

**HAMILTON UNIFIED SCHOOL DISTRICT
BOARD MEETING
AGENDA
Hamilton High School Library
Wednesday, October 23, 2019**

5:30 p.m. Public session for purposes of opening the meeting only.
5:30 p.m. Closed session to discuss closed session items listed below.
6:00 p.m. Reconvene to open session no **later** than 6:30 p.m.

1.0 OPENING BUSINESS:

Call to order and roll call

_____ Gabriel Leal, President
_____ Genaro Reyes

_____ Hubert "Wendall" Lower, Clerk
_____ Ray Odom

_____ Rod Boone

2.0 IDENTIFY CLOSED SESSION ITEMS:

3.0 PUBLIC COMMENT ON CLOSED SESSION ITEMS: Public comment will be heard on any closed session items. The board may limit comments to no more than three minutes per speaker and 15 minutes per item.

4.0 ADJOURN TO CLOSED SESSION: To consider qualified matters.

1. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
2. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
3. Government Code Section 54956.9, Subdivision (a), Existing litigation. Name of case: Crews v. Hamilton Unified School District, Glenn County Superior Court, Case No. 15CV01394.
4. *Conference with Real Property Negotiators.* Property: Westermann property north of Hamilton High School, approximately located at 500 Sixth Street, Hamilton City, CA 95951 (APN: 032-230-015-000). Agency Negotiator: Jeremy Powell, Superintendent; Matt Juhl-Darlington, Attorney for District. Negotiating Parties: Westermann Family and Hamilton Unified School District. Under negotiation: Price and terms of payment.

Report out action taken in closed session.

5.0 PUBLIC SESSION/FLAG SALUTE:

6.0 ADOPT THE AGENDA: (M)

7.0 COMMUNICATIONS/REPORTS:

1. Board Member Comments/Reports.
2. ASB President and Student Council President Reports
 - a. Hamilton High School, Giovanni Martinez
 - b. Hamilton Elementary School, Ella Mendez
3. District Reports (written)
 - a. Operations Report by Alan Joksch (p. 1)
 - b. Technology Report by Derek Hawley (p. 3)
4. Principal and Dean of Student Reports
 - a. Kathy Thomas, Hamilton Elementary School Principal
 - b. Maria Reyes, District Dean of Students
 - c. Cris Oseguera, Hamilton High School Principal
 - d. Sylvia Robles, Adult School (p. 5)
5. Chief Business Official Report by Kristen Hamman (p. 7)
6. Superintendent Report by Jeremy Powell (p. 9)

8.0 PRESENTATIONS:

1. Nutrition Services Presentation by Sean Montgomery, Director of Nutrition & Student Welfare

9.0 **CORRESPONDENCE:**

1. None

10.0 **INFORMATIONAL ITEMS:**

1. North Coast Unified Air Quality Management District Rural School Bus Pilot Project Grant to HUSD based on resolution number 18-19-105 (p. 13)
2. Hamilton High School Site Expansion Status Update by Mike Cannon (p. 65)
3. HUSD 2019 LCAP Local Indicators Report (p. 67)
4. Bond Status Update (p. 71)
5. HUSD Enrollment History for five years (p. 73)

11.0 **DISCUSSION ITEMS:**

1. CSBA Policy Guide Sheet (for below first readings) (p. 75)
 - a. First reading of Board Policy & Administrative Regulation 6174: Education for English Learners (p. 77)
 - b. First reading of Board Policy 6179: Supplemental Instruction (p. 88)
 - c. First reading of Board Bylaw 9321: Closed Session (p. 93)
 - d. First reading of Board Bylaw 9321.1: Closed Session Action and Reports (p. 94)
 - i. Delete BB - yes
 - ii. Delete BB - no

12.0 **PUBLIC COMMENT:** Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard (agenda and non-agenda items). The Board may limit comments to no more than three minutes per speaker and 15 minutes per topic. Public comment will also be allowed on each specific action item prior to board action thereon.

13.0 **ACTION ITEMS:**

1. CSBA Policy Guide Sheet (for below first readings) (p. 111)
 - a. Second reading of Board Policy & Administrative Regulation 4218.1: Dismissal/Suspension/Disciplinary Action (Merit System)
 - b. Second reading of Board Policy 5123: Promotion/Acceleration/Retention (p. 113)
 - i. Option 1
 - ii. Option 2
 - c. Second reading of Board Policy and Administrative Regulation 5136: Gangs (p. 117)
 - d. Second reading of Board Policy and Administrative Regulation 6142.2: World Language Instruction (p. 125)
 - e. Second reading of Administrative Regulation 6145.2: Athletic Competition (p. 135)
 - f. Second reading of Board Policy and Administrative Regulation 6145.6: International Exchange (p. 146)
2. HUSD Board Meeting Dates for 2020 (p. 153)

14.0 **CONSENT AGENDA:** Items in the consent agenda are considered routine and are acted upon by the Board in one motion. There is no discussion of these items prior to the Board vote and unless a member of the Board, staff, or public request specific items be discussed and/or removed from the consent agenda. Each item on the consent agenda approved by the Board shall be deemed to have been considered in full and adopted as recommended.

1. Warrants and Expenditures. (p. 155)
2. College and Career Access Pathways Partnership Agreement Appendix 2019-20 (p. 191)
3. MOU The Boys & Girls Clubs of the North Valley-GCOE-HUSD (p. 203)
4. Teacher Consent forms for 2019-20 School Year – Hamilton Elementary and Hamilton High School (p. 213)
5. Minutes for regular Board Meeting on September 25, 2019 (p. 227)
6. Minutes for special Board Meeting on October 9, 2019 (p. 269)
7. HES School Site Council Meeting Agenda for August 16, 2019 (p. 271)
8. HES School Site Council Meeting Minutes for August 16, 2019 (p. 273)

9. HES School Site Council Meeting Agenda for September 6, 2019 (p. 275)
10. HES School Site Council Meeting Minutes for September 6, 2019 (p. 277)
11. Interdistrict Transfers (new only; elementary students reapply annually).
 - a. Out
 - i. Hamilton Elementary School
 1. Grade 7 x 1
 2. Grade 2 x 1
 3. Grade K x 1
 - ii. Hamilton High School
 1. Grade 10 x 1
 - b. In
 - i. Hamilton Elementary School
 1. none
 - Hamilton High School
 2. none
12. Personnel Actions as Presented:
 - a. New hires:
 - b. Resignations/Retirement:

15.0 **ADJOURNMENT:**

HUSD Maintenance Report

Board Meeting on October 23, 2019

Alan Joksch, Director of Maintenance and Transportation

Football and Volleyball

1. Our Fall sports are winding down for the High School and the season is over for the Elementary. The facilities have held up nicely, with just a few minor matters to take care of.
2. This month we have hosted one football game and driven to two. The long drive to Trinity is our farthest this season.
3. Volleyball has had five home games and we have driven them to 4.

Busses

1. On September 30, CHP came to do our annual terminal inspection and bus certification. There were a couple of minor things that they pointed out. They also gave me a few useful suggestions on how I need to be performing my 45 day inspection on the fleet.
2. Considering this was my first inspection and the fact that the busses have over 150,000 mi. each, I was pleased with the outcome.
3. We welcome Dallas as our newest bus driver. He has already been covering some afternoon bus runs as well as driving to a couple of sporting events.

Facilities

1. I completed this year's Facilities Inspection Report.
 - o Given the age of many of our buildings and the fact that the maintenance staff is extra busy trying to keep on top of everything, we are in good shape. When all totaled, we received a (good) overall rating.

Maintenance Tickets

1. This month we have accepted over 75 job tickets. We have closed 90, with 15 still pending.
2. The maintenance staff received training on the Spiceworks system and have become quite proactive on accepting, taking care of, and then closing job tickets on their own.

