

**MODESTO CITY SCHOOLS
GOVERNING BOARD RESOLUTION NO. 20/21-10**

**RESOLUTION IN SUPPORT OF FREQUENCY OF LIVE INTERACTION IN THE
DISTRICT'S ALTERNATIVE LEARNING MODEL FOR THE 2020-2021
INSTRUCTIONAL YEAR**

WHEREAS, due to the COVID-19 public health emergency, on March 19, 2020, all District schools were closed to students and instruction was provided through distance learning for the remainder of the 2019-2020 school year; and

WHEREAS, on June 29, 2020, Governor Newsom signed into law Senate Bill 98, the education omnibus trailer bill to the 2020 Budget Act, adding sections to the Education Code related to distance learning for the 2020-2021 school year; and

WHEREAS, pursuant to Education Code sections 43502 and 43504, the Modesto City Schools District ("District") is required to offer students in-person instruction "to the greatest extent possible" and may offer distance learning; and

WHEREAS, pursuant to Education Code section 43503, the District is authorized to provide distance learning: (1) as a result of an order or guidance from a state public health officer or a local public health officer; and/or (2) for students who are "medically fragile," "would be put at risk," or are self-quarantining; and

WHEREAS, pursuant to Education Code section 43509, the Board is required to adopt, by September 30, 2020, a "Learning Continuity and Attendance Plan," to address, among other matters, how the District will provide continuity of learning during the 2020-2021 school year through in-person instructional offerings and plans for a distance learning program; and

WHEREAS, pursuant to the California Department of Public Health's "COVID-19 and Reopening In-Person Learning Framework for K-12 Schools in California, 2020-2021 School Year" (July 17, 2020) (the "CDPH Reopening Framework"), a school district that is in a county on the State of California's county monitoring list for COVID-19 may not reopen for in-person instruction until the county in which it is located has been off of the county monitoring list for at least fourteen (14) consecutive days unless a waiver has been granted by the local health officer for elementary schools to open for in-person instruction; and

WHEREAS, following the closure of District schools in March, 2020, the District communicated with and surveyed families who expressed a strong desire to participate in the District's Modesto Virtual Academy ("MVA") Independent Studies program rather than to return to in-person instruction in the District because of continued concern over exposing their children to COVID-19 and the families' ability to provide active and appropriate parental supervision and support in a daily distance learning program environment; and

WHEREAS, on July 16 & 17, 2020, the District provided live interactive parent, staff, and community forums, explaining the Distance Learning and MVA instructional models to take comments and answer questions in order to assist parents and guardians to make an informed choice regarding their child's education; and

WHEREAS, the District documented over 4,000 initial requests during the months of June and July, 2020, for more information regarding the independent study option within the District; and

WHEREAS, the District presented parents with the option of beginning the 2020-21 school year in the Distance Learning instructional model with daily live interaction with their child's teacher; nevertheless, the parents of approximately 2,000 students, after being provided with the Distance Learning option, elected to continue the process of enrollment in the District's structured independent study model ("MVA") as an alternative plan for daily interaction with teachers and peers; and

WHEREAS, as of this date, over 1,425 District families elected, as an alternative to daily live interaction, to enroll their children in the District's MVA program which provides for daily interaction with a teacher at least one time per week for a minimum of one-hour to monitor progress and provide direct-instruction consistent with the independent learning plan; and

WHEREAS, the District's MVA program does not provide opportunities for daily live interaction with certificated staff, nor daily live peer interaction, and the District families who enrolled their students in the District's MVA program were aware of the lack of daily certificated employee and peer interaction when they enrolled their children in the District's MVA program; and

WHEREAS, Education Code section 43503(b)(6) provides:

Daily live interaction with certificated employees and peers for purposes of instruction, progress monitoring, and maintaining school connectedness. This interaction may take the form of internet or telephonic communication, or by other means permissible under public health orders. If daily live interaction is not feasible as part of regular instruction, the governing board or body of the local educational agency shall develop, with parent and stakeholder input, an alternative plan for frequent live interaction that provides a comparable level of service and school connectedness.

[Emphasis added].

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Modesto City Schools District determines that daily live interaction with a certificated employee and with peers is not feasible within the confines of the District's independent study learning model ("MVA").

BE IT FURTHER RESOLVED that the alternative plan for frequent in-person interaction in the District's MVA program shall consist of each pupil's live interaction with certificated staff occurring at least one time per week.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Board of Education held on the 28th day of September, 2020, by Governing Board Member _____, who made the motion, which motion being duly seconded by _____, was, upon roll call, carried into Resolution passed by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

I, Dr. Sara Noguchi, Clerk of the Governing Board of Modesto City Schools of Stanislaus County, California, certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a regular meeting held on September 28, 2020.

Dr. Sara Noguchi, Secretary
Board of Education
Modesto City Schools

DATE: _____