bills AB14, AB537 and AB34.<sup>[15] [16] [24] [25]</sup>

States all across the country are sponsoring bills to increase access to broadband.<sup>[26] [27]</sup> Bipartisan bills in the U.S. Senate and House are under consideration to increase federal funding, some of which will ultimately be available to develop local broadband internet access.<sup>[28] [29]</sup>

## Scope and Methodology

Interviews of responsible government and county school administration officials were performed. Research of relevant articles and statutes was conducted with internet resources and findings discussed by phone, email, and Google Meet.

Our research verified that there are many newly available sources of funding for municipalities at every level of government. Examples of these are described, but no comprehensive effort was undertaken to identify all the new potential sources of funding for municipalities from state or federal sources.

How effectively is the county positioned to address the different challenges that exist in the urban and rural parts of the county? What is the strategy for outreach to underserved populations? This report looks to answer how effectively the county will be able to scale up its efforts dramatically in these areas. The pandemic crisis and requisite needs it created for distance learning and working remotely served as both a stimulus to develop these services, and a measure of how well the county can respond.

## Investigation

### *Before the Deluge*

What was accomplished prior to 2020 by Santa Cruz County to extend internet service was limited to what was possible before state and federal legislation and agencies began changing how internet access can be provided. As *The Atlantic* article "America's Terrible Internet Is Making Quarantine Worse" explains: "Experts and former Federal Communications Commission officials describe a federal government that has neglected to treat broadband as a public utility, instead relying on the largely

self-regulated internet industry to provide service wherever it wanted, for the price of its choosing.”<sup>[17]</sup>

The needs of municipal residents and businesses and the business models of the large ISPs diverge. Up until 2020, the large ISPs had the upper hand on the legislative and regulatory functions of government at all levels.<sup>[15] [16] [17]</sup> During most of the last decade the large ISPs had tight controls in many states that protected their exclusive control over the establishment and ownership of broadband networks.<sup>[30]</sup> As late as 2019, many states had legal barriers or even complete bans on publicly owned networks.<sup>[10] [11]</sup>

The large ISP companies have positioned themselves as the first choice to establish and maintain internet access, including rural internet. Comcast proposed to extend cable to about 30 homes for a cost of \$600,000, of which the customers would be responsible for about half. Comcast’s standard estimate is \$80K to \$120K per mile, if the existing poles are adequate for mounting the fiber cable. If there are not sufficient existing power poles that can accommodate more wires as is common in rural areas, customers would be responsible for the additional cost of installing or replacing poles. This could also add “a few years” onto the timeline of the project.<sup>[31]</sup>

The actual timeline to complete the project without having to replace poles would not be addressed until the customers committed to moving forward with the project. If the cost was “substantially” higher than the estimate, then customers would be released from their commitment.<sup>[31]</sup> Between the high cost and the long indeterminate timeline for completion, this is not a viable alternative for most rural internet customers.

A good faith attempt was recently made by county leadership to negotiate internet infrastructure installation for a rural neighborhood with Comcast in February of 2021. Negotiations are still underway but the prognosis is not good.<sup>[31]</sup>

### ***Careful What You Wish For...The Move Toward Local Control***

In the last year many bills in the California and federal legislatures and actions by agencies such as the Federal Communications Commission (FCC) are striving to stop the business models of large ISPs from controlling where internet access is available.<sup>[15] [16]</sup> On the federal level, President Biden is proposing a massive two trillion dollar infrastructure bill, one goal of which is to deliver “universal” broadband.<sup>[32]</sup>

Universal means including the 35% of Americans living in rural areas who currently lack access. Under the new acting chair of the FCC, through grants and fixing the flaws in mapping the availability of internet access, the FCC will be actively promoting affordable and accessible broadband.<sup>[33]</sup>

The Broadband Master Plan developed in 2015 had a section on the available scenarios for Municipal Broadband Business Models, Ownership and Management based on the experience of municipalities at that time.<sup>[34]</sup> Now municipal leadership is having to decide between a sudden availability of a constellation of potential involvement, roles, and sources of funding.<sup>[15] [16] [26] [27] [28] [29]</sup>

Santa Cruz County was successful in providing broadband access for the thousands of school children who could only attend school through distance learning.<sup>[21] [35] [36]</sup> Two

approaches, wireless connection to homes and cell tower service for hotspots, predominated in delivering broadband for distance learning. Probably the most common approach, especially by the end of 2020, was to use cell phone service for hotspots for broadband. This required the least effort to provide, the cost was reasonable and predictable, and the infrastructure was already in place. In many cases in the Pajaro Valley this service was paid for in advance for a two year period and will continue past the crisis.<sup>[36]</sup> In many cases the service could be provided to the student's home along with their existing cell service.<sup>[21] [35] [36] [37]</sup>

The potential roles of the county and municipal leadership in promoting and managing the establishment of broadband infrastructure and delivery have expanded immensely in the last year. County leadership has expressed great enthusiasm for taking a larger role in this rapidly changing landscape.<sup>[38] [39] [40] [41]</sup>