HUSD Technology Report

Board Meeting on September 25, 2019

Frank James, Director of Technology

Derek Hawley, Information Systems Technician

Completed and in Progress Tasks – October 2019

1. **Staff and Faculty Support:** During the month of September HUSD generated 87 new technology tickets. We closed 83 technology tickets and experienced a growth of 4 tickets.
2. **Blackboard mobile App Project:** We have had our first implementation meeting and we have started the process of bringing the App online.
3. **Copier/Business Solutions Project:** We have signed the initial RMC contract and had our first Project planning meeting (with RMC). We should be able to provide a projected timeline within a week or so.
4. **Power Down Process:** In preparation of a potential power outage, we have completed the power down sequence at the High School. The Elementary School is close to completion and we are moving forward on that process at this time.
5. **HES Conference Room:** MTO has mounted a 70" monitor and Tech has equipped it with a wireless display option. This will allow for better utilization of this room for meetings and PD. This was fully utilized during our Quarterly Cabinet meeting on October 11th.

The Robles Report-Adult Education
Board Meeting on October 11, 2019
Silvia Robles, Director of Adult Education
Guadalupe Mercado, Administrative Technician

Completed and in Progress Tasks – October 2019

1. Enrollment for all programs as of today:

- Citizenship ----- 10
- Computer Literacy in progress ----- 9
- ESL ----- 9
- Floral Design----- 0
- Forklift Signups October 24 & 26 ----- 6
(2 paid 4 non pay)
- High School Diploma----- 18
(5 wait list/Referral received, Adult Registration needed)
- Intensive ELD/Childcare Provider----- 0
- Job Reentry Postponed Spring 2020

2. In progress First Quarter Report ending September 30, and due October 30th.

3. High School Diploma ongoing enrollment-Concurrent and Adults

4. California Core Performance Employment and Earning Survey training completed 9/13/2019

5. First Quarter Report Due to CASAS (Comprehensive Adult Student Assessment Systems) Oct 31, 2019

- Report includes attendance, expenditures, DIR and testing components

6. Professional Development Plan Due to CDE October 31, 2019

7. Identify and select State Approved EI Civics Objectives DUE October 31, 2019.

8. Recruitment & enrolling for Forklift Training.

- Next Section October 24 & 26, 6pm-9pm & 8am-4pm., weather permitting.

9. Financial Services Presentation through Bank of America is scheduled for October 23, 2019 at Community Day, 7:00pm.

**Hamilton Unified School District
General Fund - Unrestricted and Restricted
October 2019 Board Report
As of 10/10/19**

	2019-2020 Budget	2019-2020 Year To Date	2018-2019 Budget	2018-2019 Year To Date
Revenues				
LCFF Sources	\$ 7,980,647	\$ 829,099	\$ 7,548,255	\$ 1,243,883
All Other Federal Revenue	\$ 254,861	\$ 15,883	\$ 260,002	\$ -
Other State Revenue	\$ 195,102	\$ 237,780	\$ 467,224	\$ 10,274
Other Local Revenue	\$ 69,840	\$ 1,955	\$ 35,500	\$ 13,839
Other Financing Sources	\$ -	\$ -	\$ 27,972	\$ -
Total Revenues	\$ 8,500,450	\$ 1,084,717	\$ 8,338,953	\$ 1,267,995
Expenditures				
Certificated Personnel Salaries	\$ 3,452,793	\$ 665,693	\$ 3,476,900	\$ 672,648
Classified Personnel Salaries	\$ 1,193,213	\$ 277,180	\$ 1,146,055	\$ 285,434
Employee Benefits	\$ 1,985,568	\$ 432,078	\$ 1,893,035	\$ 429,554
Books and Supplies	\$ 498,893	\$ 145,977	\$ 312,944	\$ 239,997
Travel and Conferences	\$ 120,287	\$ 13,813	\$ 140,473	\$ 10,891
Dues and Memberships	\$ 9,500	\$ 9,517	\$ 9,500	\$ 8,813
Other Insurance	\$ 89,819	\$ 100,695	\$ 89,819	\$ 87,145
All Other Utilities	\$ 205,500	\$ 79,457	\$ 205,500	\$ 90,242
Rents/Leases/Repairs	\$ 77,299	\$ 22,528	\$ 104,945	\$ 27,795
Other Operating Expenditures	\$ 293,881	\$ 83,983	\$ 258,356	\$ 124,196
Capital Outlay	\$ -	\$ 8,530	\$ 236,000	\$ 198,669
Other Outgo	\$ 808,946	\$ -	\$ 668,616	\$ -
Total Expenditures	\$ 8,735,699	\$ 1,839,451	\$ 8,542,143	\$ 2,175,385
Net Increase (Decrease) in Fund	\$ (235,249)	\$ (754,734)	\$ (203,190)	\$ (907,390)
Beg. Fund Bal. (2018-19 Unaudited Actuals)	\$ 1,258,543			
Projected End. Fund Bal.	\$ 1,023,294			

HUSD Superintendent Report

Board Meeting on October 23, 2019

Jeremy Powell, Ed. D.

With the changing colors of the trees around campus and the end of the first quarter last week the Hamilton Unified School District and community continue to focus on helping our students achieve their potential. From the amazing spirit at our Fall Sports to our strong intervention programs, teachers, staff, and parents alike are going above and beyond to ensure our children are getting the best education possible! To ensure a clear vision and focus, on Friday, October 11, we had our Quarterly Cabinet meeting that included all District and Site administration, Deans, TOSAs, and Site Administrative Assistants. During our Cabinet Meeting, as a leadership team, we established five "Core Values" that will help guide our decision making, communication, and future goals. Our identified Core Values are:

- Student Centered
- Genuine
- Committed
- "Teamtastic"-Team Centered and Enthusiastic
- "Pro-Pos"- Professional and Positive

District Highlights for September & October:

- California Assessment of Student Performance and Progress (CAASPP) data was recently released for the district and school sites. Our administration team is examining the test data and will be reporting out district and site growth, as well as, similar school comparative data during the November/December board meeting.
- A team from Hamilton Unified (Mrs. Sawyer, Mrs. Reyes, Mrs. Godinez, and Dr. Powell) traveled to Sacramento to attend training for the English Language Proficiency Assessments for California (ELPAC). This assessment is taking the place of the former assessment for our English Learners (California English Language Development Test (CELDT)). Our district is field testing the electronic version of the ELPAC now and will be giving in the assessment to all of our English Learners in the Spring of 2020. This training was eye opening and will help us in our understanding of what the requirements are for our English Learners.
- Our first Bond Oversight Committee Meeting was held on September 30th. Meredith Johnson from DWK (District Contracted Attorney Firm) lead our meeting. Our committee reviewed the roles and responsibilities expected of members of the committee. We are still in search of two-three members to fill out the committee.
- Our school principals plus Kristen and myself attended the first on a series of meetings hosted by Glenn County Office of Education focusing on the LCAP and building a county-wide Professional Learning Network. It was a great first look at the new LCAP template, as well as a good opportunity to learn from others throughout the county.

Upcoming Events:

- 10/24: Hamilton Unified Leadership Committee Meeting (HULC) @ 3:30 in the HHS Library
- 11/4: DELAC/LCAP Meeting 6:00 @ HHS Library
- 11/11: Veterans Day-No School
- 11/13: HULC @ 3:30 in the HHS Library
- 11/25-11/29: Thanksgiving Break-No School



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Tax I.D. # 68-0294846

Dear Friends,

The Boys & Girls Club is excited to announce our annual **Champions for Kids Reception**. This evening event will be held on **Thursday, November 14th from 6:00pm to 7:30pm** at our very own Nettleton Gymnasium with appetizers by Bacio Catering.

The Champions for Kids Reception is an event to honor those who give their time, talents and treasures in order to help give local kids great futures at the Boys & Girls Club. It is also the time when we officially present our 2019 Youth of the Year.

The evening program is as follows:

- 6:00pm – Reception begins, Club Expos open to guests
- 6:30pm – Club kids performance
- 6:45pm – Club kids performance
- 7:00pm – Closing speeches by CEO and Youth of the Year

Join us as a sponsor or attendee at this year's event to celebrate amazing champions who make our region stronger and a better place for youth. This evening will showcase all that has been accomplished in putting kids first over the last year. Please refer to the enclosed information regarding available sponsorships and tickets.

