



BOARD OF EDUCATION REGULAR MEETING AGENDA

October 13, 2026
6:30 p.m.

Board of Education Board Room
1300 17th Street, City CENTRE – Bakersfield, CA 93301

TELECONFERENCE LOCATION

Kerr McGee Community Center – Ridgecrest Room
100 W California Avenue, Ridgecrest, California 93555

The teleconference location will be open and accessible to the public throughout the meeting. Members of the public may attend and provide public comment from either this location or the Bakersfield location listed above.

Any materials required by law to be made available to the public prior to a meeting of the Kern County Board of Education can be inspected during normal business hours at the Kern County Superintendent of Schools Office, located at 1300 17th Street, Seventh Floor, Bakersfield, California 93301.

An individual who requires disability-related accommodation or modifications, including auxiliary aids and service, in order to participate in the board meeting should contact the Superintendent's Office at (661) 636-4617 (Government Code 54954.2).

This meeting is being held in an in-person format. Members of the public wishing to provide comments to the Board can attend the meeting in person. Correspondence sent by mail or email to kcboe@kern.org before noon on the date of the board meeting on subjects within the Board's jurisdiction will be provided to the Board at the meeting and made available for public inspection. Members of the public may also observe the meeting via livestream at the following link: (1) Kern County Board of Education – YouTube.

1.0 GENERAL FUNCTIONS

1.1 Call to order time _____ p.m.

1.2 Pledge of Allegiance

1.3 Roll Call	Present	Absent
Julie Beechinor Towse, Area 1	_____	_____
Joe L. Marcano, Area 2	_____	_____
Mary M. Little, Area 3	_____	_____
Jose E. Gonzalez, Jr., Area 4	_____	_____
Lori Eskew, Area 5	_____	_____
James V. Robinson, Area 6	_____	_____
Lori J. Cisneros, Area 7	_____	_____
Dr. John G. Mendiburu, Superintendent	_____	_____

1.4 Adoption of the Agenda

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

1.5 Approval of the Minutes from the Regular Board Meeting held on September 8, 2026.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

2.0 PUBLIC COMMENTS

The Board of Education appreciates comments from members of the public who have the opportunity to address the Board on agenda items (before the Board's consideration of the item) and on other matters within the Board's jurisdiction.

To move the meeting business along efficiently, individual speakers are allotted up to three minutes each, and the total time for comment on each agenda or other topic within the Board's jurisdiction will be limited to 20 minutes. All requests for public comment must be submitted prior to the start of the meeting. In exceptional circumstances, the Board President may, with Board consent, reduce or increase the amount of time allowed for public input and/or the time allotted for each speaker, when such adjustment is necessary to ensure full opportunity for public input within the time allotted. Any such adjustments shall be done in an equitable manner, so as to allow a diversity of viewpoints. The President may also ask members of the public with the same viewpoint to select a few individuals to address the Board regarding that viewpoint.

To allow the Board to organize the public comments, persons wishing to speak will need to complete a form before the board meeting begins, providing their name, contact information, and the agenda item or other topic on the Board's jurisdiction on which they wish to speak. Items not appearing on the agenda cannot, by law, be the subject of board action.

3.0 CLOSED SESSION

3.1 HEARING TO CONSIDER INTER-DISTRICT TRANSFER APPEAL

(Education Code section 46601)

Case No. Student A

Hearing will be held in closed session to prevent disclosure of confidential student record information unless timely request for open session is received on pupil's behalf.

3.2 HEARING TO CONSIDER INTER-DISTRICT TRANSFER APPEAL

(Education Code section 46601)

Case No. Student B

Hearing will be held in closed session to prevent disclosure of confidential student record information unless timely request for open session is received on pupil's behalf.

4.0 INFORMATIONAL ITEMS – NO ACTION TAKEN

4.1 There are no informational items.

5.0 ACTION ITEMS

All consent agenda items for the Kern County Board of Education are considered to be routine and will be enacted by one motion unless a board member requests separate action on a specific item. Approval is recommended on all items listed.

5.1 Consent Agenda

5.1.1 Approval of Graduation Diplomas.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2 General Business

5.2.1 Accept and File Williams Act Uniform Complaint Quarterly Reports.

5.2.2 Accept and File Proposition 28: Arts and Music in Schools Funding Annual Report.

5.2.3 Adoption of the GANN Limitation Resolution.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2.4 Approval of the Apportionment of Tulare County Forest Reserve Funds.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2.5 Approval to move the December KCBOE meeting date and location to Wednesday, December 16, 2026, at 6:30 p.m. to the Bell Tower Plaza Kern Room, located at 1200 Truxtun Avenue, Bakersfield, California 93301.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2.6 Consideration and Action on the Countywide Charter School Petition for Education Outside the Box.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2.7 Approval of Resolution Authorizing Fiscal Assistance to Buttonwillow Union School District and Approval of related Master Fiscal Assistance and Repayment Agreement.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

5.2.8 Approval of the Resolution for 180-Day Waiting Period Exception.

Motion _____ Second _____ Ayes _____ Nays _____ Abstain _____

6.0 REPORT OF COUNTY BOARD OF TRUSTEES MEMBERS

6.1 Members of the Board will report on various topics.

7.0 REPORT OF COUNTY SUPERINTENDENT

7.1 The County Superintendent will report on various topics.

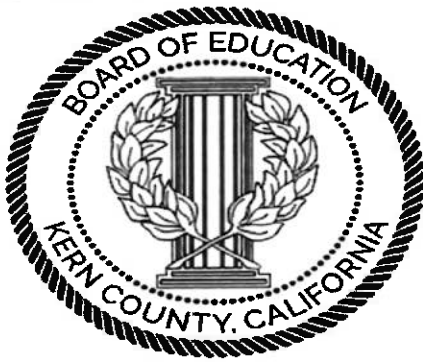
8.0 AGENDA ITEMS FOR THE NEXT MEETING

8.1 Items to be considered for the next agenda.

9.0 ADJOURNMENT

9.1 Unless otherwise posted, the next regularly scheduled meeting will be held on November 10, 2026, at 6:30 p.m.

9.2 Time of adjournment _____ p.m.



BOARD OF EDUCATION REGULAR MEETING MINUTES

September 8, 2026
6:30 p.m.

1.5

Board of Education Board Room
1300 17th Street, City CENTRE – Bakersfield, CA 93301

1.0 GENERAL FUNCTIONS

- 1.1 The meeting was called to order at 6:30 p.m.
- 1.2 Pledge of Allegiance
- 1.3 Roll Call

Board Members Present

Julie Beechinor Towse
Joe L. Marciano
Lori J. Cisneros
Lori Eskew
Jose E. Gonzalez, Jr.
Mary Little
James V. Robinson

KCSOS Employees Present

Dr. John G. Mendiburu, *Superintendent*
Christian Shannon, *Deputy Superintendent*
Steve Sanders, *Chief of Staff*
Merril Clanton, *Senior Executive Administrative Assistant to the Superintendent*

- 1.4 It was moved by Trustee Beechinor Towse, seconded by Trustee Robinson to approve the agenda with the removal of closed session item 3.1.

Ayes: Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Marciano, Trustee Little, and Trustee Robinson

Nayes: None

Abstain: None

Absent: None

- 1.5 It was moved by Trustee Robinson, seconded by Trustee Eskew to approve the Minutes from the Regular Board Meeting held on August 11, 2026.

Ayes: Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Little, and Trustee Robinson

Nayes: None

Abstain: Trustee Marciano

Absent: None

2.0 PUBLIC COMMENTS

2.1 Public Comments were heard from the following:

- Jeanine Adams
- Mona Twocats-Romero

3.0 CLOSED SESSION

3.1 HEARING TO CONSIDER INTER-DISTRICT TRANSFER APPEAL - REMOVED

(Education Code section 46601)

Case No. Student A

Hearing will be held in closed session to prevent disclosure of confidential student record information unless timely request for open session is received on pupil's behalf.

3.2 EXPULSION HEARING – APPEAL BY STUDENT A

Pursuant to the Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, it may be necessary for the Board to adjourn to closed session in order to prevent the disclosure of student records or personally identifiable information unless the student or representative consents to public session.

3.3 EXPULSION HEARING – APPEAL BY STUDENT B

Pursuant to the Federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, it may be necessary for the Board to adjourn to closed session in order to prevent the disclosure of student records or personally identifiable information unless the student or representative consents to public session.

3.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

4.0 INFORMATION ITEMS – NO ACTION TAKEN

4.1 JobsPlus! Program – A Day in the Life of a KCSOS Intern.

5.0 ACTION ITEMS

5.1 Consent Agenda

5.1.1 It was moved by Trustee Beechinor Towse, seconded by Trustee Gonzalez, Jr. to approve Graduation Diplomas.

Ayes:	Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Marcano, Trustee Little, and Trustee Robinson
Nayes:	None
Abstain:	None
Absent:	None

5.2 General Business

5.2.1 Public Hearing Regarding the Petition to Establish Education Outside the Box Charter School.

Conduct the public hearing required by California Education Code section 47605.6(b) regarding the petition to establish Education Outside the Box Charter School. The hearing is intended to receive public comments on the provisions of the charter petition and to consider the level of support for the petition by impacted districts, teachers, and parents. No action will be taken on the petition at this meeting. The Governing Board will consider approval or denial of the petition at a subsequent public meeting.

5.2.2 It was moved by Trustee Robinson, seconded by Trustee Gonzalez, Jr. to approve the Resolution Authorizing Participation in Social Media Addiction and Video Game Addiction Litigation and Approval of Related Contingency Fee Retainer Agreement.

Ayes: Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Marcano, Trustee Little, and Trustee Robinson
Nayes: None
Abstain: None
Absent: None

5.2.3 It was moved by Trustee Little, seconded by Trustee Eskew to approve the Resolution Establishing OPSC Authorized Representatives and Property Acquisitions and Sale.

Ayes: Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Marcano, Trustee Little, and Trustee Robinson
Nayes: None
Abstain: None
Absent: None

5.2.4 It was moved by Trustee Robinson, seconded by Trustee Little to approve the Kern County Office of Education to be a member of the Kern Adult Education Consortium and appoint a designee by the Kern County Superintendent of Schools.

Ayes: Trustee Beechinor Towse, Trustee Cisneros, Trustee Eskew, Trustee Gonzalez, Jr., Trustee Marcano, Trustee Little, and Trustee Robinson
Nayes: None
Abstain: None
Absent: None

6.0 REPORT OF COUNTY BOARD OF TRUSTEES MEMBERS

- 6.1 Trustee Little expressed her deep sadness regarding the recent school shooting that resulted in the loss of a young life. She acknowledged the many difficult questions that arise following such a tragedy, including what could have been done to prevent it and what actions may be taken moving forward. She noted the serious circumstances surrounding the youth involved and the challenges faced by schools, probation officials, and others working to support and monitor at-risk youth. Trustee Little stated that she did not believe the Kern High School District was at fault in this situation and recognized that, despite the efforts of those involved, there are not always clear answers following such tragic events. She thanked those who shared their perspectives and provided public comments during the meeting. Trustee Little also recognized Dr. Mendiburu for recently being honored as the first-ever "Impact Icon" at the September Kern Charter meeting. She highlighted milestones from his nearly 30-year career in education, including his decision to become a principal; a role he continues to consider among the most rewarding of his career and earning his Doctorate, an accomplishment that was especially meaningful to his mother. She shared Dr. Mendiburu's words of wisdom encouraging educators to always strive to do their best for students and parents and to remember the opportunity they have to make someone's day brighter. Trustee Little concluded by expressing her appreciation for Dr. Mendiburu and his continued commitment to supporting others and making a positive difference.
- 6.2 Trustee Beechinor Towse shared that she recently had the opportunity to utilize Bell Tower Plaza for a Bakersfield College Agriculture Department retreat. She complimented the facility and KCSOS staff, noting that the setting provided an enjoyable and productive environment for Bakersfield College staff to gather away from campus and work collaboratively. She expressed

her appreciation to KCSOS for the hospitality and use of the facility. Trustee Beechinor Towse also shared that KCSOS will host Countywide College Night the following Monday and that she looks forward to participating on behalf of the Bakersfield College Animal Science Program. She encouraged high school and junior high school students to attend the event to explore colleges, educational programs, and opportunities available as they consider their future academic and career pathways.