### ***What Have Municipalities Outside of Santa Cruz Done?***

Eighteen municipalities in California address broadband access through one or more of the following four levels of increasing commitment.<sup>[42]</sup>

- 1) Advocacy for the county to seek opportunities for funding or infrastructure installation arising from other levels of government. This is viewed as a major responsibility of elected officials, and their aid has been solicited by many groups to lobby California State Officials to release funds for broadband infrastructure development.<sup>[43] [44]</sup> Communication with the public to build and sustain support is an important element for the success of any broadband access project.<sup>[45]</sup>
- 2) Identification and prioritization of the needs of residents and businesses within the county.<sup>[12]</sup>
- 3) Direct involvement of county entities in the installation, delivery, and fee structuring of broadband access.<sup>[42] [46]</sup>
- 4) Establishment of entities that function as broadband utilities on the municipal level or across local government entities.<sup>[42] [46]</sup>

The methods that existing California local government or non-profit broadband carriers employ are quite diverse. There are two local electricity utility cooperatives (co-ops) that also supply broadband access to co-op members. There are public utilities established as special districts. There are several small cities that manage their own fiber networks. Some cities just install and lease dark fiber to ISPs or businesses.<sup>[42]</sup>

### ***What has Santa Cruz Done?***

The company hired by Santa Cruz County to create its Broadband Master Plan (Design Nine) in 2013 specializes in planning local government broadband projects. The company still performs planning, design, and build out of broadband networks. It would make sense to investigate the alternatives available in 2021 before undertaking a major broadband project.<sup>[47]</sup>

Limited progress was made toward the goals of the Broadband Master Plan before 2020.<sup>[3] [48]</sup> If an urban street within a city jurisdiction was being trenched for any reason,



fiber cable was laid by the municipality that had jurisdiction. In urban unincorporated Santa Cruz County significant stretches of fiber cable were installed by contractors hired by the county.

Less progress has been made for rural networks since they pose special challenges and are more expensive to install.<sup>[49] [50]</sup> Some small rural neighborhoods were supplied with broadband; the county aiding in the negotiations of the cost for infrastructure with the ISPs. More progress has been made in building urban and business networks due to their relative ease of construction and lower cost.

## Conclusion

From limited allowable activities during the last decade, local government leadership is having to make many decisions about sudden availability of a constellation of potential newly allowed roles they can perform. They are faced with a huge array of sources of funding to pursue.<sup>[15] [16] [26] [27] [28] [29]</sup> The circumstances that erupted in 2020 could not have been anticipated before 2020. The plan has not been replaced or updated to reflect any changes since 2015, let alone the major funding and regulatory shifts since 2020. The world-wide COVID-19 pandemic and its consequences provided unanticipated opportunities along with the death and disruption it brought.<sup>[15] [16]</sup> Figuring out which opportunities to pursue, and how far the county can commit itself to each opportunity is by itself quite a challenge, but one that our county's leadership must address.

## Findings

- F1.** The Broadband Master Plan developed and updated in 2015 is obsolete due to subsequent actions and events.
- F2.** There has been insufficient official and public advocacy for broadband access. Advocacy cannot succeed without communication about what is being done for constituents and their input into the efforts being performed for them.
- F3.** Starting in 2020, large increases in potential funding and across the board regulatory reform have widened the opportunity for local governments to implement broadband access.
- F4.** An important beneficial outcome of the COVID-19 pandemic has been broadband access and computers for distance learning. Underserved areas, such as the Pajaro Valley where the county's need was the greatest, were significantly improved.
- F5.** The Board of Supervisors hasn't done enough to take advantage of the growing opportunities to promote broadband access for the county.
- F6.** The challenges for the establishment of rural broadband networks are significantly different for residential and business use. Coordination and funding is needed from both government and private entities.



## Recommendations

- R1.** The Board of Supervisors needs to update the 2015 Master Plan within the next six months including, but not limited to:
- 1) the special difficulties and costs posed by rural broadband infrastructure;
  - 2) the challenges and infrastructure achievements in 2020 due to the COVID-19 crisis; and
  - 3) opportunities for new funding sources and due to regulatory changes from the California State and Federal Government and how they are to be coordinated with the efforts to date to provide distance learning and broadband access. (F1, F2, F3, F6)
- R2.** Within the next six months the Board of Supervisors should identify and apply for all available broadband access funding. (F3, F5 )
- R3.** Within the next six months the Board of Supervisors should establish a program to educate the public concerning the need for expanded broadband access, the importance of obtaining outside funding, and the decisions to be made concerning the role of commercial ISPs. (F2, F3)
- R4.** Within the next six months the Board of Supervisors should determine whether it is feasible for the county to establish, own, manage, or operate broadband access systems. (F3, F5, F6)
- R5.** Within the next six months the Board of Supervisors should coordinate with the County Office of Education to determine the costs and logistics for continuing internet access in time for the 2022-2023 school year. (F4)

