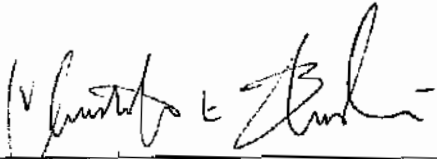


## Memorandum of Understanding

In resolution of a grievance filed by BHEA on October 31, 2008, BHEA and BHUSD agree that, for the 2008-2009 school year, the district will begin to claim supplemental instructional program funding (attachment, Exhibit A). The parties also agree that all teachers who provide extra pupil contact minutes in an intervention program that meets the description provided by the state (attachment, Exhibit A) will be paid at their salary rate, retroactively to the beginning of the 2008-2009 school year. This means that pay will be based on a ratio of 1/5 of a teacher's salary for every 50 minute period of instruction as determined by the structure of the program. Other extra-curricular class assignments will continue to be funded and compensated as they are for the remainder of this year. For schools that do not currently have a program in place, and for schools that wish to supplement their intervention programs, the schools will write proposals for programs for the 2008-2009 school year, and the district will evaluate its ability to support these proposals.

The business office will provide forms for attendance accounting. Each principal will work with affected teachers at his or her school site to obtain hourly attendance records for instruction that has already been provided. This information will be provided to the business office by February 1<sup>st</sup>, and retroactive salary will be provided to employees by February 1<sup>st</sup>. Attendance accounting will be collected as instruction is provided from this point forward and submitted to the business office on the attendance reporting schedule that has already been established for the district.



Christopher Bushee  
Certificated President  
BHEA



Sal Gumina  
Assistant Superintendent, Human Resources  
BHUSD

12-9-08

Date

12/9/08

Date

# Supplemental Instructional Programs:

EXHIBIT A

"Core academic" refers to classes in the "adopted course of study" for grades one through six and for grades seven through twelve, pursuant to *EC* sections 51210 and 51220, respectively. These include the following areas of study:

## **Grades 1-6**

English  
Mathematics  
Social studies  
Science  
Visual & performing arts  
Health  
Physical education

## **Grades 7-12**

English  
Mathematics  
Social sciences  
Science  
Foreign languages  
Visual & performing arts  
Career technical education  
Applied arts  
Physical education  
Automobile driver education

Other areas of study, prescribed by the governing board, may be included in the "adopted course of study."

### **5. How does Independent Study relate to the supplemental instruction programs?**

Because students in Independent Study programs may have an instructional day that does not conform to the regular instructional day of the school district of attendance, the emphasis should be on providing *supplemental* instruction to qualifying students. That is, the SI program should supplement and not supplant, replace, or be included as part of the student's academic work under Independent Study. All other SI program requirements pertain to students in Independent Study as they do to all other students.

### **6. May charter schools offer supplemental instruction programs and receive reimbursement from the state?**

Yes, charter schools *may* offer, but are not required to offer, SI programs to qualifying students. Direct-funded charter schools are reimbursed for SI services on the same basis as school districts (i.e., as local educational agencies).

## **Program Information**

### **Remedial Instruction**

This program is a combination of three components:

1. Mandated program for pupils in grades 2-9 who have been retained or notified of retention,
2. Mandated program for pupils in grades 2-6 who are at risk of retention,
3. Optional program for pupils in grades 2-6 deficient in math, reading, or written expression

based on the STAR test. There is no cap on fundable hours for the retention component, and a 5% cap on the recommended for retention and academically deficient components.

### **High School Exit Exam**

Education Code Section 37252

Pupils in grades 7-12 who do not show adequate progress towards passing the courses on the High School Exit Exam. Eligibility is based on the SAT 9 test, locally administered tests, or other measures of academic performance. There is no cap on fundable hours. Courses that may be claimed for CAHSEE funding are limited to those included on the CASHEE exam and must be provided in addition to the regular school day.