- 6.3 Trustee Eskew reflected on the approaching 25th anniversary of the September 11, 2001, terrorist attacks and the anniversary of Charlie Kirk's assassination. She encouraged those present to also remember September 12th and the sense of unity experienced across the country in the aftermath of 9/11. She emphasized the importance of remembering how Americans came together during that time and noted the significance of commemorating the 25th anniversary.
- 6.4 Trustee Robinson shared his personal identification as a Christian and a loyal patriot, expressing his love for his country and his Christian faith. He acknowledged that differing definitions and perspectives exist regarding the term "Christian nationalist" and stated that he is not ashamed of his beliefs. He noted that these topics may continue to be part of public discussion in the coming months. Trustee Robinson also expressed his confidence in Melissa Wheel and Duster McDaris and their efforts to establish a charter school in Kern County. Based on his previous working relationships with both individuals, he stated that he believes the school and its students will be in very capable hands and offered his support and commendation for their efforts. Trustee Robinson concluded by noting that three Board meetings remain in the calendar year and expressed his enthusiasm for an active and productive fall.
- 6.5 Trustee Marcano thanked Trustee Cisneros for filing in during his absence from the August board meeting.

7.0 REPORT OF THE COUNTY SUPERINTENDENT

- 7.1 Dr. Mendiburu clarified Trustee Little's earlier comments regarding his time as a Principal, explaining that he considers it the most rewarding aspect of administration because of the daily connection with students and the reminder of why educators do this work. He emphasized the importance of administrators continuing to visit school sites and engage with students as they move into roles further removed from the classroom. He added that he greatly enjoys his current role and expressed appreciation for his recent recognition. Dr. Mendiburu announced that renovations to the Richardson Center have been completed and that a brief ceremony and tour will be held on September 25, 2026, at 10:00 a.m. He noted that the project began during Dr. Barlow's tenure as County Superintendent and highlighted the significant improvements made to the facility. Dr. Mendiburu also provided a countywide enrollment update, reporting that Kern County is approximately 6,000 students below the previous year, consistent with declining enrollment trends throughout the state. Countywide enrollment is currently approximately 175,000 students, compared with approximately 200,000 at its previous peak. He noted that most districts are experiencing flat or declining enrollment and are generally addressing staffing needs through attrition and retirements. Dr. Mendiburu concluded by highlighting the inaugural PURPOSE Awards Ceremony, scheduled for October 8, 2026, at Bell Tower Plaza. The event will recognize eleven recipients nominated by local school districts for their positive contributions to education in Kern County. He shared that the recipients were recently surprised with news of their recognition and that the event will be streamed on the KCSOS YouTube channel. The PURPOSE Awards are intended to become an annual celebration highlighting the outstanding work taking place throughout Kern County schools.

8.0 AGENDA ITEMS FOR THE NEXT MEETING

- 8.1 There were no recommendations for the October 13, 2026, meeting.

9.0 ADJOURNMENT

- 9.1 Unless otherwise posted, the next regularly scheduled meeting will be held on October 13, 2026, at 6:30 p.m.
- 9.2 The meeting was adjourned at 9:10 p.m.

John G. Mendiburu, Ed.D., Ex-Officio Secretary to the Board of Education

Quarterly Report on Williams Uniform Complaints
[Education Code § 35186]

District / Program KCSOS / RISE

Person completing this form: Molly Mier Title: Senior Director

Quarterly Report Submission Date: ☒ Oct 1, 2026 (for period Jul 1 – Sep 30)
 (check one) ☐ Jan 1, 2027 (for period Oct 1 – Dec 31)
☐ April 1, 2027 (for period Jan 1 – Mar 31)
☐ July 1, 2027 (for period Apr 1 – Jun 30)

Date for information to be reported publicly at governing board meeting: Tuesday, October 13, 2026

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Mis-assignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Dr. John G. Mendiburu / Molly Mier
 Print Name of District Superintendent / Program Administrator


 Signature of District Superintendent / Program Administrator

Once completed, send copy to District Advisory Services, KCSOS, 1300 17th Street, 6th Floor, Bakersfield (Fax# 661-636-4121)

Proposition 28: Arts and Music in Schools Funding

Annual Report

Fiscal Year 2026-27

Name: Kern Co. Office of Education

CDS Code: 1510157-0000000

Allocation Year: 2025-26, 2024-25, 2023-24

1. Narrative description of the Prop 28 arts education program(s) funded. (2500 character limit).

During this fiscal year, California Proposition 28 funds were utilized to expand arts education across multiple programs including Reaching Individual Success through Education (RISE) - Court & Community Schools, Child Development, and Special Education. RISE (Court & Community Schools): We continued our successful partnership with the Kern Arts Council to provide high-quality arts education opportunities for students throughout our district. Building on the foundation established the previous year, the program expanded from five to seven school sites with the addition of West Kern Community School and Redwood High School, increasing access to arts programming for students in underserved communities. Program resources were leveraged strategically by expanding existing equipment and materials, allowing us to serve more students across locations without compromising quality. This expansion strengthened our capacity to deliver hands-on arts experiences while maximizing Proposition 28 funding. A highlight of the year was a student soap-making project providing valuable artistic and entrepreneurial skills. Students created handmade soaps as gifts for family members, fostering creativity, connection, and pride. The project received community recognition and was featured on the Kern County Probation social media page, showcasing positive student outcomes. Looking ahead, we aim to increase capacity through Commercial Arts Labs at two school sites, with potential to expand to a third as resources allow. These labs will provide students access to industry-relevant tools, technology, and learning opportunities supporting career exploration and workforce readiness in the arts. Through continued collaboration, Proposition 28 continues to enhance access to arts education and create opportunities for growth, creative expression, and career development. Child Development: Funding directly enhanced early childhood learning by incorporating interactive art, music, and performing arts sessions into every individual classroom, fostering early creative expression and developmental engagement. Special Education: Proposition 28 resources provided targeted, specialized arts instruction including Art Therapy, Music, and Dance and Movement to Special Education students at two dedicated school sites (Aurora and Richardson).

2. Number of full-time equivalent teachers (certificated). 0.0

3. Number of full-time equivalent personnel (classified). 1.2

4. Number of full-time equivalent teaching aides. 0.0

5. Number of students served. 916

6. Number of school sites providing arts education. 19

Date of Approval by Governing Board/Body 10/13/2026 12:00:00 AM

Annual Report Data URL

<https://kern.org/fiscal-support/district-advisory-services/prop-28-annual-reports/>

Submission Date 9/22/2026 4:48:20 PM

Tulare County
Office of Education
Committed to Students, Support & Service

5.2.4

Tim A. Hire
*County
Superintendent
of Schools*

P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
tcoe.org

Administration
(559) 733-6301
fax (559) 627-5219

Business Services
(559) 733-6474
fax (559) 737-4378

Human Resources
(559) 733-6306
fax (559) 627-4670

Instructional Services
(559) 302-3633
fax (559) 739-0310

Special Services
(559) 730-2910
fax (559) 730-2511

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

September 11, 2026

John G. Mendiburu, Ed.D.
Kern County Superintendent of Schools
1300 17th St City Centre
Bakersfield, CA 93301-4533

Dear Dr. Mendiburu,

Enclosed is a copy of the schedule of Apportionment of the Forest Reserve Funds approved by the Tulare County Board of Education at its regular meeting on August 5, 2026, and a comparison of the 2024-2025 and 2025-2026 apportionments.

In accordance with the provisions of Education Code 2300, you are hereby requested to have the Kern County Board of Education approve the apportionment as presented. Upon receipt of such approval, we will proceed with the disbursement of funds.

Sincerely,


Sarah Smigiera, Director
External Business Services

SS/vc
Enclosure

DISTRIBUTION AND COMPARISON OF 2024-25 AND 2025-26 APPORTIONMENTS FOREST RESERVE FUNDS

E:\Forest Reserve\Forest 26.xls\SUMMARY

DISTRIBUTION	
Forest Reserve Funds to Allocate	\$221,628.41
Balance, July 1, 2025	242,456.43
PY Forest Reserve Allocation	-241,585.18
Current Year Interest	7,384.69
TOTAL FUNDS TO DISTRIBUTE	\$229,884.35
Less 15% CSSF - SCICON	(34,482.81)
Less 25% of remaining funds for equal distribution	(48,850.39)
DISTRIBUTED BY FORMULA	\$146,551.15

COMPARISON				
Entities			Participating Students	
	2024-2025	2025-2026	2024-2025	2025-2026
County School Service Fund	36,237.98	34,482.81	N/A	N/A
Cutler-Orosi Unified	5,704.09	5,427.82	0	0
Hot Springs	16,086.81	24,868.28	6	13
Porterville Unified	5,704.09	5,427.82	0	0
Sequoia Union	0.00	0.00	0	0
Springville	64,539.52	48,795.00	34	29
Three Rivers	26,469.54	23,372.86	12	12
Woodlake Unified	24,739.08	14,400.34	11	6
Kings Canyon	16,086.81	12,904.92	6	5
College of the Sequoias	28,199.99	29,354.54	13	16
Kern Community College	17,817.27	30,849.96	7	17
TOTALS	241,585.18	229,884.35	89	98

**TULARE COUNTY SCHOOLS
APPORTIONMENT OF FOREST RESERVE FUNDS
(E.C. 2300)**

2025-26

SCHOOL DISTRICTS LYING WITHIN OR ADJACENT TO FOREST RESERVE AREA

District	25% of Available Funds Apportioned to School Districts including Forest Service area within boundaries in Tulare County	Est. No. of Pupils Residing with Parent/ Guardian in or Adj. to Forest Service Area #8	Apportion- ment to Each Eligible District on Basis of Enrollment	Total Amount to be Apportioned to Eligible Districts
COS C.C. *	5,427.82	16	23,926.72	29,354.54
Cutler-Orosi *	5,427.82	0	0.00	5,427.82
Hot Springs *	5,427.82	13	19,440.46	24,868.28
Kern Community College. *	5,427.82	17	25,422.14	30,849.96
Kings Canyon *	5,427.82	5	7,477.10	12,904.92
Porterville Unified *	5,427.82	0	0.00	5,427.82
Sequoia Union	0.00	0	0.00	0.00
Springville *	5,427.82	29	43,367.18	48,795.00
Three Rivers *	5,427.82	12	17,945.04	23,372.86
Woodlake Unified *	5,427.82	6	8,972.52	14,400.34
* Districts adjacent to Forest Service Land 9.0	48,850.38	98	146,551.16	195,401.54
			229,884.35	

Beginning Balance	10	242,456.43 #
PY Forest Reserve Allocation		-241,585.18
Current Year Interest	11	7,384.69 #
2024-25	12 Apportionment	221,628.41 #

Total Funds to be Apportioned	229,884.35	Must agree with Cash in Treasury
Special Apportionment to County Superintendent (15%)	34,482.81	
Balance Apportioned by Formula 25% of balance	48,850.39	
Remainder to be Apportioned by formula considering enrollment	146,551.15	

Tulare County Office of Education

Committed to Students, Support & Service

Tim A. Hire
County
Superintendent
of Schools

P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
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fax (559) 739-0310

Special Services
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**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

September 11, 2026

John Mendiburu, Ed.D.
Kern County Superintendent of Schools
1300 17th Street City Centre
Bakersfield, CA 93301

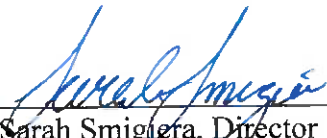
Dear Dr. Mendiburu,

On December 18, 2025, the 119th Congress enacted Public Law 119-58, reauthorizing the Secure Rural Schools (SRS) program through federal fiscal year 2026. **The legislation also authorized retroactive payments for federal fiscal year 2024.** As a result, Tulare County has received an additional \$74,920.29 in Forest Reserve funding, which is attributable to the 2024-25 apportionment year.