## Required Responses

<i><b>Respondent</b></i>	<i><b>Findings</b></i>	<i><b>Recommendations</b></i>	<i><b>Respond Within/ Respond By</b></i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R5	90 Days September 20, 2021
Superintendent, Santa Cruz County Office of Education	F3, F4	R5	60 Days August 23, 2021

## Definitions

- **Cell Tower:** A cell tower houses the electronic communications equipment along with an antenna to support cellular communication in a network. A cell tower is usually an elevated structure with the antenna, transmitters and receivers located at the top. A cell tower is also known as a cellular tower or cell site.<sup>[51]</sup>

- **Co-op: Utility Cooperative.** In the context of this report, Co-op refers to a Utility Cooperative which is a type of cooperative that is tasked with the delivery of a public utility such as electricity, water, or telecommunications to its members. Profits are either reinvested for infrastructure or distributed to members in the form of "patronage" or "capital credits," which are dividends paid on a member's investment in the cooperative. Each customer is a member and owner of the business.<sup>[52]</sup>
- **Dark Fiber:** Pre-existing underground infrastructure which does not yet have the hardware or software to enable it to run services.<sup>[53]</sup>
- **Hotspot:** A specific location that provides internet access via a wireless local area network (WLAN). The term is generally synonymous with a Wi-Fi connection. A network that creates a hotspot primarily includes a modem and wireless router. The radio frequency (RF) waves sent by the wireless network extend in different directions from its centralized location. These signals become weaker as they travel, either further from the central location or due to interference. A cellular hotspot converts cellular signals to Wi-Fi and vice versa to provide internet access for email, websites and other data transfers. In some cases, Hotspots are "hard wired" to the Internet. Smartphones have both cellular and Wi-Fi built in, and most phones can cross-connect the two to become a portable hotspot for laptops and tablets. Also called "tethering."<sup>[54]</sup> <sup>[55]</sup>
- **ISP: Internet Service Provider** An organization that provides a myriad of services for accessing, using, or participating in the internet. Internet service providers can be organized in various forms, such as commercial, community-owned, non-profit, or otherwise privately owned.<sup>[56]</sup>
- **Symmetric Bandwidth:** Upload and download speeds are equal, i.e., the data speed and file transfer rate to and from a computer are the same. Typically fiber optic internet connections offer this, while methods such as DSL and satellite connections do not.<sup>[57]</sup>

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**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBABH • SUPERINTENDENT OF SCHOOLS

## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☒

Action

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Information

**TO:** Santa Cruz County Board of Education

**FROM:** Business Department

**SUBJECT:** Routine Budget Revisions for July

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#### BACKGROUND

Adjusts the 21-22 Spending Plan.

#### FUNDING IMPLICATIONS

Detailed herein.

#### RECOMMENDATION

Approve the routine budget revisions.



## MEMO

DATE: August 13, 2021

TO: Santa Cruz County Board of Education  
Dr. Faris Sabbah, County Superintendent of Schools

FROM: Liann Reyes, Deputy Superintendent, Business Services  
Melissa Lopez, Director of Fiscal Services 

RE: July Budget Revisions

Significant changes to the budget during the month of July, 2021 are as follows:

### **UNRESTRICTED:**

There were no material adjustments made to the unrestricted budget during the month of July and there was no effect on the ending fund balance.

### **RESTRICTED:**

The increase in Other Local Revenue in the amount of \$885,921 and corresponding expense to Services and Other Operating Expenditures is related to the anticipation of transitioning Outdoor Science School from virtual back to an in-person program.

The \$41,586 reduction to Books and Supplies is a re-allocation of budget due to a contract for outdoor adventure learning and is offset to the Services and Other Operating Expenditures.

Budget revisions processed in July 2021 had no effect on ending fund balance.

### **PACHECO BILL COMPLIANCE:**

There are two professional services agreements/contracts in excess of \$25,000 that required budget revisions to be processed during July 2021.

A contract with Mountains2Sea will expand services provided to six Alternative Education school sites. Mountains2Sea seeks to empower youth using outdoor adventure learning to help students achieve their personal potential; participants of the program develop a strong

foundation for personal health and well-being, expand their understanding of the natural world, and gain practical life skills. The contract is not to exceed \$45,000.

A contract with Koinonia Conference grounds will secure the facility rental to provide in-person Outdoor Science School programming. The contract is not to exceed \$869,890.

Business department staff continue to communicate and work closely with department staff and managers to review revenues, expenditures, and budgets for 2021-22 as we progress with the 2020-21 fiscal year-end close processes.

Should you have any questions, please feel free to contact us.

