

**RESOLUTION NO. 21-22-19**

**RESOLUTION DETERMINING RURAL STATUS FOR LATE START TIMES**

**WHEREAS**, in October 2019, the Legislature passed and the Governor signed into law Senate Bill ("SB") 328, which requires the schoolday for middle schools and high schools to begin no earlier than 8:00 a.m. and 8:30 a.m., respectively, by July 1, 2022, or the date on which a school district's collective bargaining agreement that is operative on January 1, 2020 expires, whichever is later, except for rural school districts;

**WHEREAS**, SB 328 states that it "shall not apply to rural school districts"; and

**WHEREAS**, at the time the Legislature passed SB 328, it did not define "rural school district" for purposes of late start times, thus leaving it to local school districts to make that determination; and

**WHEREAS**, in 2021, the author of SB 328 proposed an amendment that would have defined "rural school district" as a school district that meets any of the following:

- A. The school district or charter school is located in a county with a total population of 70,000 people or fewer
- B. The school district is, at least 50 percent of the schools maintained by the school district are, or the charter school is designated as "rural" under the federal Universal Service E-rate program
- C. The school district or charter school is eligible to receive grants under the federal Small, Rural School Achievements program or another federal grant program in which eligibility is determined based on a "rural" designation"; and

**WHEREAS**, the proposed amendment stalled in the state Assembly Education Committee, and therefore has not become law as of the date of this Resolution; and

**WHEREAS**, the District is in the process of planning for the 2022-23 school year; and

**WHEREAS**, the Board of Trustees believes that the types of "rural school districts" outlined in the proposed amendment to SB 328 provide a reasonable basis to make this determination for the District for the 2022-23 school year; and

**WHEREAS**, four of the District's seven schools are in population centers of less than 25,000, which makes the District eligible under the federal Universal Service E-rate program; and

**WHEREAS**, the District is also defined as "rural" under the California School Facilities Program.

**NOW, THEREFORE**, the Board of Trustees of the Silver Valley Unified School District ("District") hereby resolves and determines that, for the 2022-23 school year, the District is exempt from the late school start times required by SB 328, because there is a reasonable basis to conclude that it is a "rural school district".

**BE IT FURTHER RESOLVED** that if, after passage of this resolution, the State of California takes action or issues guidance that defines "rural school district" in a manner inconsistent with this Resolution, such that there is no longer a reasonable basis to conclude that the District is a "rural school district" under SB 328 during the 2022-23 school year, the Superintendent is authorized to take all necessary actions to ensure compliance with SB 328.

\_\_\_\_\_  
Board President

ATTEST:

\_\_\_\_\_  
Clerk of the Board

I, \_\_\_\_\_, Clerk of the Governing Board of the Silver Valley Unified School District, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Board at a regular meeting held on the 14<sup>th</sup> day of December 2021 and passed by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Clerk of the Board