Thank you in advance for your consideration. If you have any questions, please don't hesitate to call me at (530) 899-0335.

With heartfelt gratitude,

Rashell Brobst, CEO
 Boys & Girls Clubs of the North Valley

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501

(707) 443-3093

www.ncuaqmd.org



September 23, 2019

Charles Tracy, Superintendent
Hamilton Unified School District
P.O. Box 488
Hamilton City, CA 95951

RE: Agreement for Rural School Bus Pilot Project

The North Coast Unified Air Quality Management District (NCUAQMD) is the Grant Administrator for the Rural School Bus Pilot Project (RSBPP). The Hamilton Unified School District has been approved to receive a total of \$165,000.00 in RSBPP funding for the replacement of the following bus(es):

Grant #	Grant \$	Bus	VIN
RSBPP 18-14	\$165,000.00	2	1HVBAZRM8LH699636

Attached are the original agreements for the project(s). The original agreements must be signed in "blue ink" by the authorized representative of your school district. Please sign and return **two copies** to the District by mail. Once the NCUAQMD receives and executes the agreements, one of the original copies will be returned to you. At that time, you will have 30 days to place your purchase order and submit a copy to the NCUAQMD. Please be sure to pay close attention to the dates listed on Attachment A, Section 6. If any of these dates cannot be met, please notify the NCUAQMD prior to signing the agreement. Attachments B & C are to be completed and returned after project completion, and have been provided to you now for review.

The NCUAQMD looks forward to working with you to ultimately provide school children with safe, low-polluting transportation. If you have any questions or require additional information, please contact Erin Squire at (707) 443-3093, extension 111.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Wilson".

Brian Wilson
Air Pollution Control Officer

**RURAL SCHOOL BUS PILOT PROJECT
REPLACEMENT (HYBRID OR INTERNAL COMBUSTION ENGINE)
GRANT AGREEMENT
BETWEEN
THE NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT
AND
HAMILTON UNIFIED SCHOOL DISTRICT**

PROJECT NO. RSBPP 18-14

This Agreement is made and entered into by and between the Hamilton Unified School District, hereinafter referred to as "Grantee," and the North Coast Unified Air Quality Management District, hereinafter referred to as the "Air District," and shall be effective as of the date of the last party signing below ("Effective Date").

RECITALS

WHEREAS, California Climate Investments are funded by the State proceeds from Cap-and-Trade auctions, which provide an opportunity for the State to invest in projects that help achieve the State's climate goals and provide benefits to disadvantaged communities; and

WHEREAS, the California Air Resources Board (CARB) created the Rural School Bus Pilot Project (RSBPP), and has allocated funding from the California Climate Investments; and

WHEREAS, on January 14, 2016 the Governing Board of the Air District adopted Resolution 2016-2, authorizing the Air Pollution Control Officer ("APCO") to enter into an agreement with the California Air Resources Board ("CARB") to implement said Grant Program on CARB's behalf; and

WHEREAS, on May 11, 2018, the Air District entered into Grant Agreement, Number G17-RBUS-01, with the CARB to administer the Rural School Bus Pilot Project ("RSBPP"); and

WHEREAS, Pursuant to Grantee *School District Resolution 18-19-105* Grantee has submitted a RSBPP Grant Application dated June 26, 2018, on file in the Air District office; and

WHEREAS, the APCO has evaluated Grantee's Grant Application, has determined that the Application complies with the CARB RSBPP Guidelines and criteria and shall meet all RSBPP requirements for the full term of this Agreement, and on that basis has approved Grantee's project for funding in accordance with the terms of this Agreement.

NOW THEREFORE, based on the representations made in the Grant Application, which are incorporated herein and made a material part hereof, the parties agree as follows:

1. GRANT AWARD

- 1.1 *Funding Award*. Grantee is hereby awarded RSBPP grant funds for the project described in Attachment A, Project Specific Information, attached hereto and incorporated herein, and hereafter referred to as the "Project". The maximum amount of grant funds for which Grantee is eligible is set forth in Section 5 of Attachment A. In consideration of said grant award, Grantee agrees to implement the Project based on all terms of this Agreement, including but not limited to the purchase and use of new equipment, and the performance of specific duties on or before key dates identified as the Project

Milestones in Section 6 of Attachment A. Grantee may not begin any work on this project until full execution of this Agreement.

- 1.2 Reimbursement Request, Disbursement of Funds. The Air District shall reimburse the school bus vendor and/or Grantee for eligible Project costs and expenses using RSBPP Grant Funds, or other funding mechanisms as determined appropriate by the APCO, consistent with the Project description and implementation schedule contained in Attachment A. No reimbursement may be made until the new bus has been delivered and a reimbursement request has been received. Grantee's reimbursement request must include: a completed copy of Attachment B, the Reimbursement Request Form; a copy of the invoice from the bus vendor for the purchased bus; evidence of payment of the invoice and its delivery (if applicable); the make, model and vehicle identification number (VIN) of the new bus; photographs of the new bus depicting the manufacturer's ID tag, the engine serial number, the bus identification number, and the license plate, if available; proof of California Highway Patrol (CHP) certification signifying that the new school bus is safe to operate with children aboard; the CARB Executive Order certification for the new bus engine; and, a completed copy of Attachment C, the Dismantle Certification Form, with applicable photos.

Requests made for incremental renewable fuel costs must be accompanied by receipts, invoices, or other documents providing actual fuel costs and fuel quantities. The Grantee may request funds for incremental renewable fuel costs annually, with submission of annual reporting documentation as required in Section 3.6 of this agreement. Requests for incremental renewable fuel costs must be received no later than March 15, 2021. Incremental renewable fuel costs accrued after this date are the sole responsibility of the Grantee. For the purpose of this Project, "Incremental Renewable Fuel Costs" are defined as the difference in cost between the renewable fuel type and the comparable non-renewable fuel type that would be purchased to perform the same function.

- 1.3 Project Cost: Project cost overruns are the sole responsibility of the Grantee unless expressly approved in writing by the Air District. The Air District's funding obligation is limited to the "RSBPP Funding" as identified in Attachment A, Section 5.
- 1.4 Grant Reduction: The APCO will reduce the Air District contribution to the Project in the event that the total Project cost is less than the amount listed in Attachment A.
- 1.5 Use of Funds. Grantee must use all funds received under this Agreement in accordance with all applicable provisions of law and implementation regulations.

2. AGREEMENT TERM AND PROJECT PHASES

- 2.1 Term, Term Components. This Agreement will commence as of the Effective Date (the date the last party signs this Agreement) and remain in effect for three (3) years and one day after the date the new school bus is put into active service. This time period shall be referred to as the Agreement "Term". The Agreement shall remain in effect over the full length of the Term unless terminated earlier as specified in Section 6 below. The Term has two phases, "Equipment Acquisition Phase" and the "Equipment Utilization Phase" as follows:

- (1) *Equipment Acquisition Phase:* This Phase will begin on the Effective Date of this Agreement, and last until such time as the Air District confirms, in writing, that the Equipment has become operational. Project milestones within this Phase include the execution of a purchase order for the new bus, the delivery of the new bus, the placing into active service of the new bus, and the

dismantling / destruction of the old bus. The activities and deliverables listed as part of the Equipment Acquisition Phase must be completed and/or satisfied on or before the dates specified in Section 6 of Attachment A. The Grantee shall notify the Air District upon completion of the Project Milestones listed in Section 6 of Attachment A within the timeframe specified therein.

(2) *Equipment Utilization Phase*: This Phase will begin on the date the new bus is placed into active service and conclude on the date three (3) years and one day thereafter. During this Phase, the Grantee is required to retain ownership of the new bus, to maintain the new bus as recommended by the manufacturer, to maintain CHP certification for the new bus, and to make reasonable efforts to utilize the bus in the same manner and for the same purpose as the old bus it replaced was used. The Grantee shall also collect information on the operation of the new bus and shall prepare and submit reports at twelve month intervals.