LR:ml

cc: Rebecca Olker

	2021-22 Adopted Budget			July 2021 Budget Revisions Processed			2021-22 Revised Budget as of July 31, 2021		
	UNRESTRICTED	RESTRICTED	TOTAL FUND	UNRESTRICTED	RESTRICTED	TOTAL FUND	UNRESTRICTED	RESTRICTED	TOTAL FUND
<b>REVENUES</b>									
LCFF Sources	\$ 22,050,858	\$ 7,462,390	\$ 29,513,248	\$ -	\$ -	\$ -	\$ 22,050,858	\$ 7,462,390	\$ 29,513,248
Federal Revenue	\$ 4,350,000	\$ 1,650,167	\$ 6,000,167	\$ -	\$ -	\$ -	\$ 4,350,000	\$ 1,650,167	\$ 6,000,167
Other State Revenue	\$ 280,544	\$ 9,406,556	\$ 9,687,099	\$ -	\$ -	\$ -	\$ 280,544	\$ 9,406,556	\$ 9,687,099
Other Local Revenue	\$ 1,363,474	\$ 5,820,475	\$ 7,183,949	\$ -	\$ 885,921	\$ 885,921	\$ 1,363,474	\$ 6,706,396	\$ 8,069,870
<b>TOTAL REVENUES</b>	\$ 28,044,876	\$ 24,339,587	\$ 52,384,463	\$ -	\$ 885,921	\$ 885,921	\$ 28,044,876	\$ 25,225,508	\$ 53,270,384
<b>EXPENDITURES</b>									
Certificated Salaries	\$ 7,243,343	\$ 4,963,773	\$ 12,207,115	\$ -	\$ -	\$ -	\$ 7,243,343	\$ 4,963,773	\$ 12,207,115
Classified Salaries	\$ 7,488,712	\$ 6,016,225	\$ 13,504,936	\$ -	\$ -	\$ -	\$ 7,488,712	\$ 6,016,225	\$ 13,504,936
Employee Benefits	\$ 7,726,119	\$ 8,075,933	\$ 15,802,052	\$ -	\$ -	\$ -	\$ 7,726,119	\$ 8,075,933	\$ 15,802,052
Books and Supplies	\$ 962,178	\$ 1,002,198	\$ 1,964,376	\$ 26	\$ (41,586)	\$ (41,560)	\$ 962,204	\$ 960,612	\$ 1,922,816
Services and Other Operating Expenditures	\$ 3,432,410	\$ 3,922,339	\$ 7,354,750	\$ 3,129	\$ 925,521	\$ 928,650	\$ 3,435,539	\$ 4,847,860	\$ 8,283,399
Capital Outlay	\$ 219,500	\$ -	\$ 219,500	\$ -	\$ -	\$ -	\$ 219,500	\$ -	\$ 219,500
Other Outgo (excluding Transfers of Indirect Costs)	\$ 4,350,000	\$ 624,756	\$ 4,974,756	\$ -	\$ -	\$ -	\$ 4,350,000	\$ 624,756	\$ 4,974,756
Other Outgo - Transfers of Indirect Costs	\$ (1,473,957)	\$ 1,375,754	\$ (98,203)	\$ (3,155)	\$ 1,986	\$ (1,169)	\$ (1,477,112)	\$ 1,377,740	\$ (99,372)
<b>TOTAL EXPENDITURES</b>	\$ 29,948,304	\$ 25,980,977	\$ 55,929,282	\$ -	\$ 885,921	\$ 885,921	\$ 29,948,304	\$ 26,866,898	\$ 56,815,203
<b>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES</b>	\$ (1,903,429)	\$ (1,641,390)	\$ (3,544,819)	\$ -	\$ -	\$ -	\$ (1,903,429)	\$ (1,641,390)	\$ (3,544,819)
<b>OTHER FINANCING SOURCES/USES</b>									
Interfund Transfers									
a) Transfers In	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
b) Transfers Out	\$ 19,000	\$ -	\$ 19,000	\$ -	\$ -	\$ -	\$ 19,000	\$ -	\$ 19,000
Other Sources/Uses									
a) Sources	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
b) Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	\$ (1,356,189)	\$ 1,356,189	\$ -	\$ -	\$ -	\$ -	\$ (1,356,189)	\$ 1,356,189	\$ -
<b>TOTAL OTHER FINANCING SOURCES/USES</b>	\$ (1,375,189)	\$ 1,356,189	\$ (19,000)	\$ -	\$ -	\$ -	\$ (1,375,189)	\$ 1,356,189	\$ (19,000)
<b>NET INCREASE (DECREASE) IN FUND BALANCE</b>	\$ (3,278,618)	\$ (285,201)	\$ (3,563,819)	\$ -	\$ -	\$ -	\$ (3,278,618)	\$ (285,201)	\$ (3,563,819)
<b>FUND BALANCE, RESERVES</b>									
Beginning Fund Balance									
a) As of July 1 Unaudited	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865	\$ -	\$ -	\$ -	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865
b) Audit Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
c) As of July 1 Audited	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865	\$ -	\$ -	\$ -	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865
d) Other Restatements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
e) Adjusted Beginning Balance	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865	\$ -	\$ -	\$ -	\$ 27,174,400	\$ 2,222,465	\$ 29,396,865
Ending Balance, June 30	\$ 23,895,782	\$ 1,937,264	\$ 25,833,046	\$ -	\$ -	\$ -	\$ 23,895,782	\$ 1,937,264	\$ 25,833,046

**Pacheco Compliance:**

Two professional services agreements/contracts in excess of \$25,000 required budget revisions to be processed during July 2021.

