

**Live Oak Charter School**  
100 Gness Concourse, Petaluma CA 94952, 707-762-9020

**Resolution Declaring Instructional Method for 2020-2021 School Year**

Resolution No. 2020-0811

WHEREAS, Section 34 of Senate Bill 98 (“SB 98”), signed by the Governor on June 29, 2020, addresses the ability of Local Educational Agencies (“LEAs”) to offer distance learning in the 2020-2021 school year; and

WHEREAS, Education Code Section 43503 subparagraph (2) of subdivision (a) was added by SB 98 to allow LEAs to offer distance learning under either of the following circumstances:

“(A) On a local educational agency or school-wide level as a result of an order or guidance from a state public health officer or a local public health officers.

(B) For pupils who are medically fragile or would be put at risk by in-person instruction, who are self-quarantining because of exposure to COVID-19.”; and

WHEREAS, on June 26, 2020, both the State Senate and Assembly issued letters to the Senate Journal for the purpose of clarifying the intent of SB 98, as it relates to distance learning (“Clarifying Letters”); and

WHEREAS, the Clarifying Letters state that Section 34 of SB 98 was intended to provide LEAs with flexibility in determining how K-12 instruction would be provided to meet the needs of students, families and the community during the COVID-19 pandemic such that LEAs would have discretion to adopt a distance learning, hybrid, or mixed-delivery instructional model; and

WHEREAS, both the State Senate and Assembly acknowledged in the Clarifying Letters that while the intent of the Legislature was for LEAs to offer in-person instruction in the 2020-2021 school year to the greatest extent possible, Education Code Section 43503(a)(2)(A) was not intended to require an LEA to seek out or receive approval from a state or local public health officer prior to adopting a distance learning model, but to simply consult and collaborate with state or local public health officials in making this determination; and

WHEREAS, the Clarifying Letters also stated that it was not the Legislature’s intention to prevent an LEA from adopting a distance learning, hybrid or mixed-delivery instructional model to ensure safety, but rather to give LEAs flexibility to determine what instructional model the LEA will adopt during the COVID-19 pandemic, taking into account the needs of their students and staff, and their available infrastructure, provided the model adheres to an applicable state or local public health order or guidance; and

WHEREAS, the June 12, 2020, Sonoma County Roadmap to Reopening Schools incorporates the state and local public health guidance that Sonoma County LEAs must follow; and

WHEREAS, the Governing Board of Live Oak Charter School has reviewed the Sonoma County Roadmap to Reopening Schools in determining which instructional model best meets the needs of the District, its students and staff, in light of the District's available infrastructure and safety concerns.

NOW THEREFORE, BE IT RESOLVED THAT, the Governing Board of Live Oak Charter School has determined that at this time in-person direct instruction cannot be provided in compliance with the Sonoma County Roadmap to Reopening Schools.

BE IT FURTHER RESOLVED THAT, the Governing Board of Live Oak Charter School has determined that in-person direct instruction will not be offered as an available instructional model from August 17, 2020 through September 30, 2020.

BE IT FURTHER RESOLVED THAT, the Governing Board of Live Oak Charter School will be offering the following instructional methods during the 2020-2021 school year:

- Distance learning
- Site-based instruction (as permitted by public health regulations and collective bargaining agreement)
- Hybrid model of distance learning and site-based instruction

PASSED AND ADOPTED by the Governing Board of Live Oak Charter School as its meeting on the 11th day of August, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stacy Ito  
Secretary  
Live Oak Charter School