2.2 *Time is of the Essence, Equipment Delivery Date.* In the performance of the duties established in this Agreement, time is of the essence, as a delay in placing the new school bus into active service would result in the continued use of the higher-polluting older bus. Such use would result in the unnecessary exposure of school children to air toxics (diesel particulate matter) and in the additional discharge of greenhouse gases. Such emissions would have an adverse effect on air quality within the affected air district and may cause or contribute to a violation of an ambient air quality standard. Delivery of the new bus to the Grantee must occur on or before February 1, 2021 ("Final Delivery Date"). Delivery of the new school bus after the Final Delivery Date is a Grantee Default of this Agreement and subject to the terms of Section 6.2 of this Agreement.

2.3 *Grantee Purchase Order Contracts With School Bus Vendors.* Grantee must include the Final Delivery Date deadline in the purchase order agreement between Grantee and the school bus distributor/vendor. Additionally, the Grantee must include language in the purchase order agreement notifying the distributor/vendor that disbursement of grant funds may not take place for up to 90 days after the delivery of the new bus. Language must also be included to notify the distributor/vendor that the unit must be dismantled in accordance with Section 3 prior to payment being issued.

3. NEW BUS OPERATION AND MAINTENANCE, OLD BUS REQUIREMENTS

3.1 *Renewable Fuel Purchase Requirements.* The Grantee must show proof of renewable fuel purchase in sufficient quantity to propel the new bus for the mileage accumulated during the three year project life. The following default fuel efficiency rates shall be used to calculate the quantity of fuel which must be purchased for non-hybrid Project types: 1) Diesel – 6 miles per gallon, 2) Compressed Natural Gas – 1.07 pounds per mile or 23.22 scf per mile; 3) Propane – 3.9 miles per gallon. The Grantee may request and the APCO may approve the use of alternate factors. Project types utilizing hybrid vehicles must provide documentation from the dealer or manufacturer stating estimated fuel consumption. This will be used to determine the quantity of fuel that must be purchased. The Air District will use documentation provided with Annual Reporting, listed in Section 3.6 of this agreement, for verification. .

3.2 *Maintenance Requirements.* Grantee shall operate and maintain the new bus according to the manufacturer's warranty specifications.

3.3 *Operational Status.* Grantee shall maintain records and information describing the operational status of the new bus. The types of records and documents which can be used to satisfy this requirement may include, but not be limited to records of routine maintenance performed and the corresponding

purchase orders, repair estimates or work orders, and communication with the vehicle manufacturer. Within ten (10) calendar days of a request from the Air District, the Grantee shall supply said records and information in the manner specified by the Air District.

3.4 Disposal / Dismantle Requirements for Old Bus. The old bus that is replaced must be dismantled in accordance with the CARB RSBPP Grant Agreement no later than 60 days after receipt of the new replacement bus. For purposes of this Agreement, "Dismantle" means to punch, crush, stamp, hammer, shred, or otherwise render the old bus chassis permanently and irreversibly incapable of functioning as originally intended. In addition, it means the cutting or punching of a hole no less than five (5) inches diameter in the engine block. Grantee shall provide the Air District with notice of the date of dismantling, method and VIN of the dismantled bus.

3.5 Required Proof of Disposal / Dismantle. After disposing / dismantling the old bus in accordance with Section 3.4, the Grantee shall prepare the documentation listed in this Section, and shall submit copies to the Air District on or before the Project milestones listed in Section 6 of Attachment A. Records shall be maintained at the physical location of the Grantee Contact listed in Section 10 of Attachment A. Upon request, records shall be made accessible within a reasonable amount of time. The records required to be maintained pursuant to this Agreement shall be retained by the Grantee throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) additional years beginning on the date the Equipment Utilization Phase ends.

- A copy of the Department of Motor Vehicles Dismantlers Notice of Acquisition/Report of Vehicle to be Dismantles (REG 42); or
- A DMV Junk Slip and Certificate of Destruction from the entity destroying the vehicle noting the vehicle has been junked and is non-revivable; and
- A completed copy of Attachment C, the Dismantle Certification Form, and applicable photographic evidence. Using the form, the Grantee must attest that the vehicle and engine were dismantled in accordance with the definition of "Dismantle" set forth in Section 3.4, above. In addition the following photographs must be submitted:
 - 1) The Vehicle Identification Number
 - 2) The engine serial number
 - 3) Photographic representation of the methods used to dismantle both the engine and non-engine portion of the bus

3.6 Recordkeeping and Annual Reporting. The Grantee shall collect data on the operation of the new bus. The data points to be collected are: mileage, maintenance, CHP certification status, and any other pertinent information the Air District may request to verify the performance of the duties specified in this Agreement. Mileage information shall be recorded, at a minimum, twice per year on the following dates: 1) The anniversary date the new bus was placed into active service; and 2) December 31. Maintenance and certification information shall be recorded and logged upon occurrence. The Grantee shall prepare and submit a report of the information collected throughout the reporting period for the duration of the Equipment Utilization Phase as defined in Section 2.1(2) and in accordance with the requirements and schedule in Section 6 of Attachment A.

4. ON-SITE INSPECTIONS, RECORDS RETENTION, AND AUDITS

- 4.1 New & Old Vehicle. The Grantee shall allow the Air District, CARB employees, and their designated representatives to physically inspect both the new bus and the old bus, if any, for the purpose of verifying Grantee's performance of the duties under this Agreement. Access to conduct an inspection shall be granted, after reasonable notice, during normal business hours throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) years beginning on the date the Equipment Utilization Phases ends.
- 4.2 Records Retention. Grantee shall retain the following records: 1) Mileage logs; 2) Purchase orders, invoices, and work orders required for reimbursement of equipment, infrastructure, and fuel costs pursuant to Section 4 of Attachment A; and 3) Annual reports required pursuant to Section 3.4. Records shall be maintained at the physical location of the Grantee Contact listed in Section 10 of Attachment A. Upon request, records shall be made accessible within a reasonable amount of time. The records required to be maintained pursuant to this Agreement shall be retained by the Grantee throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) additional years beginning on the date the Equipment Utilization Phase ends.
- 4.3 Records Inspection, Audits. Grantee shall allow the Air District, the CARB, the California Department of General Services, the California Department of Finance (DoF), the Bureau of State audits, or any of their designated representatives to inspect, audit, and make copies of any Project records or supporting documentation related to the performance of this Agreement. Grantee shall allow access to records during normal business hours with reasonable notice. Additionally, Grantee shall allow interviews of any employees who might reasonably have information related to such records.
- 4.4 Survival of Termination. The requirements in this Section 4 shall survive the termination of this Agreement.

5. CHANGE IN OPERATIONAL STATUS

- 5.1 Notification of Change in Operational Status. Grantee shall provide written notification to the Air District in the event of a Change in Operational Status for the Project Equipment. Notice shall be made within thirty (30) calendar days of its occurrence. For purposes of this Section, a "Change in Operational Status" shall mean: 1) the wrecking, scrapping or rendering of the Project Equipment such that it is unfit for service; 2) the selling or transferring of ownership of the Project Equipment to another entity; or, 3) the removal of the Project Equipment from active service for a period or periods longer than 30 consecutive calendar days for reasons beyond the control of the Grantee including but not limited to mechanical defect, accident, or *Force Majeure* pursuant to Section 7.8 of this Agreement.
- 5.2 Change in Operational Status. In the event of a Change in Operational Status that the APCO determines is permanent, the Grantee shall repay a prorated amount of the total grant funds received under this Agreement. Payment in full of the prorated amount shall be received by the Air District within sixty (60) days of the date the Change in Operational Status event occurred. The amount of the repayment shall be determined using the following schedule which is prorated and set on a sliding scale based upon the timing of the change in status event relative to the Equipment Utilization Phase start date.
- If prior to the anniversary date of the first year of operation by Grantee: ninety percent (90%) proration of the Total Grant Award; and

- If after the first year of operation, but prior to the anniversary of the second year of operation by Grantee: sixty percent (60%) proration of the Total Grant Award; and
- If after the second year of operation, but prior to the anniversary date of the third year of operation by Grantee: thirty percent (30%) of the Total Grant Award.