1) A contract with Mountains2Sea in the amount of \$45,000 (disclosed at the July 16, 2021 Board meeting).

2) A contract with Koinonia Conference Grounds in the amount of \$869,890 for recreation facility rental to provide in-person Outdoor Science School programming.



## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

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Action

☐

Information

**TO:** Dr. Faris Sabbah, County Superintendent of Schools

**FROM:** Board Policy Committee

**SUBJECT:** First Reading: Board Policies 5000s Series

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### BACKGROUND

Modification and new policies may be adopted by the County Board of Education following a first and second reading by the Board. The Board may accept the following proposed policy(ies) as submitted and waive a second reading and move to take action, order changes, or order changes and bring back for a final reading:

BP 5123 Promotion, Acceleration, and Retention

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Adopt Board Policy 5123 Promotion, Acceleration, and Retention.

## **SANTA CRUZ COUNTY BOARD OF EDUCATION**

Santa Cruz, California

BP 5123(a)

### **Students**

### **PROMOTION, ACCELERATION, AND RETENTION**

*Note: Education Code 48070 and 48070.5 mandate that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.*

The Santa Cruz County Board of Education (Board) expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

### **Supplemental Student Retention Process for Eligible Students<sup>1</sup>**

If a student is in grades K-11, and has received a deficient grade of D, F, N, No Pass or an equivalent grade in at least one-half of their courses for the 2020-2021 school year ("eligible student"), the student's parent/guardian may make a written request to retain the student in their 2020-2021 grade level for the 2021-2022 school year.

Upon receiving a written request from a parent of an eligible student to retain their child for the 2021–22 school year, the district shall offer the parent a consultation with the parent, the student, an administrator and a teacher. The consultation must occur within 30 calendar days of receiving the written request.

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<sup>1</sup> AB 104 (new Education Code §48071) requires school agencies to permit parents of eligible students to request retention in the student's 2020-2021 grade for the 2021-2022 school year. This law applies to students in grades K-11. The school district can revise this policy to reflect the grade levels within K-11 it services (e.g., 9-11 for high school districts).

## PROMOTION, ACCELERATION, AND RETENTION (continued)

The district shall have the ultimate authority of deciding whether to retain a student. The district must notify the eligible student's parent or guardian of the final retention decision within 10 calendar days of the consultation.

### Retention Practice

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

*Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).*

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

*Note: Education Code 48070.5 mandates that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.*

*Note: Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regard to students with special needs, the determination as to the appropriate standards for promotion or retention should be made as part of the individualized education program process; see BP/AR 6159 - Individualized Education Program.*

*Note: Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.*

## **PROMOTION, ACCELERATION, AND RETENTION (continued)**

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

*Note: The remainder of this policy is for use by all districts.*

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

*Note: Education Code 48070.5 mandates that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).*

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

*Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.*

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

*Note: Pursuant to Education Code 48070.5, the Board must adopt policy indicating the manner in which supplemental instruction will be provided to students who are recommended for retention or are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate.*

When any student in grades 2-9 is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

## **PROMOTION, ACCELERATION, AND RETENTION (continued)**

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

### Legal Reference:

#### EDUCATION CODE

46300 *Method of computing average daily attendance*

48010 *Admittance to first grade*

48011 *Promotion/retention following one year of kindergarten*

48070-48070.5 *Promotion and retention*

56345 *Elements of individualized education program*

60640-60649 *California Assessment of Student Performance and Progress*

CODE OF REGULATIONS, TITLE 5

200-202 *Admission and exclusion of students*

### Management Resources:

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*FAQs Promotion, Retention, and Grading (students with disabilities)*

*FAQs Pupil Promotion and Retention*

*Kindergarten Continuance Form*

#### WEB SITES

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

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





## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

☒

Action

☐

Information

**TO:** Dr. Faris Sabbah, County Superintendent of Schools

**FROM:** Board Policy Committee

**SUBJECT:** First Reading: Board Policies 6000s Series

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### BACKGROUND

Modification and new policies may be adopted by the County Board of Education following a first and second reading by the Board. The Board may accept the following proposed policy(ies) as submitted and waive a second reading and move to take action, order changes, or order changes and bring back for a final reading:

BP 6146	High School Graduation Requirements
BP 6158	Independent Study
BP 6158.1	Independent Study
BP 6174	Education for English Learners

### FUNDING IMPLICATIONS

None.

### RECOMMENDATION

Adopt the Board Policies.