Education Code Section 37254

Separate legislation to provide funding for “intensive instruction and services.” Hours for this program may be provided “during regular school day provided they do not supplant the instruction of the pupil in the core curriculum areas defined in EC 60603.” Core is defined as reading, writing, mathematics, history-social science, and science.

### **Restrictions**

This funding must be used to provide intensive instruction and services designed to help eligible students pass the CAHSEE, which may include: individual or small group instruction, the hiring of additional teachers, purchasing, scoring, and reviewing diagnostic assessments, counseling, and designing instruction to meet the specific needs of eligible students.

### **Conditions of Apportionment**

Schools must accomplish all of the following:

- Ensure each eligible student receives
  - ♦ An appropriate diagnostic assessment
  - ♦ Intensive instruction and services based on assessment results
- Demonstrate funds supplement and do not supplant core curriculum and existing services
  - ♦ Cannot reduce or use existing core classes and services
  - ♦ Must be new or additional core classes and services
  - ♦ Core as defined by EC 60603: reading, writing, mathematics, history-social science, science.

### **Student Eligibility**

Students must have failed one or both parts of the CAHSEE. Basically, student eligibility is limited to Grades 10-12, since it is not administered until 10<sup>th</sup> grade.

### **Core Academic**

The Core Academic program is the most flexible supplemental hourly program, designed to provide pupils in grades K-12 with core academics. 5 CCR Section 11472 defines “core academic” programs as those listed in *Education Code* sections 51210 and 51220, for grades 1-6 and 7-12 respectively. These code sections define “core academic” as the adopted course of study required of students in those grades. The course of study for grades 7-12 includes English, social sciences, foreign languages, physical education, science, mathematics, visual and performing arts, health, applied arts, career technical education, automobile driver education, and

other studies as may be prescribed by the board. The program may be offered to provide remediation, enrichment, or acceleration. Funding is capped at 5% of the prior year's K-12 CBEDS.

The program is optional for pupils in grades K-12 in any core subject specified in *Education Code* Section 51210 (a) -(g) for grades K-8 and Section 51220 (a) - (j) for grades 9-12.

### **Identify Funding**

Identify the potential revenue to be generated for each hourly program; don't forget the cap. Develop projections by site, but remember to be flexible district-wide. An overage of one school can be offset by shortage of another (not to exceed allowable cap).

### **Develop Attendance Accounting Procedures and Forms**

Determine if the system being used is manual or computerized, and ensure it is CDE approved. For programs requiring hourly attendance, identify the start and end time schedules for each session and record each clock hour, even if there is a block schedule, e.g. 3-5 p.m. A common format is to have the teacher make a mark for each hour of attendance (such as an X).

Teachers must sign and date the attendance forms, and pupils must be separately identified for each program. Consider using a code to identify pupils who qualify for more than one program, but only claim accumulated hours for each pupil to one program designation. This may require that a separate register is used for each program – as you may have multiple programs running concurrently in a single classroom. Remember you cannot double-dip, each hour may only be claimed in one program.

### **Hourly Attendance**

Attendance must be recorded for each clock hour. Class time(s), including start and end times, must be identified on forms or on the documented schedule. Passing time may not be included.

Record attendance hours (or fraction thereof) in a CDE approved attendance system. Each pupil hour can only be counted once to only one qualifying hourly program. Students must be individually identified for each class, and the hours must be calculated separately due to different reporting requirements and funding levels.

### **Attendance Accounting**

Attendance accounting for the supplemental hourly programs starts with a system and forms approved by the CDE. Students enrolled in the program must be listed on the CDE approved form, the program clearly identified, and hourly attendance recorded each clock hour or fraction thereof. There are no minimum day and time requirements for supplemental instruction. Time may be aggregated into hourly increments, rounding down and not up (55 minutes cannot be rounded to one hour).

Attendance must be reported in clock hours for pupils in the supplemental hourly programs. For apportionment purposes, a student is considered present if he/she attends any part of the scheduled class hour. Passing time may not be credited for apportionment purposes or for