

**BEFORE THE BOARD OF TRUSTEES
SOUTHERN KERN UNIFIED SCHOOL DISTRICT**

In the Matter of Declaring Rural Status for
Purposes of Exemption from Education
Code Section 46148

[PROPOSED] RESOLUTION NO. 21-22-16

A Resolution by the Governing Board of the Southern
Kern Unified School District Authorizing Necessary
and Appropriate Action to Declare Rural Status for
Purposes of Exemption from Education Code Section
46148

RECITALS

1. Governor Gavin Newsom signed Senate Bill 326, authored by California State Senator Anthony Portantino, on October 13, 2019.
2. Senate Bill 326 went into effect on January 1, 2020 and has been codified in California Education Code Section 46148.
3. Education Code Section 46148 prohibits the school day for high schools, including high schools operated as charter schools, from beginning earlier than 8:30 a.m.
4. Education Code Section 46148 prohibits the school day for middle schools, including middle schools operated as charter schools, from beginning earlier than 8:00 a.m.
5. Education Code Section 46148 defines "school day" as having the same meaning as defined by the school district or charter school for purposes of calculating average daily attendance in order to compute any apportionments of state funding.
6. Education Code Section 46148 requires that the specific start times shall be implemented by middle schools and high schools no later than July 1, 2022.
7. Education Code Section 46148 exempts "rural" school districts from the required start times.
8. Education Code Section 46148 does not include a definition of "rural."
9. Other sections of the Education Code (8423 and 8484.8) state, "Urban and rural areas shall be as defined by the United States Census Bureau."
10. The United States Census Bureau defines Rural Area as one that is not included in an Urbanized Area, which is defined as an area with an urban nucleus of 50,000 or more people and a population density of at least 1,000 people/square mile. Anything else is Rural.
11. The total population of Southern Kern Unified School District is 21,203.
12. The total area of Southern Kern Unified School District is 305.326 Square Miles.
13. Southern Kern Unified School District has a population density of 69.443 people per square mile.
14. Senator Anthony Portantino proposed a definition for "rural" in an amendment to Senate Bill 326, which has yet to pass.

15. This definition includes school districts where, "at least fifty (50) percent of the schools maintained by the school district are designated as "rural" under the federal Universal Service E-rate program."

16. Southern Kern Unified School District maintains six (6) schools: Abraham Lincoln Independent Study, Rare Earth High School, Rosamond Elementary, Rosamond High Early College Campus, Tropic Middle School and Westpark Elementary, all of which or One Hundred (100) percent are designated as "rural" under the federal Universal Service E-rate program.

17. Pursuant to Education Code sections 35160 et seq., the Board has the authority to declare Rural status for purposes of exemption from Education Code Section 46148.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The District determines that The Southern Kern Unified School District is "rural" for purposes of Education Code Section 46148, and as such is exempt for the statute's requirements on school start times.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee Vincelette seconded by Trustee Moore, at the regular meeting held on April 6, 2022, by the following vote or abstention of each member present:

AYES: 4 Gutierrez, Vincelette, Moore, Hepburn

NOES: 0

ABSENT: 1 Bender

DATED: April 6, 2022



Mario Gutierrez, President, Board of Trustees
Southern Kern Unified School District

CERTIFICATION

I, Sunni Hepburn, Clerk to the Board of Trustees of the Southern Kern Unified School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on April 6, 2022.

DATED: April 6, 2022



Clerk, Board of Trustees
Southern Kern Unified School District