In the event of the sale or transfer of ownership of the Project Equipment, the APCO may, in his discretion, waive the repayment requirements of this Section if the subsequent owner or operator of the new vehicle signs a successor contract with the Air District guaranteeing that the new vehicle will continue to be used within the Air District in compliance with the terms of this Agreement, and will provide equal or greater emission reductions than would have been achieved in this initial Agreement.

6. TERMINATION

- 6.1 Prior to Disbursement of Funds. Either party may terminate this Agreement at any time prior to transfer of grant funds by giving written notice of termination to the other party, in accordance with this Section. Notice of termination under this paragraph shall be given at least thirty (30) days before the effective date of such termination, and said notice shall specify the effective date thereof. Notwithstanding the above, failure by either Party to execute this Agreement within sixty (60) days of the signature by the other Party will result in cancellation of the Agreement without notice.
- 6.2 Reimbursement Request, Grantee Default. The Air District may cancel or withhold payment of any grant fund disbursement if the APCO determines that Grantee has failed to comply with, or meet any obligation of this Agreement. The APCO shall give 10-day notice of his/her intent to cancel or withhold such payment and the basis therefore. Grantee will be given a reasonable opportunity to cure the non-compliance prior to the Air District canceling or withholding such payment. If Grantee is found to be in default of operation and maintenance requirements as defined in Section 3 above, a prorated repayment of the grant award will be required as per Section 5.2.
- 6.3 Grantee Ineligibility. The Grantee shall be required to repay/return awarded grant funds should the project be deemed ineligible.

7. MISCELLANEOUS

- 7.1 Indemnification. Each party shall indemnify, defend and hold harmless the other party, its officers, employees, agents, and successors-in-interest against any and all claims, suits or actions resulting solely from the performance by the indemnifying party of its duties under this Agreement, excepting only such claims, suits or actions that are caused by the sole negligence or willful misconduct of the indemnifying party.
- 7.2 Notices and Contact. All notices required by this Agreement shall be given in writing and will be effective when served by personal delivery, upon confirmation of receipt by the recipient when sent by e-mail or facsimile transmission, or four (4) calendar days after being deposited, postage prepaid, registered or certified, in the United States mail, to the relevant address(es) or facsimile number as set forth in Attachment A. Other communications as may be required from time to time shall be sent to the Contact person identified in Attachment A. Either party may change Notice and Contact information at any time by written notice. All communication to the Air District shall reference the Project Number.

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- 7.3 Entire Agreement. This Agreement represents the entire Agreement of the parties with respect to the subject matter described in this Agreement, and no representation, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.
- 7.4 Amendment. This Agreement may not be changed or modified except in writing and signed by the parties hereto.
- 7.5 Independent Contractor. None of the Grantee's agents, subcontractors or employees shall be construed as agents or employees of the Air District.
- 7.6 Assignment. This Agreement may not be assigned, transferred, hypothecated, subcontracted or pledged by Grantee without the express prior written consent of the Air District. Assignment of this Agreement must be a condition of transfer of the vehicle identified in Attachment A to any successor organization to the Grantee.
- 7.7 Severability. Should any part of this Agreement be declared unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the invalid portion(s), reasonably be interpreted to give effect to the intentions of the parties.
- 7.8 Force Majeure. Neither the Air District nor Grantee shall be liable or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services, directly or indirectly, from the acts of God, civil or military authority, acts of public enemy, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of the Air District or Grantee (each, a "Force Majeure Event"). The party justly claiming the occurrence of a Force Majeure Event must notify the other party of the Force Majeure Event within ten (10) calendar days of discovery of the Force Majeure Event, and will have thirty (30) days following such Force Majeure Event to resume its performance under this Agreement; *provided*, however, that the other party's corresponding obligations (including the corresponding obligation, if any, to pay monies when otherwise due) will be similarly suspended during such time period, and *provided further*, that if the Grantee's Force Majeure Event continues for more than thirty (30) days, the Air District may terminate this Agreement immediately and without any liability to any party, other than for obligations incurred up to the date the Force Majeure Event commenced.
- 7.9 Right to Claim Emission Reductions. The CARB retains the exclusive right to claim any emission reduction credits under state or federal law that might result from emissions reduced by the Project implemented pursuant to this Agreement.
- 7.10 CEQA Review. The Grantee must fulfill all requirements of the California Environmental Quality Act (CEQA) with regard to the Project. This includes ensuring that all necessary permits and environmental documents are prepared and that clearances are obtained from the appropriate agencies prior to construction in compliance with the Act, state law, and local ordinance.
- 7.11 Grant Publicity. The Grantee must acknowledge the California Climate Investments program as a funding source from CARB's Low Carbon Transportation program whenever projects funded, in whole or in part by this Agreement, are publicized in any news media, websites, brochures, publications, audiovisuals, or other types of promotional material. The acknowledgement must read as follows: 'This publication (or project) was supported by the "California Climate Investments" (CCI) program. Guidelines for the usage of the CCI logo can be found at www.arb.ca.gov/ccifundingguidelines/.'

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- 7.12 Attorney Fees. In the event the Air District is required to enforce any terms or conditions of this Agreement by court action, it shall be entitled to an award of attorney's fees and costs.
- 7.13 Third Party Beneficiary Rights. The CARB is an intended third party beneficiary of this Agreement and reserves the right to audit and enforce the terms of this Agreement at any time throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) years beginning on the date the Equipment Utilization Phases ends.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on their behalf by their authorized representatives effective as of the date of the last party signing below.

HAMILTON UNIFIED
SCHOOL DISTRICT

NORTH COAST UNIFIED AIR QUALITY
MANAGEMENT AIR DISTRICT

~~Charles Tracy, Superintendent~~
Jeremy Powell, Ed.D.

Brian Wilson, Air Pollution Control Officer

Date: _____

Date: _____

ATTACHMENT A - PROJECT SPECIFIC INFORMATION

Except as otherwise provided, all capitalized terms shall have the meanings set forth in the Agreement.

1. **Grantee:** Hamilton Unified School District

2. **Project Number:** RSBPP 18-14

3. **District Approval Date:** August 21, 2019

4. **Scope of Work - Project Description:** The purchase of one (1) eligible school bus (“New Bus”) to replace an existing in-use school bus (“Old Bus”). Project Equipment includes the Old Bus, New Bus, and purchase of renewable fuel (diesel, compressed natural gas, or propane) necessary for the operation of the New Bus. The New Bus must meet or exceed the emission specifications listed in the table below. During the *Equipment Acquisition Phase*, the Grantee shall purchase the New Bus and a sufficient quantity of renewable fuel to propel the New Bus for the length of the agreement term. The Old Bus shall be scrapped, wrecked, and dismantled in accordance with Section 3 of the Agreement. During the *Equipment Utilization Phase*, and after securing the proper CHP certifications, the Grantee shall place the New Bus into active service and make all reasonable efforts to use it in the same manner as the Old Bus it replaced. The Grantee shall collect and record information on the operation of the Project Equipment for annual reporting. The report shall be prepared using a form provided by the Air District, however, the Grantee may submit additional information or materials as deemed appropriate. Each reporting period shall be twelve (12) months in length and shall begin on December 31 of the year the New Bus is placed into active service. There are four reporting events, which will capture calendar year usage and usage based on 12, 24, and 36 months of operation.

Project Equipment

In-Use Bus (“Old Bus”)			
License Plate #	Vehicle Identification Number	Bus make and model	Model year
E261636	<u>1HVBAZRM8LH699636</u>	Ward 3700	1990

An eligible replacement school bus (“New Bus”) is defined as a new (current model year) hybrid or internal combustion engine school bus using renewable fuel (diesel, compressed natural gas, propane) and whose engine meets or exceeds the following emission standards:

Eligible replacement school bus	Emission Requirements	
	NOx (g/bhp-hr)	PM (g/bhp-hr)
Diesel school bus	.20	0.01

5. **Maximum Amount of Grant Funds Awarded: \$165,000.00**

According to program guidelines, the reimbursement of eligible project costs for the project described in Section 4 above shall not exceed \$165,000.00 in Rural School Bus Pilot Project grant awards. The maximum amount of grant funds awarded for this project is **\$165,000.00. The actual amount paid under this agreement is further limited to eligible project costs.** Eligible project costs include: The cost of the New Bus (vehicle price, taxes, and environmental disposal fees), and the incremental cost of the renewable fuel. Rural School Bus Pilot Project grant awards may not exceed the Maximum Funding Levels allowed under the grant and the total

project costs for each category. Rural School Bus Pilot Project grant awards combined with other funding sources may not exceed eligible project costs.