Enclosed is a copy of the REVISED schedule of Apportionment of the 2024-25 Forest Reserve Funds approved by the Tulare County Board of Education at its regular meeting on August 5, 2026, and a comparison of the 2023-2024 and 2024-2025 apportionments. For your reference, I have enclosed my September 9, 2025, letter requesting approval of the original apportionment schedule.

In accordance with the provisions of Education Code 2300, you are hereby requested to have the Kern County Board of Education approve the apportionment as presented. This board action is presented separately from the 2025-2026 apportionment approval, which was mailed under separate cover. Upon receipt of such approval, we will proceed with the disbursement of funds.

Sincerely,



Sarah Smigiera, Director
External Business Services

SS/vc
Enclosure

DISTRIBUTION AND COMPARISON OF 2023-24 AND 2024-25 APPORTIONMENTS FOREST RESERVE FUNDS

E:\Forest Reserve\Forest 25 - Retro FY2024 Payments.xls\SUMMARY

DISTRIBUTION		
	Revised	Original*
Forest Reserve Funds to Allocate	\$237,020.33	\$162,100.04
Balance, July 1, 2024	223,668.27	223,668.27
PY Forest Reserve Allocation	-222,692.72	-222,692.72
Current Year Interest	3,589.30	3,589.30
TOTAL FUNDS TO DISTRIBUTE	\$241,585.18	\$166,664.89
Less 15% CSSF - SCICON	(36,237.98)	(24,999.83)
Less 25% of remaining funds for equal distribution	(51,336.80)	(35,416.27)
DISTRIBUTED BY FORMULA	\$154,010.40	\$106,248.79

Original 2024-25 Allocation Board Approved 9/3/2025

COMPARISON						
Entities	2023-2024	Revised 2024-2025	Original* 2024-2025	Increase in 24-25 Apportionment	Participating Students	
					2023-2024	2024-2025
County School Service Fund	33,403.94	36,237.98	24,999.83	11,238.15	N/A	N/A
Cutler-Orosi Unified	5,258.02	5,704.09	3,935.14	1,768.95	0	0
Hot Springs	20,273.72	16,086.81	11,097.98	4,988.83	11	6
Porterville Unified	5,258.02	5,704.09	3,935.14	1,768.95	0	0
Sequoia Union	0.00	0.00	0.00	0.00	0	0
Springville	40,749.67	64,539.52	44,524.57	20,014.95	26	34
Three Rivers	23,003.84	26,469.54	18,260.82	8,208.72	13	12
Woodlake Unified	20,273.72	24,739.08	17,067.01	7,672.07	11	11
Kings Canyon	17,543.59	16,086.81	11,097.98	4,988.83	9	6
College of the Sequoias	20,273.72	28,199.99	19,454.63	8,745.36	11	13
Kern Community College	36,654.48	17,817.27	12,291.79	5,525.48	23	7
TOTALS	222,692.72	241,585.18	166,664.89	74,920.29	104	89

*This column is informational only and provides districts with a side by side comparison the original and revised 2024-25 Forest Reserve Apportionment.

NOTE: DATA INPUT REQUIRED IN COLUMNS B19..B29 AND D19..D29

IN BALANCE

TRUE

TRUE

**TULARE COUNTY SCHOOLS
APPORTIONMENT OF FOREST RESERVE FUNDS
(E.C. 2300)**

2024-25

SCHOOL DISTRICTS LYING WITHIN OR ADJACENT TO FOREST RESERVE AREA

District	25% of Available Funds Apportioned to School Districts including Forest Service area within boundaries in Tulare County	Est. No. of Pupils Residing with Parent/ Guardian in or Adj. to Forest Service Area #8	Apportion- ment to Each Eligible District on Basis of Enrollment	Total Amount to be Apportioned to Eligible Districts
COS C.C. *	5,704.09	13	22,495.90	28,199.99
Cutler-Orosi *	5,704.09	0	0.00	5,704.09
Hot Springs *	5,704.09	6	10,382.72	16,086.81
Kern Community College. *	5,704.09	7	12,113.18	17,817.27
Kings Canyon *	5,704.09	6	10,382.72	16,086.81
Porterville Unified *	5,704.09	0	0.00	5,704.09
Sequoia Union	0.00	0	0.00	0.00
Springville *	5,704.09	34	58,835.43	64,539.52
Three Rivers *	5,704.09	12	20,765.45	26,469.54
Woodlake Unified *	5,704.09	11	19,034.99	24,739.08
* Districts adjacent to Forest Service Land 9.0	51,336.81	89	154,010.39	205,347.20
			241,585.18	

	Total Net of Sequestration	Total Excluding Sequestration	Sequestration Reduction
Beginning Balance	223,668.27 #	223,668.27	
PY Forest Reserve Allocation	-222,692.72	-222,692.72	
Current Year Interest	3,589.30 #	3,589.30	
Sequester Retention		9,798.20	
2024-25	237,020.33 #	237,020.33	
Apportionment			
Total Funds to be Apportioned	241,585.18	251,383.38	-9,798.20
Special Apportionment to County Superintendent (15%)	36,237.98	37,707.51	-1,469.53
Balance Apportioned by Formula 25% of balance	51,336.80	53,418.97	-2,082.17
Remainder to be Apportioned by formula considering enrollment	154,010.40	160,256.90	-6,246.50
Remainder to be Apportioned by formula considering enrollment	241,585.18	251,383.38	-9,798.20

Input data (see INSTRUCTIONS)

Balance total funds to be apportioned to total on summary page

Tulare County
Office of Education
Committed to Students, Support & Service

Tim A. Hire
*County
Superintendent
of Schools*

P.O. Box 5091
Visalia, California
93278-5091

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Administration
(559) 733-6301
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Business Services
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Human Resources
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Instructional Services
(559) 302-3633
fax (559) 739-0310

Special Services
(559) 730-2910
fax (559) 730-2511

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

September 9, 2025

John G. Mendiburu, Ed.D.
Kern County Superintendent of Schools
1300 17th St City Centre
Bakersfield, CA 93301-4533

Dear Dr. Mendiburu,

Enclosed is a copy of the schedule of Apportionment of the Forest Reserve Funds approved by the Tulare County Board of Education at its regular meeting on September 3, 2025, and a comparison of the 2023-2024 and 2024-2025 apportionments.

In accordance with the provisions of Education Code 2300, you are hereby requested to have the Kern County Board of Education approve the apportionment as presented. Upon receipt of such approval, we will proceed with the disbursement of funds.

Sincerely,


Sarah Smigiera, Director
External Business Services

SS/vc
Enclosure

**DISTRIBUTION AND COMPARISON OF
2023-24 AND 2024-25 APPORTIONMENTS
FOREST RESERVE FUNDS**

E:\Forest Reserve\Forest 25 - Net of Sequester.xls\SUMMARY

DISTRIBUTION		
	Net of Sequester*	Original**
Forest Reserve Funds to Allocate	\$162,100.04	\$171,898.24
Balance, July 1, 2024	223,668.27	223,668.27
PY Forest Reserve Allocation	-222,692.72	-222,692.72
Current Year Interest	3,589.30	3,589.30
TOTAL FUNDS TO DISTRIBUTE	\$166,664.89	\$176,463.09
Less 15% CSSF - SCICON	(24,999.83)	(26,469.46)
Less 25% of remaining funds for equal distribution	(35,416.27)	(37,498.41)
DISTRIBUTED BY FORMULA	\$106,248.79	\$112,495.22

*The Office of Management & Budget implemented a 5.7% sequestration reduction to nonexempt, nondefense mandatory programs in FY2024. Sequestration is a process used to reduce federal spending through automatic, across-the-board reductions. Actual allocations received in this distribution are net of this 5.7% sequestration.

COMPARISON					
Entities	2023-2024	Net of Sequester* 2024-2025	Original ** 2024-2025	Participating Students	
				2023-2024	2024-2025
County School Service Fund	33,403.94	24,999.83	26,469.46	N/A	N/A
Cutler-Orosi Unified	5,258.02	3,935.14	4,166.49	0	0
Hot Springs	20,273.72	11,097.98	11,750.44	11	6
Porterville Unified	5,258.02	3,935.14	4,166.49	0	0
Sequoia Union	0.00	0.00	0.00	0	0
Springville	40,749.67	44,524.57	47,142.19	26	34
Three Rivers	23,003.84	18,260.82	19,334.38	13	12
Woodlake Unified	20,273.72	17,067.01	18,070.39	11	11
Kings Canyon	17,543.59	11,097.98	11,750.44	9	6
College of the Sequoias	20,273.72	19,454.63	20,598.38	11	13
Kern Community College	36,654.48	12,291.79	13,014.43	23	7
TOTALS	222,692.72	166,664.89	176,463.09	104	89

**TULARE COUNTY SCHOOLS
APPORTIONMENT OF FOREST RESERVE FUNDS
(E.C. 2300)**

2024-25

SCHOOL DISTRICTS LYING WITHIN OR ADJACENT TO FOREST RESERVE AREA

District	25% of Available Funds Apportioned to School Districts including Forest Service area within boundaries in Tulare County	Est. No. of Pupils Residing with Parent/ Guardian in or Adj. to Forest Service Area #8	Apportion- ment to Each Eligible District on Basis of Enrollment	Total Amount to be Apportioned to Eligible Districts
COS C.C. *	3,935.14	13	15,519.49	19,454.63
Cutler-Orosi *	3,935.14	0	0.00	3,935.14
Hot Springs *	3,935.14	6	7,162.84	11,097.98
Kern Community College. *	3,935.14	7	8,356.65	12,291.79
Kings Canyon *	3,935.14	6	7,162.84	11,097.98
Porterville Unified *	3,935.14	0	0.00	3,935.14
Sequoia Union	0.00	0	0.00	0.00
Springville *	3,935.14	34	40,589.43	44,524.57
Three Rivers *	3,935.14	12	14,325.68	18,260.82
Woodlake Unified *	3,935.14	11	13,131.87	17,067.01
* Districts adjacent to Forest Service Land 9.0	35,416.26	89	106,248.80 166,664.89	141,665.06

		Total Net of Sequestration	Total Excluding Sequestration	Sequestration Reduction
Beginning Balance		223,668.27 #	223,668.27	
PY Forest Reserve Allocation		-222,692.72	-222,692.72	
Current Year Interest		3,589.30 #	3,589.30	
Sequester Retention			9,798.20	
2024-25	Apportionment	162,100.04 #	162,100.04	
Total Funds to be Apportioned		166,664.89	176,463.09	-9,798.20
Special Apportionment to County Superintendent (15%)		24,999.83	26,469.46	-1,469.63
Balance Apportioned by Formula 25% of balance		35,416.27	37,498.41	-2,082.14
Remainder to be Apportioned by formula considering enrollment		106,248.79	112,495.22	-6,246.43
Remainder to be Apportioned by formula considering enrollment		166,664.89	176,463.09	-9,798.20

Input data (see INSTRUCTIONS)

Balance total funds to be apportioned to total on summary page

**KCSOS Staff Report
Education Outside the Box
September 28, 2026**

I. Proposed Petition: Countywide

Education Outside the Box (EOTB) proposes to establish a new nonclassroom-based countywide charter school to serve grades TK-8 within the Norris School District. Future planned expansions include enrichment centers in the Tehachapi Union School District in 2029-30 and Panama Buena Vista School District in 2030-31.