## **SANTA CRUZ COUNTY OFFICE OF EDUCATION**

Santa Cruz, California

BP 6146.1

### **Instruction**

#### **HIGH SCHOOL GRADUATIONS REQUIREMENTS**

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

#### **Course Requirements**

To obtain a high school diploma, students shall complete the following courses in grades 9-12, except for students who are exempted from certain course requirements as identified below. Each course shall be one year unless otherwise specified. Ten units of credit shall be granted for the successful completion of a year's study of a particular course:

1. Three courses in English (Education Code 51225.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6152.1 - Placement in Mathematics Courses)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

## **HIGH SCHOOL GRADUATIONS REQUIREMENTS (Continued)**

(cf. 6142.93 - Science Instruction)

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

5. One course in visual or performing arts, world language, or career technical education (CTE). For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

(cf. 6142.2 - World Language Instruction)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

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

## **HIGH SCHOOL GRADUATIONS REQUIREMENTS (Continued)**

### **Exemptions from District-Adopted Graduation Requirements<sup>1</sup>**

The Superintendent or Superintendent's designee shall exempt or waive specific course requirements for foster youth, homeless students, children of military families, or students in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in four years from all coursework and requirements adopted by the Board that are in addition to statewide coursework requirements, in accordance with Education Code 51225, 51225.1, 51225.3, and 49701.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

Students enrolled in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in the 2020-2021 or 2021-2022 school year shall be provided with the opportunity to complete the statewide minimum coursework required for graduation. The County Superintendent or Superintendent's designee may offer a fifth year of high school instruction, credit recovery options, or other opportunities that allow for the completion of statewide minimum coursework. (Education Code 51225, 51225.3)

### **Retroactive Diplomas**

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

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<sup>1</sup> If a school district identifies exemptions to the coursework requirements that exceed the State's minimum requirements, it should add the following exemption provided for by AB 104.

## **HIGH SCHOOL GRADUATIONS REQUIREMENTS (Continued)**

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

### **Honorary Diplomas**

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district

(cf. 6145.6 - International Exchange)

2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation



## HIGH SCHOOL GRADUATIONS REQUIREMENTS (Continued)

awarded by the district. (Education Code 51225.5)

### *Legal Reference:*

#### *EDUCATION CODE*

47612 Enrollment in charter school  
48200 Compulsory attendance  
48204.4 Parents/guardians departing California against their will  
48412 Certificate of proficiency  
48430 Continuation education schools and classes  
48645.5 Acceptance of coursework  
48980 Required notification at beginning of term  
49701 Interstate Compact on Educational Opportunity for Military Children  
51224 Skills and knowledge required for adult life  
51224.5 Algebra instruction  
51225.1 Exemption from district graduation requirements  
51225.2 Student in foster care defined; acceptance of coursework, credits, retaking of course  
51225.3 High school graduation  
51225.35 Mathematics course requirements; computer science  
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation  
51225.5 Honorary diplomas  
51225.6 Compression-only cardiopulmonary resuscitation  
51228 Graduation requirements  
51230 Credit for community emergency response training  
51240-51246 Exemptions from requirements  
51250-51251 Assistance to military dependents  
51410-51413 Diplomas  
51420-51427 High school equivalency certificates  
51430 Retroactive high school diplomas  
51440 Retroactive high school diplomas  
51450-51455 Golden State Seal Merit Diploma  
51745 Independent study restrictions  
56390-56392 Recognition for educational achievement, special education  
66204 Certification of high school courses as meeting university admissions criteria  
67386 Student safety; affirmative consent standard  
*CODE OF REGULATIONS, TITLE 5*  
1600-1651 Graduation of students from grade 12 and credit toward graduation  
4600-4670 Uniform complaint procedures  
*COURT DECISIONS*  
*O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452*

### *Management Resources:*

#### *WEB SITES*

CSBA: <http://www.csba.org>  
California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>  
University of California, List of Approved a-g Courses:  
<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

## **SANTA CRUZ COUNTY OFFICE OF EDUCATION**

Santa Cruz, California

BP 6158(a)

### **Instruction**

#### **INDEPENDENT STUDY**

The Santa Cruz County Office of Education (County 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.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

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.

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

## INDEPENDENT STUDY (continued)

BP 6158(b)

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6200 - Adult Education)*

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

3. For students in grades 9-12, opportunities for 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 re enrolling 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

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

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.

*(cf. 4112.2 - Certification)*

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. 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. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. 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, and for students in grades 9-12 to receive 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.
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.

*(cf. 5125 - Student Records)*

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.

*(cf. 6162.51 - State Academic Achievement Tests)*

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.

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

11. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

*(cf. 3260 - Fees and Charges)*

13. 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.
14. 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.

15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
16. 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 and the course credits attempted by and awarded to students in grades 9-12 and adult education
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)

*(cf. 3580 - District Records)*

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.