RSBPP Funding (Bus)	RSBPP Funding (incremental fuel costs)	Additional Funding*	Total
\$165,000.00	\$-	\$-	\$165,000.00

*Rural School Bus Pilot Project funded vehicle(s) cannot be co-funded with the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) program.

6. Project Schedule (Milestones): The following is a list of the deliverables (performance duties), under the Agreement which must be completed on or before the dates indicated below.

Milestone	Due Date(s) / Timetable
1) Issue Purchase Order (PO) for New Bus	Complete within 30 days of contract execution
2) Submit copy of PO to the Air District	Within 10 days of execution
3) Deliver New Bus to Grantee, AND place New Bus into active service	On or before February 1, 2021
4) Notify Air District of New Bus Delivery and Operation	Within 10 days of delivery
5) Dismantle / Scrap Old Bus	Within 60 days of delivery of the New Bus to the Grantee (Milestone #3).
Final Date to Submit Reimbursement Request is March 15, 2021	
6) First Annual Report	Record mileage on December 31 st of the year the New Bus is placed into active service. Reports will be due the following January 31 st
7) Second Annual Report	Record mileage on December 31 st and 12 months after the New Bus was first placed into service. Reports will be due the following January 31 st
8) Third Annual Report	Record mileage on December 31 st and 24 months after the new bus was first placed into service. Reports will be due the following January 31 st
9) Fourth Annual Report	Record mileage on December 31 st and 36 months after the New Bus was first placed into service. Reports will be due the following January 31 st

7. Reimbursement Schedule Limits: The following represent the maximum allowable reimbursement possible for each of the milestones listed. In order to receive payment, the Grantee must submit documentation as required pursuant to Section 1 of the Agreement.

Milestone	Maximum Payment
#5 - New Bus in Service & Old Bus Dismantled	\$165,000.00
#6 - 8 – Incremental Cost of Renewable Fuel <i>(The Grantee may claim Incremental Renewable Fuel costs through March 15, 2021. Fuel cost accrued after this date is the sole responsibility of the Grantee.)</i>	

8. **Notices:** Any required written notice shall be addressed to:

Grantee:
~~Charles Tracy~~ *Jeremy Powell, Ed.D.*
Superintendent
Hamilton Unified School District
P.O. Box 488
Hamilton City, CA 95951
530-826-3261 ext. ~~6004~~ *6005*

District:
Brian Wilson
Air Pollution Control Officer
North Coast Unified AQMD
707 L Street
Eureka, CA 95501
(707) 443-3093

9. **Contacts:** Contact persons for day-to-day activities of the Project are:

Grantee:
~~Charles Tracy~~ *Jeremy Powell, Ed. D.*
Superintendent
Hamilton Unified School District
P.O. Box 488
Hamilton City, CA 95951
530-826-3261 ext. ~~6004~~ *6005*
stracy@hudschools.org

District:
Erin Squire
Air Quality Specialist
North Coast Unified AQMD
707 L Street
Eureka, CA 95501
(707) 443-3093
esquire@ncuaqmd.org

jpowell

10. **Vehicle Garage & Location of Records:** The physical address where the new bus and old bus are housed (vehicle yard) and the location where operational records are kept.

Vehicle Garage:
620 Canal Street
Hamilton City, CA 95951

Location of Records:
620 Canal Street
Hamilton City, CA 95951

**RURAL SCHOOL BUS PILOT PROJECT
REPLACEMENT (HYBRID OR INTERNAL COMBUSTION ENGINE)
GRANT AGREEMENT
BETWEEN
THE NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT
AND
HAMILTON UNIFIED SCHOOL DISTRICT**

PROJECT NO. RSBPP 18-14

This Agreement is made and entered into by and between the Hamilton Unified School District, hereinafter referred to as "Grantee," and the North Coast Unified Air Quality Management District, hereinafter referred to as the "Air District," and shall be effective as of the date of the last party signing below ("Effective Date").

RECITALS

WHEREAS, California Climate Investments are funded by the State proceeds from Cap-and-Trade auctions, which provide an opportunity for the State to invest in projects that help achieve the State's climate goals and provide benefits to disadvantaged communities; and

WHEREAS, the California Air Resources Board (CARB) created the Rural School Bus Pilot Project (RSBPP), and has allocated funding from the California Climate Investments; and

WHEREAS, on January 14, 2016 the Governing Board of the Air District adopted Resolution 2016-2, authorizing the Air Pollution Control Officer ("APCO") to enter into an agreement with the California Air Resources Board ("CARB") to implement said Grant Program on CARB's behalf; and

WHEREAS, on May 11, 2018, the Air District entered into Grant Agreement, Number G17-RBUS-01, with the CARB to administer the Rural School Bus Pilot Project ("RSBPP"); and

WHEREAS, Pursuant to *Grantee School District Resolution 18-19-105* Grantee has submitted a RSBPP Grant Application dated June 26, 2018, on file in the Air District office; and

WHEREAS, the APCO has evaluated Grantee's Grant Application, has determined that the Application complies with the CARB RSBPP Guidelines and criteria and shall meet all RSBPP requirements for the full term of this Agreement, and on that basis has approved Grantee's project for funding in accordance with the terms of this Agreement.

NOW THEREFORE, based on the representations made in the Grant Application, which are incorporated herein and made a material part hereof, the parties agree as follows:

1. GRANT AWARD

1.1 *Funding Award*. Grantee is hereby awarded RSBPP grant funds for the project described in Attachment A, Project Specific Information, attached hereto and incorporated herein, and hereafter referred to as the "Project". The maximum amount of grant funds for which Grantee is eligible is set forth in Section 5 of Attachment A. In consideration of said grant award, Grantee agrees to implement the Project based on all terms of this Agreement, including but not limited to the purchase and use of new equipment, and the performance of specific duties on or before key dates identified as the Project

Milestones in Section 6 of Attachment A. Grantee may not begin any work on this project until full execution of this Agreement.

- 1.2 Reimbursement Request, Disbursement of Funds. The Air District shall reimburse the school bus vendor and/or Grantee for eligible Project costs and expenses using RSBPP Grant Funds, or other funding mechanisms as determined appropriate by the APCO, consistent with the Project description and implementation schedule contained in Attachment A. No reimbursement may be made until the new bus has been delivered and a reimbursement request has been received. Grantee's reimbursement request must include: a completed copy of Attachment B, the Reimbursement Request Form; a copy of the invoice from the bus vendor for the purchased bus; evidence of payment of the invoice and its delivery (if applicable); the make, model and vehicle identification number (VIN) of the new bus; photographs of the new bus depicting the manufacturer's ID tag, the engine serial number, the bus identification number, and the license plate, if available; proof of California Highway Patrol (CHP) certification signifying that the new school bus is safe to operate with children aboard; the CARB Executive Order certification for the new bus engine; and, a completed copy of Attachment C, the Dismantle Certification Form, with applicable photos.

Requests made for incremental renewable fuel costs must be accompanied by receipts, invoices, or other documents providing actual fuel costs and fuel quantities. The Grantee may request funds for incremental renewable fuel costs annually, with submission of annual reporting documentation as required in Section 3.6 of this agreement. Requests for incremental renewable fuel costs must be received no later than March 15, 2021. Incremental renewable fuel costs accrued after this date are the sole responsibility of the Grantee. For the purpose of this Project, "Incremental Renewable Fuel Costs" are defined as the difference in cost between the renewable fuel type and the comparable non-renewable fuel type that would be purchased to perform the same function.