II. Proposed Options for Board Action

The Board can take action to either grant or deny the proposed Charter Petition as follows:

1. **Deny the Petition** and adopt, as findings of fact, the Proposed Findings identified in the Staff Report, concluding the Countywide Petition did not meet the requirements of Education Code Section 47605.6(a)(1) and (b).
2. **Grant the petition** and reject the findings determination in this Staff Report that the petition does not meet all of the required threshold findings required by Education Code Section 47605.6(a)(1) and (b). The petition shall be granted for a 5-year term, commencing July 1, 2027, and concluding June 30, 2032, provided that a Memorandum of Understanding between the Charter School and KCSOS is signed prior to the commencement of the new term.

III. Legal Considerations and Procedural Background

Legal Considerations

California law allows charter schools to be authorized in different ways. Most charter schools first petition a local school district. A countywide benefit charter, however, may petition a county board of education directly and operate at one or more sites within the county. Countywide benefit charters were added to state law in 2003 and are subject to additional requirements. In particular, the county board must determine that the proposed educational services cannot be provided as well by a charter school operating in only one school district and that there is a reasonable justification for establishing the school through the county rather than through a local school district.

This is different from a charter petition that comes to a county board on appeal after being denied by a school district. A countywide petition is not an appeal of a district decision. It is a separate authorization pathway with its own legal standards under Education Code section 47605.6.

The legal standard is also different. For a petition submitted to a school district under Education Code section 47605, the law provides that the district “shall not deny” the petition unless it makes specified findings. For a countywide petition under Education Code section 47605.6, the county board “shall deny” the petition if it makes one or more of the findings identified in law.

If a countywide petition is denied by the county board, the petitioner may not appeal that denial to the State Board of Education.

Procedural Background

The County Board is required to hold a public hearing within 60 days of receiving the petition to consider the level of community support. A final decision to grant or deny the charter petition must be made within 90 days of receipt, unless both parties agree to extend the timeline by up to 30 days.

On July 17, 2026, Petitioner submitted a charter petition to the County Board to establish Education Outside the Box as a countywide charter school authorized by the County Board pursuant to Education Code section 47605.6. The County Board held a public hearing on September 8, 2026 to consider the terms of the Petition and the level of support for the proposed Charter School by parents/ guardians, teachers, and community members. Board action is scheduled to take place at the Board meeting of October 13, 2026.

KCSOS Staff and legal counsel reviewed the Petition and developed proposed findings of fact for consideration by the Board. This report and any other staff recommendations shall be published at least 15 days before the public hearing at which the Board will either grant or deny the charter.

IV. Board’s Authority

The Board is responsible for evaluating and making the final determination to approve or deny a charter school petition. In doing so, the Board has the authority to assess whether the findings of fact presented in the staff report support approval or denial, in accordance with criteria established in Education Code Section 47605.6.

V. Findings

KCSOS assembled a multidisciplinary team of staff and subject-matter experts to review the Education Outside the Box Petition. The review team brought expertise in charter school oversight, curriculum and instruction, fiscal and business services, governance and legal requirements, special education, multilingual learners, human resources, and other areas relevant to the proposed charter school. Reviewers examined the Petition and supporting documents within their respective areas of expertise and considered the applicable requirements of Education Code section 47605.6. The following findings reflect the collective review of the Petition and are provided to assist the Board in its consideration of the Education Outside the Box Petition. The findings are intended to capture the essential issues relevant to the Board’s decision regarding approval or denial.

Requirements for Countywide Benefit Petitions

Countywide Charter Threshold Findings

The standard for approving a countywide charter school is higher than for a district authorized charter. Before a county board of education can approve a countywide charter petition, it must make several specific findings required by law.

The County Board may approve a countywide charter petition only if it is satisfied that:

1. The educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services (Education Code §47605.6(a)(1)), **AND**
2. The Petition must explain why these pupils cannot be served as well by a charter school that operates in only one school district in the county (Education Code §47605.6(a)(1)); **AND**
3. Granting the charter is consistent with sound educational practice (Education Code §47605.6(b)); **AND**
4. The charter school has provided reasonable justification for why it could not be established by petition to a school district pursuant to Section 47065 (Education Code §47605.6(b)).

Staff Findings

The staff evaluation of the Petition concluded that the charter petition does not satisfy the legal **requirements for approval under Education Code §47605.6(a)(1) and (b)**. Further, the charter petition contains several deficiencies that independently and collectively provide a **statutory basis for denial under Education Code §47605.6(b)(1) through (7)**. Based on the petition's failure to satisfy the requirements of Education Code §47605.6(a)(1), (b), and the denial criteria set forth in section 47605.6 (b)(1)-(7), it is the staff recommendation that the County Board deny this petition.

The section below explains in more detail the specific areas where the Petition does not meet the requirements under the Education Code supporting the staff's determination.

Threshold Findings

The threshold findings below address whether the Petition satisfies the requirements that apply specifically to a countywide charter school. Each finding considers the relevant information presented in the Petition and whether that information is sufficient to support the findings the County Board must make before approving a countywide charter. Because these requirements are cumulative, the Board must be able to make each required finding in order to approve the Petition.

1. Pupil Population and Educational Benefit

Finding: Not Met

The petition identifies a proposed student population primarily drawn from the greater Bakersfield region and describes anticipated enrollment that includes approximately 54% socioeconomically disadvantaged pupils, 13% English learners, and 10% students with disabilities. It further identifies families seeking a personalized and flexible schedule, greater parental involvement, small-class instruction, life-skills development, and a safe, family-centered educational environment as those most likely to benefit from the proposed program. The petition describes a hybrid, home-based model supported by Home Learning Coaches, individualized learning plans, project-based and experiential learning, enrichment opportunities, and family participation. These features could provide educational benefit to students and families who prefer or require greater flexibility, individualized pacing, and a stronger home-school partnership.

However, the petition does not clearly define the specific pupil population for whom these services are intended or sufficiently demonstrate how the identified educational needs are distinct from those of students currently served through existing public educational programs. Rather than identifying a clearly defined pupil population with specific educational challenges, barriers to access, or unmet academic needs, the petition primarily describes characteristics of families who may prefer the proposed instructional model. The petition therefore provides limited evidence that the proposed program is designed to address the needs of a particular pupil population that is not already adequately served through existing public educational programs.

The petition also presents inconsistent assumptions regarding the population it anticipates serving. The Target Learner Population section identifies approximately 54% socioeconomically disadvantaged pupils, 13% English learners, and 10% students with disabilities, while the budget narrative assumes approximately 75% FRPM-eligible pupils (Free and Reduced Price Meals), 85% unduplicated pupils, and 15% English learners. These discrepancies make it difficult to determine the population the Charter School actually anticipates serving and to evaluate whether the proposed educational program, staffing, services, and financial assumptions are aligned to that population.

In addition, the petition does not sufficiently explain how the educational benefits of the proposed model differ from those available through existing nonclassroom-based options. The Kern County Board of Education currently authorizes Valley Oaks Charter School, which provides home-based learning, parent-directed educational options, and services across geographically diverse portions of Kern County.

Staff further notes that the petition's financial projections assume an unduplicated pupil percentage of 85%. This assumption appears inconsistent with the demographic profile described in the petition and is significantly higher than the unduplicated pupil percentage reported by VOCS, the most comparable nonclassroom-based program

authorized by the Board. The petition does not provide sufficient supporting data or analysis explaining how it will enroll and maintain an unduplicated pupil population at the projected level. As a result, the petition's revenue assumptions are too aggressive and are not adequately supported by the evidence presented in the petition.

The petition does not provide objective evidence demonstrating that the identified pupil population will benefit from the proposed educational services. While the petition describes the features of the educational program, it provides limited data, research, survey information, parent interest information, waitlist data, or needs assessments demonstrating that the proposed student population has educational needs that will be improved through the proposed instructional model.

2. Students Cannot Be Served as Well in a Single District
Finding: Not Met

The petition does not provide substantial evidence supporting the finding required by Education Code section 47605.6(a)(1) that the proposed pupil population cannot be served well by a charter school operating in a single district. The petition identifies perceived benefits of the proposed educational model but does not explain why those services cannot be provided through a district authorized charter school. The petition does not provide a reasonable justification such as operational obstacles, inability of any district to support the proposed model or any unique features requiring county authorization.

A countywide charter must demonstrate that the target population cannot be served as well through a charter school operating within a single school district. The petition fails to provide information relating to geographic data, transportation barriers, and demographic analysis showing a countywide need. The petition assumes that countywide authorization is necessary to provide countywide access, but does not explain why a district authorized nonclassroom-based charter could not serve that same student population. The petition fails to demonstrate that students residing outside a particular district would be unable to access a district authorized nonclassroom-based charter offering similar services.

Additionally, the petition does not demonstrate that existing educational alternatives are unable to serve interested students. The petition fails to identify gaps, capacity limitations, geographic barriers, enrollment restrictions, or unique student populations that are not already served through Board approved charters such as VOCS.

The petition does not contain sufficient evidence to support that the proposed students cannot be served as well through a single District as required under Education Code section 47605.6(a)(1).

3. Sound Educational Practice

Finding: Not Met

Education Code section 47605.6(b) does not explicitly define sound educational practice; established California charter authorization standards look to Title 5, California Code of Regulations section 11967.5.1(a) for definitive guidance. Under that regulation, a sound educational practice is defined as a program that is likely to be of educational benefit to pupils who attend. In evaluating a petition, the Board should look at whether the operational designs, administrative structure, governance systems and instructional pathways are internally consistent, legally compliant, and reasonably designed to enable successful implementation of the charter school.

Although staff does not find that the proposed educational model is inherently unsound, the petition does not provide sufficient information and programmatic detail for the County Board to conclude that granting the charter is consistent with sound educational practice. Significant deficiencies remain in the development of services for English learners and students with disabilities, academic intervention systems, subgroup goals and actions, measurable pupil outcomes, and methods for monitoring pupil progress. These deficiencies are addressed in greater detail in the findings regarding the required charter elements.

Several sections of the petition contain inconsistencies regarding the anticipated student population, enrollment assumptions, projected unduplicated pupil percentages, and the educational needs the charter school intends to address. Additionally, the petition provides limited evidence supporting the reasonable justification for countywide establishment and does not clearly identify a distinct pupil population with unmet educational needs. Collectively, these deficiencies limit the County Board's ability to determine that the petition is reasonably likely to be successfully implemented and that granting the charter would be consistent with sound educational practice.

4. Reasonable Justification for the Inability to be Established by a Local District

Finding: Not Met

Under Education code section 47605.6(a)(1), a countywide charter may only be granted if the educational services will benefit a population that cannot be served as well by a charter school operating in only one school district. The petition asserts that countywide authorization is justified because its hybrid program reduces private affidavit homeschooling, expands social outlets via weekly Friday gatherings and allows families across district lines to choose the most convenient location. However, the petition fails to provide sufficient evidence demonstrating a countywide need for the proposed educational program. The petition does not provide survey data, enrollment studies, waitlist information, or other objective evidence supporting those assertions. The statutory standard requires more than an assertion that countywide authorization is preferred. The programmatic model described is a standard

nonclassroom-based independent study model that can be authorized by any single local school district.