*(cf. 0500 - Accountability)*

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6162.5 - Student Assessment)*

#### *Legal Reference:*

##### EDUCATION CODE

17289 Exemption for facilities

41020 Audit guidelines

41976.2 Independent study programs; adult education funding

42238 Revenue limits

42238.05 Local control funding formula; average daily attendance

44865 Qualifications for home teachers and teachers in special classes and schools

46200-46208 Instructional day and year

46300-46307.1 Methods of computing average daily attendance

46390-46393 Emergency average daily attendance

46600 Interdistrict attendance computation

47612-47612.1 Charter school operation

47612.5 Independent study in charter schools

48204 Residency

48206.3 Home or hospital instruction; students with temporary disabilities

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48916.1 Educational program requirements for expelled students

48917 Suspension of expulsion order

49011 Student fees

51225.3 Requirements for high school graduation

51745-51749.6 Independent study programs

52060 Local control and accountability plan

52522 Adult education alternative instructional delivery

52523 Adult education as supplement to high school curriculum; criteria

56026 Individuals with exceptional needs

58500-58512 Alternative schools and programs of choice

##### FAMILY CODE

6550-6552 Authorization affidavits

##### CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

##### UNITED STATES CODE, TITLE 20

6301 Highly qualified teachers

6311 State plans

**COURT DECISIONS**

*Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365*

*Management Resources:*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Elements of Exemplary Independent Study*

*California Digital Learning Integration and Standards Guidance, April 2021*

**EDUCATION AUDIT APPEALS PANEL PUBLICATIONS**

*Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting*

**WEB SITES**

*California Consortium for Independent Study: <http://www.ccis.org>*

*California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>*

*Education Audit Appeals Panel: <http://www.eaap.ca.gov>*

**SANTA CRUZ COUNTY OFFICE OF EDUCATION**

**Santa Cruz, California**

**Instruction**

**BP 6158.1(a)**

**INDEPENDENT STUDY FOR 2021-2022**

The County Board of Education has previously authorized independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. (cf. 6158 – Independent Study.) With the enactment of Assembly Bill No. 130 (Ch. 44, Stats. 2021, hereafter “AB 130”), school districts and county offices of education are required to offer independent study for the 2021-2022 school year, with limited exceptions.

Education Code section 51747, as it read prior to July 8, 2021, provided that a local educational agency shall not be eligible to receive apportionments for independent study unless it has adopted and implemented written policies as specified in that statute. AB 130 continues the requirement for local educational agencies to adopt and implement written policies, and adds additional content required to be included in such policies. This policy is intended to supplement Board Policy (BP) and Administrative Regulation (AR) No. 6158 to include the additional requirements of AB 130. To the extent that there is any conflict between this policy and BP and AR No. 6158, the provisions of this policy shall govern.

The District shall comply with the requirements of AB 130 by either providing an independent study option to all students or contracting with the County Office of Education or another school district to provide independent study to students.

The Administration shall adopt Regulations implementing this policy in compliance with AB 130.

## SANTA CRUZ COUNTY OFFICE OF EDUCATION

Santa Cruz, California

BP 6174(a)

### Instruction

### EDUCATION FOR ENGLISH LEARNERS

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6171 - Title I Programs)*

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

*(cf. 0415 - Equity)*

*(cf. 6141.4 - International Baccalaureate Program)*

*(cf. 6141.5 - Advanced Placement)*

## **EDUCATION FOR ENGLISH LEARNERS (continued)**

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 3100 - Budget)*

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

### **Staff Qualifications and Training**

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

*(cf. 4112.22 - Staff Teaching English Learners)*

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Staff development may also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.



**EDUCATION FOR ENGLISH LEARNERS (continued)**

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

*(cf. 6162.51 - State Academic Achievement Tests)*

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

*(cf. 6162.5 - Student Assessment)*

**Language Acquisition Programs**

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

*(cf. 6151 - Class Size)*

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

*(cf. 5145.6 - Parental Notifications)*

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

**Reclassification**

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

**Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee may report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP

**EDUCATION FOR ENGLISH LEARNERS (continued)**

7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

*Legal Reference:***EDUCATION CODE**

300-340 English language education, especially:  
 305-310 Language acquisition programs  
 313-313.5 Assessment of English proficiency  
 430-446 English Learner and Immigrant Pupil Federal Conformity Act  
 33050 State Board of Education waiver authority  
 42238.02-42238.03 Local control funding formula  
 44253.1-44253.11 Qualifications for teaching English learners  
 48980 Parental notifications  
 48985 Notices to parents in language other than English  
 52052 Accountability; numerically significant student subgroups  
 52060-52077 Local control and accountability plan  
 52160-52178 Bilingual Bicultural Act  
 56305 CDE manual on English learners with disabilities  
 60603 Definition, recently arrived English learner  
 60640 California Assessment of Student Performance and Progress  
 60811-60812 Assessment of English language development  
 62002.5 Continuation of advisory committee after program sunsets  
**CODE OF REGULATIONS, TITLE 5**  
 854.1-854.3 CAASPP and universal tools, designated supports, and accommodations  
 854.9 CASSPP and unlisted resources for students with disabilities  
 11300-11316 English learner education  
 11517.6-11519.5 English Language Proficiency Assessments for California  
**UNITED STATES CODE, TITLE 20**  
 1412 Individuals with Disabilities Education Act; state eligibility  
 1701-1705 Equal Educational Opportunities Act  
 6311 Title I state plan  
 6312 Title I local education agency plans  
 6801-7014 Title III, language instruction for English learners and immigrant students  
 7801 Definitions