- 1.3 Project Cost: Project cost overruns are the sole responsibility of the Grantee unless expressly approved in writing by the Air District. The Air District's funding obligation is limited to the "RSBPP Funding" as identified in Attachment A, Section 5.
- 1.4 Grant Reduction: The APCO will reduce the Air District contribution to the Project in the event that the total Project cost is less than the amount listed in Attachment A.
- 1.5 Use of Funds. Grantee must use all funds received under this Agreement in accordance with all applicable provisions of law and implementation regulations.

2. AGREEMENT TERM AND PROJECT PHASES

- 2.1 Term, Term Components. This Agreement will commence as of the Effective Date (the date the last party signs this Agreement) and remain in effect for three (3) years and one day after the date the new school bus is put into active service. This time period shall be referred to as the Agreement "Term". The Agreement shall remain in effect over the full length of the Term unless terminated earlier as specified in Section 6 below. The Term has two phases, "Equipment Acquisition Phase" and the "Equipment Utilization Phase" as follows:

- (1) Equipment Acquisition Phase: This Phase will begin on the Effective Date of this Agreement, and last until such time as the Air District confirms, in writing, that the Equipment has become operational. Project milestones within this Phase include the execution of a purchase order for the new bus, the delivery of the new bus, the placing into active service of the new bus, and the

dismantling / destruction of the old bus. The activities and deliverables listed as part of the Equipment Acquisition Phase must be completed and/or satisfied on or before the dates specified in Section 6 of Attachment A. The Grantee shall notify the Air District upon completion of the Project Milestones listed in Section 6 of Attachment A within the timeframe specified therein.

(2) *Equipment Utilization Phase*: This Phase will begin on the date the new bus is placed into active service and conclude on the date three (3) years and one day thereafter. During this Phase, the Grantee is required to retain ownership of the new bus, to maintain the new bus as recommended by the manufacturer, to maintain CHP certification for the new bus, and to make reasonable efforts to utilize the bus in the same manner and for the same purpose as the old bus it replaced was used. The Grantee shall also collect information on the operation of the new bus and shall prepare and submit reports at twelve month intervals.

2.2 *Time is of the Essence, Equipment Delivery Date*. In the performance of the duties established in this Agreement, time is of the essence, as a delay in placing the new school bus into active service would result in the continued use of the higher-polluting older bus. Such use would result in the unnecessary exposure of school children to air toxics (diesel particulate matter) and in the additional discharge of greenhouse gases. Such emissions would have an adverse effect on air quality within the affected air district and may cause or contribute to a violation of an ambient air quality standard. Delivery of the new bus to the Grantee must occur on or before February 1, 2021 ("Final Delivery Date"). Delivery of the new school bus after the Final Delivery Date is a Grantee Default of this Agreement and subject to the terms of Section 6.2 of this Agreement.

2.3 *Grantee Purchase Order Contracts With School Bus Vendors*. Grantee must include the Final Delivery Date deadline in the purchase order agreement between Grantee and the school bus distributor/vendor. Additionally, the Grantee must include language in the purchase order agreement notifying the distributor/vendor that disbursement of grant funds may not take place for up to 90 days after the delivery of the new bus. Language must also be included to notify the distributor/vendor that the unit must be dismantled in accordance with Section 3 prior to payment being issued.

3. NEW BUS OPERATION AND MAINTENANCE, OLD BUS REQUIREMENTS

3.1 *Renewable Fuel Purchase Requirements*. The Grantee must show proof of renewable fuel purchase in sufficient quantity to propel the new bus for the mileage accumulated during the three year project life. The following default fuel efficiency rates shall be used to calculate the quantity of fuel which must be purchased for non-hybrid Project types: 1) Diesel – 6 miles per gallon, 2) Compressed Natural Gas – 1.07 pounds per mile or 23.22 scf per mile; 3) Propane – 3.9 miles per gallon. The Grantee may request and the APCO may approve the use of alternate factors. Project types utilizing hybrid vehicles must provide documentation from the dealer or manufacturer stating estimated fuel consumption. This will be used to determine the quantity of fuel that must be purchased. The Air District will use documentation provided with Annual Reporting, listed in Section 3.6 of this agreement, for verification. .

3.2 *Maintenance Requirements*. Grantee shall operate and maintain the new bus according to the manufacturer's warranty specifications.

3.3 *Operational Status*. Grantee shall maintain records and information describing the operational status of the new bus. The types of records and documents which can be used to satisfy this requirement may include, but not be limited to records of routine maintenance performed and the corresponding

purchase orders, repair estimates or work orders, and communication with the vehicle manufacturer. Within ten (10) calendar days of a request from the Air District, the Grantee shall supply said records and information in the manner specified by the Air District.

3.4 Disposal / Dismantle Requirements for Old Bus. The old bus that is replaced must be dismantled in accordance with the CARB RSBPP Grant Agreement no later than 60 days after receipt of the new replacement bus. For purposes of this Agreement, "Dismantle" means to punch, crush, stamp, hammer, shred, or otherwise render the old bus chassis permanently and irreversibly incapable of functioning as originally intended. In addition, it means the cutting or punching of a hole no less than five (5) inches diameter in the engine block. Grantee shall provide the Air District with notice of the date of dismantling, method and VIN of the dismantled bus.

3.5 Required Proof of Disposal / Dismantle. After disposing / dismantling the old bus in accordance with Section 3.4, the Grantee shall prepare the documentation listed in this Section, and shall submit copies to the Air District on or before the Project milestones listed in Section 6 of Attachment A. Records shall be maintained at the physical location of the Grantee Contact listed in Section 10 of Attachment A. Upon request, records shall be made accessible within a reasonable amount of time. The records required to be maintained pursuant to this Agreement shall be retained by the Grantee throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) additional years beginning on the date the Equipment Utilization Phase ends.

- A copy of the Department of Motor Vehicles Dismantlers Notice of Acquisition/Report of Vehicle to be Dismantles (REG 42); or
- A DMV Junk Slip and Certificate of Destruction from the entity destroying the vehicle noting the vehicle has been junked and is non-revivable; and
- A completed copy of Attachment C, the Dismantle Certification Form, and applicable photographic evidence. Using the form, the Grantee must attest that the vehicle and engine were dismantled in accordance with the definition of "Dismantle" set forth in Section 3.4, above. In addition the following photographs must be submitted:
 - 1) The Vehicle Identification Number
 - 2) The engine serial number
 - 3) Photographic representation of the methods used to dismantle both the engine and non-engine portion of the bus

3.6 Recordkeeping and Annual Reporting. The Grantee shall collect data on the operation of the new bus. The data points to be collected are: mileage, maintenance, CHP certification status, and any other pertinent information the Air District may request to verify the performance of the duties specified in this Agreement. Mileage information shall be recorded, at a minimum, twice per year on the following dates: 1) The anniversary date the new bus was placed into active service; and 2) December 31. Maintenance and certification information shall be recorded and logged upon occurrence. The Grantee shall prepare and submit a report of the information collected throughout the reporting period for the duration of the Equipment Utilization Phase as defined in Section 2.1(2) and in accordance with the requirements and schedule in Section 6 of Attachment A.

4. ON-SITE INSPECTIONS, RECORDS RETENTION, AND AUDITS

- 4.1 *New & Old Vehicle*. The Grantee shall allow the Air District, CARB employees, and their designated representatives to physically inspect both the new bus and the old bus, if any, for the purpose of verifying Grantee's performance of the duties under this Agreement. Access to conduct an inspection shall be granted, after reasonable notice, during normal business hours throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) years beginning on the date the Equipment Utilization Phases ends.
- 4.2 *Records Retention*. Grantee shall retain the following records: 1) Mileage logs; 2) Purchase orders, invoices, and work orders required for reimbursement of equipment, infrastructure, and fuel costs pursuant to Section 4 of Attachment A; and 3) Annual reports required pursuant to Section 3.4. Records shall be maintained at the physical location of the Grantee Contact listed in Section 10 of Attachment A. Upon request, records shall be made accessible within a reasonable amount of time. The records required to be maintained pursuant to this Agreement shall be retained by the Grantee throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) additional years beginning on the date the Equipment Utilization Phase ends.
- 4.3 *Records Inspection, Audits*. Grantee shall allow the Air District, the CARB, the California Department of General Services, the California Department of Finance (DoF), the Bureau of State audits, or any of their designated representatives to inspect, audit, and make copies of any Project records or supporting documentation related to the performance of this Agreement. Grantee shall allow access to records during normal business hours with reasonable notice. Additionally, Grantee shall allow interviews of any employees who might reasonably have information related to such records.
- 4.4 *Survival of Termination*. The requirements in this Section 4 shall survive the termination of this Agreement.