Further the petition does not explain why a district authorized nonclassroom-based charter could not provide the same services to the identified student population. Charter schools operating independent study programs are not necessarily limited to serving only students residing within the authorizing district, and the petition does not identify a legal or operational barrier preventing the proposed program from operating through a single district authorizer.

A countywide benefit is not established merely because students cross district boundaries to attend. Further, the petition lists a single program location from which the program will initially operate. As a result, the record suggests that the request for countywide authorization is based principally on operational flexibility and future expansion rather than a demonstrated countywide educational need.

Further, the petition does not adequately address existing educational alternatives available to Kern County students. The Kern County Board of Education currently authorizes Valley Oaks Charter School ("VOCS"), a nonclassroom-based charter school that provides home-based learning with opportunities for enrichment and socialization on campus. VOCS already provides substantially similar personalized learning, parental partnership opportunities, independent study instruction and home-based educational services proposed by EOTB. As a result, the petition fails to demonstrate that the student population cannot be served as well by existing frameworks.

The petition does not identify capacity limitations, geographic barriers, service gaps, enrollment restrictions, or unmet student needs that would prevent interested students from accessing comparable services through existing educational options. The proposal therefore represents a substantially duplicative offering of countywide educational services, and it does not satisfy the heightened statutory burden required for countywide authorization under Education Code §47605.6.

Statutory Basis for Denial

If the Petition meets the countywide threshold requirements described above, the Board must also determine whether it satisfies the additional requirements of Education Code section 47605.6(b)(1)-(7).

The County Board **shall deny** a countywide charter petition if it finds one or more of the following:

1. The proposed educational program is not sound for the students the school intends to serve.
2. The petitioners are **unlikely to successfully implement the proposed program**.
3. The petition does not include the **required number of signatures**.
4. The petition does not include the **required legal affirmations**.
5. The petition does not provide reasonably comprehensive descriptions of the **required charter elements**, including:
 - Element 1: Educational program
 - Element 2: Measurable pupil outcomes
 - Element 3: Measuring pupil progress
 - Element 4: Facility locations
 - Element 5: Governance & Parent Involvement
 - Element 6: Employee qualifications
 - Element 7: Health and safety
 - Element 8: Pupil population balance
 - Element 9: Suspension, expulsion, and involuntary removal
 - Element 10: Retirement systems
 - Element 11: Dispute resolution
 - Element 12: Admission Policies
 - Element 13: Attendance alternatives
 - Element 14: County office employee rights
 - Element 15: Closure procedures
6. The petition does not state whether the charter school will be the **exclusive public school employer** of its employees under the Educational Employment Relations Act.
7. The Board identifies another basis that justifies denial of the petition.

Statutory Findings: The staff findings below address whether the Petition satisfies the additional requirements of Education Code section 47605.6(b)(1)-(7). These findings consider the soundness of the proposed educational program, the petitioners' capacity to implement the program, and whether the Petition includes the required legal provisions and reasonably comprehensive descriptions of each required charter element. If the Board determines that one or more of the statutory grounds for denial apply, the Petition would not satisfy the requirements for approval under Education Code section 47605.6.

I. Unsound Educational Program

Education Code section 47605.6(b)(1) does not define an unsound educational program. However, it is established practice to use the guidance under Title 5, California Code of Regulations section 11967.5.1(b)(1) or (2) to evaluate the charter petition. Under this regulation, an unsound educational program is defined as a program that (1) involves activities that present a likelihood of physical, educational, or psychological harm to the students, or (2) a program that is not likely to be of educational benefit to the pupils who attend.

The petition presents an unsound educational program in the following areas:

1. Failure to provide a clear distinction between administrative removal from the independent study program and disenrollment from the charter school itself. Education Code section 51747 requires an evaluation to determine whether it remains in the pupil's best interest to participate in independent study or whether the pupil should return to the regular school program. However, the proposed charter school does not offer a classroom-based instructional program and does not explain how it would implement this statutory safeguard when a student is determined to be unsuccessful in independent study. As a result, the Petition's involuntary removal procedures appear to function as a mechanism for disenrollment from the charter school rather than a transition to a regular school program as contemplated by Education Code section 51747. Because the charter school's instructional model is exclusively independent study, removal from independent study may effectively terminate a student's enrollment in the charter school. The petition should include adequate procedural safeguards, including notice, an opportunity to be heard, written findings, and a clear transition plan to an appropriate educational placement. The absence of these protections creates a substantial risk of educational disruption and potential harm to truant, disengaged, or academically struggling pupils, who are the very students most likely to be subject to involuntary removal. (Page 92 EOTB Petition)
2. The petition has determined that Ohana Student Services will act as the exclusive provider for virtual special education services, including but not limited to specialized academic instruction, speech therapy, occupational therapy, counseling, school psychology and IEP case management. The proposal of a completely virtual model for all related services and academic instruction for TK-8th grade students with disabilities in a home study environment raises concerns regarding the charter school's ability to provide a Free Appropriate Public Education (FAPE). The petition lacks a clear operational framework for how hands on, high severity student needs will be accommodated on site if virtual delivery is determined by an IEP team to be ineffective, inappropriate or insufficient to meet a student's unique needs. (Page 37-38 EOTB Petition)
3. The charter school petition explicitly declares that the charter school's purpose is to support families because "parents are the lead educators of their children," while credentialed teachers are primarily responsible for supervision and assistance in developing educational plans. While parent partnership is common and permissible

within independent study, designating a non-credentialed parent as the primary “lead educator” responsible for core lesson planning fails the educational benefit standard. This concern is particularly significant for student groups requiring specialized instructional supports, including English Learners, socioeconomically disadvantaged pupils, and students performing below grade level. The petition provides limited evidence demonstrating how reliance on parent directed instruction will be supplemented by systematic instructional supports sufficient to meet the needs of these student populations. (Page 13 EOTB Petition)

II. Demonstrably Unlikely to Successfully Implement Proposed Program

In evaluating this statutory criterion, staff considered whether the Petition demonstrates that the petitioners have the organizational capacity, expertise, systems, and resources necessary to implement the educational program as proposed. The discussion below focuses on those areas where staff identified significant implementation concerns. These concerns are considered collectively and in relation to the proposed nonclassroom-based instructional model, rather than as isolated omissions or deficiencies.

Staff’s evaluation of the petition supports a determination that the petitioners are demonstrably unlikely to successfully implement the program as proposed. This finding is based on the cumulative significance of unresolved implementation issues affecting core components of the proposed nonclassroom-based program rather than on any single omission in the petition.

The petition does not sufficiently demonstrate how the Charter School will implement several systems essential to successful operation, including independent-study attendance accounting and ADA documentation; delivery of the full continuum of services and placements required for students with disabilities; a defined English learner instructional program within the home-based model; and a coherent system for identifying, providing, monitoring, and intensifying interventions for struggling students.

These concerns are compounded by weaknesses in the proposed governance and administrative structure. Key administrative positions are assigned substantial responsibilities for instructional oversight, independent-study compliance, fiscal management, personnel, and regulatory compliance, yet the petition provides limited evidence that the individuals filling these roles will possess experience specific to California charter school administration, public-school finance, independent-study compliance, or nonclassroom-based program oversight. Governance relationships and certain internal controls are also insufficiently defined.

Staff also has concerns regarding the reliability of the petition’s financial assumptions. The petition projects that approximately 85% of enrolled students will qualify as unduplicated pupils, but the petition provides limited supporting data demonstrating how it will achieve and sustain an unduplicated pupil percentage at that level. Looking at VOCS, the most comparable

nonclassroom-based charter school authorized by the County Board reports an unduplicated pupil population of 43%. The petition does not provide sufficient demographic analysis, enrollment data, or other evidence supporting a substantially higher unduplicated pupil population. As a result, the petition's revenue assumptions appear overly aggressive and may overstate projected funding levels by approximately \$200,000. Because these projections serve as a significant component of the charter school's proposed budget and operational plan, the reliability of the financial assumptions raise additional concerns regarding the charter school's ability to successfully implement the proposed program.

Taken together, these findings raise concerns beyond the completeness of the petition itself and demonstrate material weaknesses in the organizational systems, staffing capacity, and operational structures and financial assumptions necessary to implement the program described in the petition.

III. Does Not Include Required Signatures

No Findings Determined

IV. Does Not Include Required Legal Affirmations

The Petition includes several of the legal affirmations required by Education Code section 47605.6. The findings below identify only those required affirmations that staff determined were missing, incomplete, or not stated with sufficient clarity in the Petition.

The petition does not include the following required legal affirmations described in EC 47605.6 (e):

- **Complaints regarding enrollment protections:** Individuals may file a complaint with the chartering authority if they believe the charter school has violated applicable enrollment or admissions protections.
- **High-value individual contractor agreements:** Contracts that would pay an individual contractor more than \$100,000 in a fiscal year must be formally approved by the charter school's governing board at a public board meeting.

V. Required Charter Elements Not Reasonably Comprehensive

The Petition addresses many of the charter elements required by Education Code section 47605.6. The findings below are limited to those elements where staff identified omissions, inconsistencies, or insufficient detail that prevent the description from being considered

reasonably comprehensive. Elements that were sufficiently addressed are not repeated in this section.

Element 1: Educational Program

Students with Disabilities

The petition does not clearly describe how the Charter School will provide or secure specialized and low-incidence services, in-person related services, specialized transportation, or access to County Office of Education (COE), Non-Public Agencies (NPA), Non-Public Schools (NPS), or other specialized programs when required by a student's IEP. The petition also does not identify the agreements, contracts, MOUs, or other arrangements that would be used to access services the Charter School cannot provide directly. Additional information is needed to demonstrate how these programs, placements, and services will be available to enrolled students when required by an IEP.

Clarification is needed regarding enrollment and implementation of the charter school's home-based/independent study model for students with existing IEPs. Because independent study must be determined appropriate for a student with an IEP, the petition should describe how students with disabilities will be enrolled and served pending that determination, including students whose existing IEPs require a different instructional setting, placement, or level of support. The petition should also clarify how its assessment of a student's likelihood of success in independent study will be implemented without creating an enrollment barrier for students with disabilities.

Attendance and Accounting

The petition describes general attendance verification procedures (family log and Home Learning coach certification); however, it does not sufficiently describe the means by which independent study attendance will be accounted for and reported for purposes of claiming ADA. Specifically, the petition does not explain how a certificated employee will personally judge and document the time value of pupil work products, in hours or fractions of an hour, as required by Education Code section 51747.5(b), or how those determinations will be translated into auditable attendance records supporting the Charter School's ADA claims.

Interventions For Struggling Students

The petition identifies multiple support and intervention practices, but it does not present them as a clearly articulated tiered intervention system or MTSS process showing how a student is identified, receives escalating support, is monitored and moves between levels of intervention. The petition also states that, for struggling learners, education coordinators and parents will "find creative ways to teach and intervene to scaffold their success." While this reflects an intent to provide individualized support, it does not identify the specific intervention processes, evidence-based practices, decision rules, or staff responsibilities that will guide that support. Without a clearly defined process, there is less assurance that intervention services will be implemented consistently or that students with greater needs will receive progressively more intensive support when needed.

The petition fails to address or explain the interventions and reengagement efforts proposed for a student who is failing to complete the requisite number of assignments or make satisfactory educational progress in the independent study program. The petition makes a strong determination that in the event a student is failing to complete assignments or make satisfactory educational progress the student shall be involuntarily removed after an evaluation is made. However, the petition fails to address the components of the proposed evaluation. Additionally, the petition provides limited detail regarding the proactive intervention systems that will be utilized to prevent students from reaching stages of involuntary removal, expulsion or suspension.