*Legal Reference continued: (see next page)*

**EDUCATION FOR ENGLISH LEARNERS (continued)***Legal Reference: (continued)*CODE OF FEDERAL REGULATIONS, TITLE 34100.3 Discrimination prohibited200.16 Assessment of English learnersCOURT DECISIONSValeria O. v. Davis, (2002) 307 F.3d 1036California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698ATTORNEY GENERAL OPINIONS83 Ops.Cal.Atty.Gen. 40 (2000)*Management Resources:*CSBA PUBLICATIONSEnglish Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia Practitioners' Guide for Educating English Learners with Disabilities, 2019California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015English Language Arts/English Language Development Framework for California Public Schools:Transitional Kindergarten Through Grade Twelve, 2014Common Core State Standards for Mathematics, rev. 2013English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012*Management Resources continued: (see next page)*

**EDUCATION FOR ENGLISH LEARNERS (continued)***Management Resources: (continued)*THE EDUCATION TRUST- WEST PUBLICATIONSUnlocking Learning II: Math as a Lever for English Learner Equity, March 2018Unlocking Learning: Science as a Lever for English Learner Equity, January 2017U.S. DEPARTMENT OF EDUCATION PUBLICATIONSAccountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015WEB SITESCSBA: <http://www.csba.org>California Association for Bilingual Education: <http://www.gocabe.org>California Department of Education: <http://www.cde.ca.gov/sp/el>National Clearinghouse for English Language Acquisition: <http://www.ncela.us>The Education Trust-West: <https://west.edtrust.org>U.S. Department of Education: <http://www.ed.gov>



**SANTA CRUZ**  
COUNTY OFFICE OF  
**EDUCATION**  
DR. FARIS SABBAH • SUPERINTENDENT OF SCHOOLS

## SANTA CRUZ COUNTY BOARD OF EDUCATION

### AGENDA ITEM

**Board Meeting Date:** August 19, 2021

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Action

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Information

**TO:** County Board of Education

**FROM:** Community Outreach & Legislation Committee

**SUBJECT:** Resolution #21-12 Regarding Defacement of the Santa Cruz Black Lives Matter Mural

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### BACKGROUND

Provide the historical context for this item. Describe the identified need to be addressed. Cite related legislation, court decisions, or policies, i.e. "In accordance with California Education..."

### FUNDING IMPLICATIONS

Identify the fiscal implications of Board action on this item. State if there are no fiscal implications.

### RECOMMENDATION

Adopt Resolution #21-12





**RESOLUTION #21-12**  
**RESOLUTION REGARDING DEFACEMENT OF THE SANTA CRUZ BLACK LIVES**  
**MATTER MURAL**

**WHEREAS**, the Santa Cruz County Board of Education recognizes that injustice against Black Americans is re-created every day in forms extending from personal acts to the policies and practices of the highest levels of government, business, and community institutions; and

**WHEREAS**, the Santa Cruz County Board of Education recognizes its own responsibility to participate in repairing injustices to Black people as part of the Board's commitment to equal access to good education for all; and

**WHEREAS**, the Santa Cruz County Board of Education, as a part of the education community helping steward the growth of our county's young people, strongly supports equipping students of all backgrounds to help constructively shape a future without racial injustice; and

**WHEREAS**, the Santa Cruz County Board of Education finds the recent vandalism and defacing of the BLACK LIVES MATTER mural on Center Street at Santa Cruz City Hall to be offensive, unacceptable, unjustifiable, and potentially hazardous to the physical and emotional well-being of young people, especially those from Black and other communities of color;

**NOW THEREFORE BE IT RESOLVED**, that the Santa Cruz County Board of Education condemns the vandalism of the BLACK LIVES MATTER mural in Santa Cruz, and supports the added charges as a hate crime; and

**BE IT FURTHER RESOLVED**, that the Santa Cruz County Board of Education believes that a complete education ensures that all students learn about the histories and current conditions of Black Americans, and also that a complete education ensures that all students see roles for themselves in American society's project of correcting injustices and repairing relations and institutions.

**PASSED AND ADOPTED** by the Santa Cruz County Office of Education Board, County of Santa Cruz, State of California, this 19th day of August 2021, by the following vote:

Resolution #21-12 Resolution Regarding Defacement of the Santa Cruz Black Lives Matter Mural  
Santa Cruz County Board of Education  
August 19, 2021

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

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Rose Filicetti, Board President  
Santa Cruz County Board of Education

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Dr. Faris M. Sabbah, Secretary  
Santa Cruz County Superintendent of Schools