Services to English Learners

The petition does not provide a reasonably comprehensive description of the English learner instructional program EOTB will implement. The petition identifies several possible language acquisition models rather than a defined program and does not clearly describe how required designated and integrated English Language Development will be provided within the home-based instructional model, including scheduling, staffing, curriculum and materials, differentiation by English proficiency and student need, or procedures for monitoring progress and adjusting services.

These omissions are particularly significant because the petition places substantial instructional responsibility on parents through curriculum contracts. The petition does not sufficiently explain how EOTB will ensure that English learners receive required school-provided language development and access to grade-level content when a parent or caregiver may have limited English proficiency or may not have expertise in English language development.

Understanding of the English Learner Population

The petition demonstrates an understanding of the processes for identifying and serving English learners; however, it does not provide a sufficiently developed description of the characteristics of the English learner population it expects to serve. The petition does not identify likely home languages, anticipated English proficiency levels, or the expected presence and needs of newcomers, long-term English learners, or students at risk of becoming long-term English learners. These characteristics are important for informing program design, staffing, instructional materials, family engagement, and the level and type of language-development support that may be needed.

This concern is further reflected in the petition's description of the English Learner Advisory Committee, which states that its purpose will be to support Learning Partners and learners whose primary language is Spanish. While Spanish-speaking families may represent a portion of the anticipated English learner population, the petition does not establish that English learners will be exclusively Spanish-speaking or explain how the EL program, family engagement structures, and related supports will address English learners and families from other linguistic backgrounds.

Goals and Actions for Applicable Subgroups

The petition does not provide a reasonably comprehensive description of annual goals and specific annual actions for each applicable pupil subgroup. The goals and actions are primarily schoolwide and do not consistently identify how actions will be differentiated or targeted to address the needs of individual pupil subgroups. In addition, the petition does not fully address all components of the applicable state priorities.

The goals and actions do not consistently address all components of the applicable state priorities. For Priority 1, the petition identifies a goal related to access to standards-aligned instructional materials but does not include goals or actions addressing fully credentialed and appropriately assigned teachers or facilities maintained in good repair. Priority 6 identifies actions and measurable outcomes but does not state an annual goal.

Element 2: Measurable Pupil Outcomes

Measurable pupil outcomes are not reasonably comprehensive as currently presented. The subgroup achievement table is a significant concern. It establishes academic performance targets for all students, socioeconomically disadvantaged/low-income students, African American students, and Latino students, but does not include English learners or students with disabilities, even though the petition repeatedly identifies those groups as part of the population it expects to serve. This creates an inconsistency between the pupil groups identified elsewhere in the petition and the groups for whom measurable academic outcomes are established.

The petition separately identifies an English learner outcome of increasing the percentage of EL students scoring at Levels 3 and 4 on the ELPAC. However, the annual target is stated as "previous year +/- 5%." This allows for a decrease of up to five percentage points from the prior year and is therefore inconsistent with the stated outcome of increasing English learner performance. A measurable pupil outcome intended to demonstrate growth should establish a target that reflects expected improvement rather than permitting a decline in performance.

The measurable outcomes also do not consistently address all components of the applicable state priorities. For example, Priority 1 includes access to instructional materials, appropriately assigned and credentialed teachers, and facilities in good repair; however, the petition's measurable outcomes address only instructional materials. In addition, some measures are not aligned to the current state accountability system. The petition continues to reference an API Growth Target, which is no longer used in California, and does not consistently incorporate applicable California School Dashboard state indicators.

Element 3: Measuring Pupil Progress

The petition states that data will be disaggregated by pupil subgroup and that the Executive Director will monitor significant subgroups and inequitable outcomes. However, the strength of this monitoring is limited by the measurable pupil outcomes section, which does not establish complete academic outcomes for all applicable pupil subgroups.

Element 4: Facility Locations

The petition does not provide a reasonably comprehensive description of each facility proposed to be operated by the charter school as required by Education code section 47605.6(b)(5)(D). While the petition references future enrichment centers and identifies anticipated expansion in the Tehachapi Union School District and Panama Buena Vista School District. As written, the petition does not identify the proposed facility locations with sufficient specificity to permit meaningful evaluation by the County Board. Additionally, the petition does not address the material revision requirements applicable to the establishment of operations at additional sites. As drafted, the facilities section could be interpreted as authorizing future expansion into unspecified locations without further action by the County Board. The petition provides insufficient information regarding the process by which additional facilities will be identified, reviewed, and approved.

The petition proposes to operate at 12000 Olive Drive, Bakersfield, CA 93312. This location currently operates as a church, and the petition does not address the procedures the charter intends to implement to ensure compliance with constitutional and statutory requirements that public charter schools operate in a nonsectarian manner such as separation of religious and educational activities, the treatment of religious displays or other procedures.

Element 5: Governance Structure and Parent Involvement

The petition does not clearly establish governing board member terms, complete officer roles, minimum qualifications, or procedures for selecting, appointing, replacing, or removing Board members. Although Board bylaws are referenced as an appendix, the petition does not identify the procedure for amending the bylaws or clearly describe the Board's authority to adopt, amend, or repeal them. The organizational chart also omits the Board of Directors and therefore does not fully depict the governance and reporting relationship between the Board and school administration.

In addition, the petition uses differing leadership titles, including Executive Director of Education and President and Chief Executive Director of Education, without clearly explaining whether these titles refer to the same position or distinguishing their respective authority and responsibilities.

The petition also does not identify a process for resolving internal governance disputes or provide a sufficiently developed description of internal controls specifically addressing fraud, embezzlement, and misuse of public funds. The petition also contains inconsistencies regarding parental involvement.

The petition identifies several opportunities for parent participation, including the School Advisory Council, ELAC, town halls, surveys, and school-home engagement activities; however, it provides limited detail regarding how parent and guardian input will meaningfully inform school-level or governing-board decision-making. Additionally, the petition does not clearly describe whether these advisory groups possess any formal role in advising the governing board, how recommendations will be communicated to the governing board, or how the governing board will consider such input in its decision making progress.

The petition provides limited information regarding the governance structure required by Education Code section 47604(c), which provides for the chartering authority to be entitled to a single representative on the board of directors of the nonprofit public benefits corporation.

Collectively, these omissions limit the County Board's ability to evaluate the effectiveness of the proposed governance structure and determine whether the petition provides a reasonably comprehensive description of the charter school's governance structure as required under Education Code §47605.6(b)(5)(E)

Element 6: Employee Qualifications

The petition identifies two key non-instructional administrative roles with significant responsibilities related to fiscal management, compliance oversight, personnel administration and operational leadership. Although the petition identifies general educational and managerial qualifications for these positions, it does not specifically describe experience requirements related to charter school administration, California public school finance, independent study compliance, or nonclassroom-based instructional oversight.

While the Education Code does not prescribe specific credentials for these positions, the petition provides limited information demonstrating that personnel occupying these roles will possess the specialized expertise necessary to administer a countywide nonclassroom-based charter school. Given the significant operational, fiscal, and regulatory responsibilities assigned to these positions, the petition provides limited assurance regarding the organization's capacity to successfully implement, manage, and oversee the proposed educational program.

Element 7: Health and Safety

Several required procedures are not sufficiently described. Although the petition requires fingerprinting and criminal-record clearance before an employee begins work, it does not describe procedures for ongoing criminal-record monitoring or subsequent-arrest notification. The petition also does not specifically address the required tuberculosis risk assessment and examination process for employees; a general requirement for "medical clearance" does not describe the applicable TB requirements.

The petition provides for adoption and annual review of a comprehensive School Safety Plan but does not clearly describe how staff will be trained on the plan itself, including the frequency of training, when the plan will be reviewed with staff, or who is responsible for providing the training.

Element 8: Pupil Population Balance

The petition does not clearly describe how enrollment data will be regularly monitored and analyzed for racial and ethnic groups, pupils with disabilities, English learners, and redesignated fluent English proficient pupils. Although the petition states that recruitment efforts will continue, it does not establish a clear process for identifying underrepresented pupil groups and implementing targeted corrective outreach when disparities are identified.

The petition also provides limited information regarding how recruitment and enrollment information will be made accessible to families from diverse linguistic groups, including

translation, interpretation, or reasonable assistance with the enrollment process. While the petition states that outreach materials will be available in English, Spanish, and other common languages, it does not describe how language and accessibility needs will be identified and addressed throughout recruitment and enrollment.

Finally, the petition provides limited information regarding the supports that will be used to maintain enrollment balance once pupils are enrolled.

Element 9: Suspension, Expulsion and Involuntary Removal

The petition fails to provide a reasonably comprehensive description of the procedures by which pupils can be suspended, expelled, or otherwise involuntarily removed, in particular involuntary removal under independent study program results in due process violation under Education Code 47605.6(b)(5)(I). The Involuntary Removal for Unexcused Absences provision raises concerns that Education Code section 51747 is being interpreted as authority for the charter school to disenroll a student from the charter school. Education code section 51747 authorizes the LEA to evaluate a student's educational progress and missed assignments to determine whether it is in the student's best interest to remain in the independent study program or whether the student should return to the regular school program. The Petition does not adequately explain how it will implement this statutory safeguard. Since this is a nonclassroom-based charter school, the charter school cannot fulfill the legal obligation to "return the student to regular classroom instruction" and thus a determination to involuntarily remove a student from the independent study program may effectively function as a disenrollment from the charter school itself. For the petition to be legally sound, the involuntary removal for unexcused absences section must explicitly outline adequate procedural safeguards prior to disenrolling a student from the program.

Additionally, the Petition contains inconsistencies between their proposed Alternative Means of Correction and the Involuntary Removal for Unexcused Absences. Under Alternative Means of Correction, the Petition states that students shall not be suspended or expelled solely for truancy, tardiness or absences. however, the Involuntary Removal for Unexcused Absences authorizes involuntary removal for unexcused absences and failure to participate in the independent study program. The Petition does not adequately explain how these provisions operate together in practice or how involuntary removal for unexcused absences differs from disciplinary exclusions. This omission leaves unresolved whether involuntary removal from independent study will operate as a de facto disenrollment procedure rather than an educational placement decision. Consequently, it is unclear whether involuntary removal operates as a district educational placement decision contemplated by Education Code section 51747 or as a disciplinary consequence for attendance related conduct.

Element 10: Retirement System

The petition states that certificated employees will participate in the State Teachers' Retirement System (STRS) and that classified employees will participate in either the Public Employees' Retirement System (PERS) or Social Security. However, staff's review of the budget documents indicates that the financial projections include costs associated with Social Security

but do not appear to include corresponding employer contributions for certificated employees participating in STRS.

The petition does not explain this discrepancy or otherwise demonstrate that sufficient funds have been budgeted to satisfy the employer retirement obligations associated with certificated staff. Because employee retirement contributions constitute a significant and legally required operational expense, the omission of STRS costs calls into question the accuracy of the Charter School's budget and the reliability of its financial planning assumptions. Accordingly, the petition provides insufficient evidence that adequate financial resources have been budgeted to support implementation of the proposed educational program.

Element 11: Dispute Resolution

The current dispute-resolution provisions do not expressly preserve the County Board's broader statutory oversight and enforcement authority.

Element 12: Admission Policies

No Findings Determined

Element 13: Attendance Alternatives

No Findings Determined

Element 14: County Office Employee Rights

No Findings Determined

Element 15: Closure Procedures

No Findings Determined

VI. Employer Declaration Not Provided

No Findings Determined

VII. Any Other Basis

Staff has identified additional fiscal concerns that are not independently addressed elsewhere in the denial findings that further undermine the reliability of the Charter School's financial projections and operational assumptions.

The petition proposes operation from a facility located at 12000 Olive Drive; however, the petition does not include the facility lease agreement or provide sufficient information regarding the Charter School's responsibility for utility expenses, common area maintenance costs, or other facility related operating expenses. As a result, staff is unable to determine

whether the utility and occupancy costs reflected in the budget accurately represent the actual expenses associated with operating the proposed program.

Staff further notes that the budget relies upon an unduplicated pupil percentage assumption of approximately 85%, a figure that significantly exceeds the unduplicated pupil percentage reported by Valley Oaks Charter School, the most comparable nonclassroom-based charter school authorized by the County Board. As discussed previously, staff estimates that this assumption may overstate projected revenue by approximately \$200,000. When combined with potentially understated facility and utility costs, the petition's financial projections may not accurately reflect the true cost of implementing the proposed program.

Under these circumstances, the Charter School's projected revenues may be insufficient to support projected expenditures in the current and subsequent fiscal years. The petition does not demonstrate that adequate contingency planning exists to address these risks, and any correction to the projected revenue shortfall would likely require additional borrowing, modification of repayment assumptions, reductions in services, or other material changes to the financial plan presented in the petition.

Accordingly, staff finds that the petition contains material fiscal uncertainties and unsupported budget assumptions that provide an additional basis for denial pursuant to Education Code section 47605.6(b)(7).

**RESOLUTION OF THE KERN COUNTY BOARD OF EDUCATION
AUTHORIZING FISCAL ASSISTANCE TO
BUTTONWILLOW UNION SCHOOL DISTRICT
PURSUANT TO EDUCATION CODE SECTIONS 42621 AND 42622
RESOLUTION**

5.2.7

RECITALS

WHEREAS, Buttonwillow School District ("District") has advised the Kern County Superintendent of Schools ("County Superintendent") that the District anticipates insufficient cash to meet certain current operating expenses during fiscal year 2026-2027;

WHEREAS, the District has requested fiscal assistance from the County School Service Fund in an aggregate principal amount not to exceed two million dollars (\$2,000,000);

WHEREAS, Education Code section 42621 authorizes the County Superintendent, with approval of the county board of education, to make temporary transfers from the County School Service Fund to a school district that lacks sufficient money to meet current operating expenses, provided that each transfer does not exceed 85 percent of the money accruing to the District at the time of transfer and is repaid before June 30 of the current fiscal year;

WHEREAS, Education Code section 42622 separately authorizes the County Superintendent, with approval of the county board of education, to make an apportionment from the County School Service Fund conditioned upon repayment during the next succeeding fiscal year, during which the County Superintendent shall transfer the amount apportioned from the District General Fund to the County School Service Fund;

WHEREAS, the District's cash-flow projections indicate that some assistance may be repayable before June 30 of the current fiscal year, while other assistance may require repayment during the next succeeding fiscal year;

WHEREAS, the County Superintendent recommends prospective approval of both statutory mechanisms within a single aggregate authorization, with each disbursement specifically designated and accounted for under the applicable statute before funds are released; and

WHEREAS, the proposed Master Fiscal Assistance and Repayment Agreement and related Fiscal Oversight and Financial Recovery Covenants establish administrative controls, separate accounting, repayment procedures, and conditions intended to protect the County School Service Fund.

RESOLUTION

1. The foregoing Recitals are true and correct and are incorporated into this Resolution.
2. The Kern County Board of Education approves the County Superintendent's provision of fiscal assistance from the County School Service Fund to the District in an aggregate principal amount not to exceed \$2,000,000, through temporary transfers under Education Code section 42621, an apportionment under Education Code section 42622, or a combination of both.

3. Before each disbursement, the County Superintendent shall execute a written Disbursement Designation identifying the amount, statutory authority, anticipated repayment source and date, available authorization, and required statutory findings or calculations.

4. A disbursement designated under section 42621 shall not exceed 85 percent of the money accruing to the District at the time of transfer and shall be repaid to the County School Service Fund before June 30 of the current fiscal year.

5. A disbursement designated under section 42622 shall be conditioned upon repayment during the next succeeding fiscal year. During that fiscal year, the County Superintendent shall transfer the amount apportioned, less principal previously repaid, from the District General Fund to the County School Service Fund.

6. No section 42621 transfer shall automatically convert, roll over, or be redesignated as a section 42622 apportionment merely because it remains unpaid. A later change in statutory designation requires a written determination, legally sufficient authorization under section 42622, and any additional approval required by law before the affected amount is treated as a section 42622 apportionment.

7. The aggregate principal disbursed under sections 42621 and 42622 shall not exceed \$2,000,000. Repayments reduce outstanding principal but do not restore or increase the amount available for later disbursement unless the County Board expressly authorizes a revolving structure by later action.

8. The County Superintendent is authorized to execute the Master Fiscal Assistance and Repayment Agreement and Fiscal Oversight and Financial Recovery Covenants in substantially the forms presented, including provisions requiring reporting, prior written concurrence for defined Covered Fiscal Actions, temporary stays, corrective action, and lawful rescission or reversal procedures.

9. The County Superintendent may suspend or decline an undisbursed installment when statutory conditions are not met or when the District is in material breach of the agreements. No contractual remedy extends a statutory repayment deadline.

10. This Resolution does not create a commercial loan, lien, deed of trust, Uniform Commercial Code security interest, or encumbrance of District property and takes effect immediately upon adoption.

ADOPTION

PASSED AND ADOPTED by the Kern County Board of Education at a duly noticed meeting held on [DATE], by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

President, Kern County Board of Education

Ex-Officio Secretary of the Board

Date: _____

Date: _____

**MASTER FISCAL ASSISTANCE AND REPAYMENT AGREEMENT
EDUCATION CODE SECTIONS 42621 AND 42622
KERN COUNTY SUPERINTENDENT OF SCHOOLS AND
BUTTONWILLOW UNION SCHOOL DISTRICT**

This Master Fiscal Assistance and Repayment Agreement ("Agreement") is entered into as of October 5, 2026 by and between the Kern County Superintendent of Schools ("County Superintendent") and Buttonwillow Union School District, located at 42600 Highway 58, Buttonwillow, CA 93206 ("District").

RECITALS

WHEREAS, the District has identified a cash-flow deficiency affecting its ability to meet current operating expenses during fiscal year 2026-27;

WHEREAS, Education Code sections 42621 and 42622 provide distinct mechanisms for assistance from the County School Service Fund with different conditions and repayment periods;

WHEREAS, the County Board approved both mechanisms by Resolution No. [____], and the District requested both mechanisms and authorized repayment by Resolution No. 27-0008; and

WHEREAS, the parties desire one administrative agreement that preserves the separate statutory treatment of each disbursement.

AGREEMENT

1. Subject to this Agreement, availability of funds, and satisfaction of statutory conditions, the County Superintendent may provide assistance in an aggregate principal amount not to exceed \$2,000,000 through temporary transfers under section 42621, an apportionment under section 42622, or a combination of both. The aggregate limit applies across both categories.

2. Before each installment, the District shall submit an Installment Request and updated cash flow projection substantially in the form of Exhibit A. The request shall state the amount, purpose, anticipated repayment sources and dates, and whether repayment before June 30 is reasonably expected.

3. No funds shall be released until the County Superintendent completes the Disbursement Designation in Exhibit A. The designation shall identify one statutory authority for the installment, document the applicable limit or repayment condition, and update the accounting schedule in Exhibit B.

4. A section 42621 transfer may be made only when the District lacks sufficient money to meet current operating expenses. At the time of transfer, the amount shall not exceed 85 percent of the money accruing to the District. Each section 42621 transfer shall be repaid before June 30 of the current fiscal year from funds subsequently received by the District.

5. A section 42622 apportionment is conditioned upon repayment during the next succeeding fiscal year. During that year, the County Superintendent shall transfer from the District General Fund to the County School Service Fund the amount apportioned, less principal previously repaid. The parties may establish anticipated transfer dates in Exhibit B, but no administrative schedule extends the statutory repayment period.

6. A section 42621 transfer does not automatically convert, roll over, or become a section 42622 apportionment if unpaid. Any proposed redesignation must be documented before the amount is administered under section 42622 and must be supported by legally sufficient authority and all approvals required by law. Until then, the original section 42621 repayment obligation remains in effect.

7. No installment shall be disbursed after June 30, 2027 without a written amendment supported by required approvals. Repayment reduces outstanding principal but does not replenish the aggregate authorization. Each installment is part of the authorized fiscal assistance and is not a separate commercial loan.

8. The District shall use assistance solely for lawful operating obligations and shall account for each installment under the statutory category designated by the County Superintendent.

9. The County Superintendent shall maintain separate section 42621 and section 42622 ledger subaccounts and a combined aggregate ledger. The District shall maintain corresponding records. The parties shall reconcile the ledgers at least monthly and promptly address discrepancies.

10. The District may repay all or part of outstanding principal at any time without premium or penalty. Unless otherwise identified in writing, a voluntary repayment shall be applied first to the earliest-maturing section 42621 obligation and then to section 42622 principal.

11. In addition to principal, the District shall reimburse the County School Service Fund for investment earnings foregone while each installment remains outstanding. Foregone earnings shall be calculated as of the repayment date using the same rate of return the funds would have earned if they had remained on deposit with the county treasury during that period and shall be paid with the corresponding installment payment. This reimbursement obligation is an independently negotiated contractual condition and is not represented as an amount expressly required by Education Code sections 42621 or 42622.

12. Until all amounts are repaid, the District shall provide adopted and revised budgets, interim reports, cash flow projections, anticipated revenue reports, accounts payable information, payroll projections, and other existing fiscal records reasonably necessary to evaluate installment requests, statutory compliance, solvency, and repayment.

13. Exhibit C, Fiscal Oversight and Financial Recovery Covenants, is incorporated into this Agreement. The District expressly accepts its defined prior concurrence, temporary stay, corrective action, and lawful rescission procedures as contractual conditions of assistance.

14. The County Superintendent may suspend or decline an undisbursed installment if statutory conditions are not satisfied, requested information is not provided, a material breach

remains unresolved, or an Event of Concern materially threatens lawful operations, solvency, or repayment.

15. The District shall immediately notify the County Superintendent if repayment by an applicable deadline may not occur. The parties shall promptly confer regarding lawful corrective steps. Nothing in this section authorizes an extension of a statutory deadline or automatic conversion between statutes.

16. This Agreement creates no lien, pledge, deed of trust, Uniform Commercial Code security interest, or encumbrance of District property or revenues.

17. The District retains its statutory governance authority except for contractual obligations expressly approved by its Governing Board. No provision authorizes either party to violate applicable law or impair vested third party rights. If a specified remedy is unavailable, the District shall implement the maximum lawful corrective measure reasonably addressing the fiscal concern.

18. Notices shall be in writing and delivered personally, by recognized overnight service, United States mail or agreed electronic delivery to the addresses listed below.

19. This Agreement, the board resolutions, and Exhibits A through C constitute the entire agreement concerning the fiscal assistance. If provisions conflict, the more specific statutory classification and repayment provision controls, followed by the more specific oversight provision to the extent lawful.

20. An amendment must be written, signed by both parties, and supported by required approvals. Invalid provisions are severed to the extent permitted by law. A waiver must be written and applies only to the stated matter.

21. California law governs. The parties may execute counterparts and electronic signatures, all of which constitute one instrument.

NOTICE ADDRESSES

County Superintendent:
Kern County Superintendent of Schools
1300 17th Street
Bakersfield, CA 93301
Email: magarris@kern.org

District:
Buttonwillow Union School District
42600 Highway 58
Buttonwillow, CA 93206
Email: hwitcher@buttonwillowschool.com

**KERN COUNTY SUPERINTENDENT OF
SCHOOLS**

**BUTTONWILLOW UNION SCHOOL
DISTRICT**

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT A

INSTALLMENT REQUEST AND DISBURSEMENT DESIGNATION

Request Date	October 5, 2026
Requested Amount	\$1,500,000
Requested Disbursement Date	November 1, 2026
Purpose/Obligations	To address the District's projected cash shortfall during the 2026-27 fiscal year.
Anticipated Repayment Sources	General Fund Revenues (LCFF Funding and property tax revenues)
Anticipated Repayment Date	June 30, 2029
Aggregate Authorization	\$2,000,000
Previously Disbursed – Section 42621	
Previously Disbursed – Section 42622	
Previously Repaid	
Outstanding Before Request	
Available Undisbursed Authorization	

District Certification

The District certifies that the requested installment is needed for lawful operating expenses; the attached cash flow projection is complete and accurate in all material respects to the signer's knowledge; and the District has disclosed information bearing on repayment timing and capacity.

BUTTONWILLOW UNION SCHOOL DISTRICT

Attachment checklist:

☒ Updated cash flow projection

☒ Anticipated revenue schedule

☒ Current general ledger/cash report

☐ Other: _____

By: _____

Name/Title: _____

Date: _____

County Superintendent Disbursement Designation

DESIGNATE ONE CATEGORY FOR THIS INSTALLMENT:

☒ SECTION 42621 TEMPORARY TRANSFER

District lacks sufficient money to meet current operating expenses: ☐ Yes

Money accruing to District at time of transfer: \$5,097,968

85 percent limitation: \$4,333,273

Section 42621 outstanding after this transfer: \$1,500,000

Mandatory repayment date: before June 30, 2029

☐ SECTION 42622 APPORTIONMENT

Apportionment conditioned on repayment during fiscal year [NEXT SUCCEEDING FISCAL YEAR]: ☐ Yes

Section 42622 outstanding after this apportionment: \$[_____]

Planned transfer date(s): [_____]

Final administrative repayment date: [_____], which shall not extend beyond the statutory period

Approved amount: \$[_____] Approved disbursement date: [_____]

Updated aggregate outstanding: \$[_____] Remaining authorization: \$[_____]

KERN COUNTY SUPERINTENDENT OF SCHOOLS

By: _____

Name/Title: _____

Date: _____

Fiscal Review

By: _____

Name/Title: _____

Date: _____

EXHIBIT B

SECTION 42621 / 42622 DISBURSEMENT AND ACCOUNTING SCHEDULE

INSTRUCTIONS: Update after every disbursement, repayment, transfer, correction, or change in anticipated repayment timing. Maintain support for the statutory designation in the transaction file.

Txn. No.	Date	Type	Disbursed	Repaid	Outstanding	Revenue / Transfer Source	Due / Planned Date	Status / Notes
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
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		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			
		☐ 42621 ☐ 42622	\$	\$	\$			

Summary Reconciliation

Category	Total Disbursed	Total Repaid	Outstanding	Applicable Deadline
Section 42621	\$	\$	\$	Before June 30, [YEAR]
Section 42622	\$	\$	\$	During FY []
Combined	\$	\$	\$	See above
Remaining authorization			\$	N/A

Monthly Certification

As of June 30, 2027, the schedule agrees with the County and District ledgers, subject to the exceptions stated below. No section 42621 balance has been treated as a section 42622 balance without legally sufficient authorization and written designation.

County Fiscal Officer

By: _____

Date: _____

District Fiscal Officer

By: _____

Date: _____

EXHIBIT C

FISCAL OVERSIGHT AND FINANCIAL RECOVERY COVENANTS APPLICABLE TO SECTION 42621 AND SECTION 42622 ASSISTANCE

1. These Covenants are contractual conditions of all assistance under the Master Agreement. They are intended to protect the County School Service Fund, support lawful operations and fiscal recovery, and promote timely repayment. They are not represented as powers independently conferred by sections 42621 or 42622.
2. These Covenants begin on the Effective Date and continue until all assistance and properly due contractual amounts are repaid and the County Superintendent confirms completion in writing.
3. By the 30th day of each month, the District shall provide current cash flow projections, budget-to-actual reports, fund balance and reserve reports, accounts payable aging, payroll projections, enrollment and attendance reports, staffing information, multiyear projections, and repayment status, to the extent maintained or reasonably available.
4. A Covered Fiscal Action is an action selected and assigned a threshold in Schedule C-1. Related transactions shall be aggregated. Legally required payments and emergency health or safety actions are not prohibited solely because advance concurrence could not reasonably be obtained, but the District shall notify the County Superintendent promptly and minimize fiscal impact.
5. District shall not approve, execute, obligate funds for, or implement a Covered Fiscal Action without prior written concurrence from the County Superintendent, except as stated in Section 4. A request shall disclose total and multiyear fiscal impact, funding source, budget authority, cash flow and reserve effects, repayment effects, and supporting documents. Silence is not approval.
6. The County Superintendent may issue a written Notice of Stay upon a reasonable determination that a proposed, approved, or partly implemented Covered Fiscal Action materially threatens payroll, lawful operations, adequate cash, fiscal recovery, repayment, or solvency. The notice shall identify the action, basis, effective date, required information or corrective measures, and duration. The District shall suspend further approval, implementation, payment, or performance to the extent legally permissible. A stay remains effective for up to 30 calendar days unless withdrawn, extended by written agreement, or superseded by a corrective determination.
7. An action taken without required concurrence or in violation of an active stay is a Noncompliant Fiscal Action. After written notice and an opportunity to confer, the County Superintendent may direct the District to rescind, terminate, suspend, reverse, or otherwise correct the action to the extent legally permissible. If Governing Board action is required, the District shall place the matter on the next lawfully available agenda and recommend action consistent with the direction.
8. These Covenants do not by themselves void a Governing Board action, impair vested third party rights, or authorize violation of law. If complete rescission is unavailable, the District shall take the maximum lawful corrective action and implement an alternative fiscal remedy reasonably acceptable to the County Superintendent.
9. At written request, the District shall collaborate on a Fiscal Recovery Plan addressing expenditure reductions, staffing, revenues, cash management, reserves, multiyear projections, repayment, timelines, and monitoring. A plan becomes contractually binding when approved by the Governing Board and County Superintendent.

10. The District Superintendent, Chief Business Official, County Superintendent designee, and appropriate fiscal staff shall meet monthly unless another schedule is approved. Governance representatives shall conduct a quarterly review of fiscal status, recovery progress, unresolved concerns, and repayment.
11. Events of Concern include failure to report; materially inaccurate information; inability or anticipated inability to meet payroll, lawful obligations, or repayment; deteriorating cash, reserves, enrollment, attendance, or projections; a noncompliant Fiscal Action; or failure to implement an approved recovery plan.
12. After notice of an Event of Concern, the parties shall meet within five business days unless another period is stated or agreed. The District shall submit a corrective plan within fifteen business days, identifying actions, responsible officials, deadlines, fiscal effects, and monitoring. The plan is subject to written approval by the County Superintendent.
13. Each future installment is conditioned on statutory compliance, documented need, timely reporting, compliance with these Covenants and approved plans, and absence of an unresolved material Event of Concern. The County Superintendent may suspend or decline an undisbursed installment while a material Event of Concern remains unresolved.
14. Subject to law, remedies include suspension of undisbursed installments and enforcement of reporting, concurrence, stay, corrective action, and lawful rescission covenants. No remedy extends a statutory repayment period. These Covenants do not authorize withholding compensation or create a security interest.
15. The board resolutions and Master Agreement expressly approve these Covenants. A general reservation of governance authority does not negate the specific contractual obligations stated here. If a conflict remains, the specific statutory repayment requirement controls, followed by the specific lawful oversight requirement.

SCHEDULE C-1 - COVERED FISCAL ACTION THRESHOLDS

Category	Selected	Threshold / Trigger	Notes
New or unbudgeted position	☐	\$[] / []%	[]
Salary schedule or ongoing compensation increase	☐	\$[] / []%	[]
Off-schedule, retroactive, bonus, or supplemental compensation	☐	\$[] / []%	[]
Management employment agreement or amendment	☐	\$[] / []%	[]
Separation, severance, release, or settlement	☐	\$[] / []%	[]
Collective bargaining agreement, side letter, or MOU	☐	\$[] / []%	[]
Professional services or consultant agreement	☐	\$[] / []%	[]
Public works or construction contract	☐	\$[] / []%	[]
Construction change order	☐	\$[] / []%	[]
Nonbudgeted purchase or expenditure	☐	\$[] / []%	[]
Multiyear agreement	☐	\$[] / []%	[]
Borrowing, debt, or lease financing	☐	\$[] / []%	[]
Capital expenditure	☐	\$[] / []%	[]
General Fund budget revision	☐	\$[] / []%	[]
Interfund transfer or contribution	☐	\$[] / []%	[]
Use of one-time revenue for ongoing obligation	☐	\$[] / []%	[]
Reserve reduction	☐	\$[] / []%	[]
Other: _____	☐	\$[] / []%	[]

Review Contacts

Role	Name / Title	Email	Telephone
District submission contact	Marlene Ortiz	marortiz@kern.org	661-636-4219
County fiscal review contact	Maxwell Garris	magarris@kern.org	661-636-4732
County legal review contact	Abigale Auffant	abauffant@kern.org	661-633-4277
Final concurrence authority	Russell Sentes	rusentes@kern.org	661-636-4161

OFFICE OF JOHN G. MENDIBURU
KERN COUNTY SUPERINTENDENT OF SCHOOLS
Superintendent's Resolution No. 26-01

RESOLUTION FOR 180-DAY WAIT PERIOD EXEMPTION
Gov. Code sections 7522.56 & 21224

September 27, 2026

RESOLUTION FOR 180-DAY WAIT PERIOD EXCEPTION
G.C. sections 7522.56 & 21224

WHEREAS, in compliance with Government Code section 7522.56 the Kern County Superintendent of Schools must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Michael Fine, Member ID 4580091823, will retire from the Kern County Superintendent of Schools in the position of Chief Executive Officer of the Fiscal, Crisis, and Management Assistance Team (FCMAT), effective October 2, 2026; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is April 1, 2027 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, County Superintendent, John G. Mendiburu (an elected official), the Kern County Superintendent of Schools, and Michael Fine certify that Micheal Fine has not and will not receive a Golden Handshake or any other retirement incentive; and

WHEREAS, County Superintendent, John G. Mendiburu (an elected official) hereby appoints Michael Fine as an extra help retired annuitant to perform the duties of Chief Executive Officer of the Fiscal Crisis and Management Assistance Team (FCMAT) for the Kern County Superintendent of Schools under Government Code section 21224 effective October 6, 2026; and

WHEREAS, the entire employment agreement, contract or appointment document between Michael Fine and the Kern County Superintendent of Schools has been reviewed by the elected County Superintendent who serves as the governing body and the employer herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

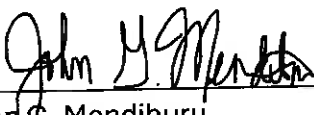
WHEREAS, the maximum monthly base salary for this position is \$31,574 and the hourly equivalent is \$181.46, and the minimum for this position is \$27,904 and the hourly equivalent is \$160.37; and

WHEREAS, the hourly rate paid to Michael Fine will be \$180.00; and

WHEREAS, Michael Fine has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the Kern County Superintendent of Schools hereby certifies the nature of the appointment of Michael Fine as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Chief Executive Officer of the Fiscal, Crisis, and Management Assistance Team (FCMAT), for the Kern County Superintendent of Schools by October 6, 2026 in order for Mr. Fine to be present at previously scheduled depositions, of which he is the most knowledgeable individual, and to assist with a backlog of a few items over and above with the current staff can manage.

Certification



John G. Mendiburu
Kern County Superintendent of Schools

09/30/26

Date