5. CHANGE IN OPERATIONAL STATUS

- 5.1 *Notification of Change in Operational Status*. Grantee shall provide written notification to the Air District in the event of a Change in Operational Status for the Project Equipment. Notice shall be made within thirty (30) calendar days of its occurrence. For purposes of this Section, a "Change in Operational Status" shall mean: 1) the wrecking, scrapping or rendering of the Project Equipment such that it is unfit for service; 2) the selling or transferring of ownership of the Project Equipment to another entity; or, 3) the removal of the Project Equipment from active service for a period or periods longer than 30 consecutive calendar days for reasons beyond the control of the Grantee including but not limited to mechanical defect, accident, or *Force Majeure* pursuant to Section 7.8 of this Agreement.
- 5.2 *Change in Operational Status*. In the event of a Change in Operational Status that the APCO determines is permanent, the Grantee shall repay a prorated amount of the total grant funds received under this Agreement. Payment in full of the prorated amount shall be received by the Air District within sixty (60) days of the date the Change in Operational Status event occurred. The amount of the repayment shall be determined using the following schedule which is prorated and set on a sliding scale based upon the timing of the change in status event relative to the Equipment Utilization Phase start date.
- If prior to the anniversary date of the first year of operation by Grantee: ninety percent (90%) proration of the Total Grant Award; and

- If after the first year of operation, but prior to the anniversary of the second year of operation by Grantee: sixty percent (60%) proration of the Total Grant Award; and
- If after the second year of operation, but prior to the anniversary date of the third year of operation by Grantee: thirty percent (30%) of the Total Grant Award.

In the event of the sale or transfer of ownership of the Project Equipment, the APCO may, in his discretion, waive the repayment requirements of this Section if the subsequent owner or operator of the new vehicle signs a successor contract with the Air District guaranteeing that the new vehicle will continue to be used within the Air District in compliance with the terms of this Agreement, and will provide equal or greater emission reductions than would have been achieved in this initial Agreement.

6. TERMINATION

- 6.1 Prior to Disbursement of Funds. Either party may terminate this Agreement at any time prior to transfer of grant funds by giving written notice of termination to the other party, in accordance with this Section. Notice of termination under this paragraph shall be given at least thirty (30) days before the effective date of such termination, and said notice shall specify the effective date thereof. Notwithstanding the above, failure by either Party to execute this Agreement within sixty (60) days of the signature by the other Party will result in cancellation of the Agreement without notice.
- 6.2 Reimbursement Request, Grantee Default. The Air District may cancel or withhold payment of any grant fund disbursement if the APCO determines that Grantee has failed to comply with, or meet any obligation of this Agreement. The APCO shall give 10-day notice of his/her intent to cancel or withhold such payment and the basis therefore. Grantee will be given a reasonable opportunity to cure the non-compliance prior to the Air District canceling or withholding such payment. If Grantee is found to be in default of operation and maintenance requirements as defined in Section 3 above, a prorated repayment of the grant award will be required as per Section 5.2.
- 6.3 Grantee Ineligibility. The Grantee shall be required to repay/return awarded grant funds should the project be deemed ineligible.

7. MISCELLANEOUS

- 7.1 Indemnification. Each party shall indemnify, defend and hold harmless the other party, its officers, employees, agents, and successors-in-interest against any and all claims, suits or actions resulting solely from the performance by the indemnifying party of its duties under this Agreement, excepting only such claims, suits or actions that are caused by the sole negligence or willful misconduct of the indemnifying party.
- 7.2 Notices and Contact. All notices required by this Agreement shall be given in writing and will be effective when served by personal delivery, upon confirmation of receipt by the recipient when sent by e-mail or facsimile transmission, or four (4) calendar days after being deposited, postage prepaid, registered or certified, in the United States mail, to the relevant address(es) or facsimile number as set forth in Attachment A. Other communications as may be required from time to time shall be sent to the Contact person identified in Attachment A. Either party may change Notice and Contact information at any time by written notice. All communication to the Air District shall reference the Project Number.

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- 7.3 Entire Agreement. This Agreement represents the entire Agreement of the parties with respect to the subject matter described in this Agreement, and no representation, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.
- 7.4 Amendment. This Agreement may not be changed or modified except in writing and signed by the parties hereto.
- 7.5 Independent Contractor. None of the Grantee's agents, subcontractors or employees shall be construed as agents or employees of the Air District.
- 7.6 Assignment. This Agreement may not be assigned, transferred, hypothecated, subcontracted or pledged by Grantee without the express prior written consent of the Air District. Assignment of this Agreement must be a condition of transfer of the vehicle identified in Attachment A to any successor organization to the Grantee.
- 7.7 Severability. Should any part of this Agreement be declared unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the invalid portion(s), reasonably be interpreted to give effect to the intentions of the parties.
- 7.8 Force Majeure. Neither the Air District nor Grantee shall be liable or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services, directly or indirectly, from the acts of God, civil or military authority, acts of public enemy, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of the Air District or Grantee (each, a "Force Majeure Event"). The party justly claiming the occurrence of a Force Majeure Event must notify the other party of the Force Majeure Event within ten (10) calendar days of discovery of the Force Majeure Event, and will have thirty (30) days following such Force Majeure Event to resume its performance under this Agreement; *provided*, however, that the other party's corresponding obligations (including the corresponding obligation, if any, to pay monies when otherwise due) will be similarly suspended during such time period, and *provided further*, that if the Grantee's Force Majeure Event continues for more than thirty (30) days, the Air District may terminate this Agreement immediately and without any liability to any party, other than for obligations incurred up to the date the Force Majeure Event commenced.
- 7.9 Right to Claim Emission Reductions. The CARB retains the exclusive right to claim any emission reduction credits under state or federal law that might result from emissions reduced by the Project implemented pursuant to this Agreement.
- 7.10 CEQA Review. The Grantee must fulfill all requirements of the California Environmental Quality Act (CEQA) with regard to the Project. This includes ensuring that all necessary permits and environmental documents are prepared and that clearances are obtained from the appropriate agencies prior to construction in compliance with the Act, state law, and local ordinance.
- 7.11 Grant Publicity. The Grantee must acknowledge the California Climate Investments program as a funding source from CARB's Low Carbon Transportation program whenever projects funded, in whole or in part by this Agreement, are publicized in any news media, websites, brochures, publications, audiovisuals, or other types of promotional material. The acknowledgement must read as follows: 'This publication (or project) was supported by the "California Climate Investments" (CCI) program. Guidelines for the usage of the CCI logo can be found at www.arb.ca.gov/ccifundingguidelines.'

7.12 Attorney Fees. In the event the Air District is required to enforce any terms or conditions of this Agreement by court action, it shall be entitled to an award of attorney's fees and costs.

7.13 Third Party Beneficiary Rights. The CARB is an intended third party beneficiary of this Agreement and reserves the right to audit and enforce the terms of this Agreement at any time throughout the duration of the Equipment Acquisition and Utilization Phases, and for a period of three (3) years beginning on the date the Equipment Utilization Phases ends.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on their behalf by their authorized representatives effective as of the date of the last party signing below.

HAMILTON UNIFIED
SCHOOL DISTRICT

NORTH COAST UNIFIED AIR QUALITY
MANAGEMENT AIR DISTRICT

Charles Tracy, Superintendent

Brian Wilson, Air Pollution Control Officer

Date: _____

Date: _____

ATTACHMENT A - PROJECT SPECIFIC INFORMATION

Except as otherwise provided, all capitalized terms shall have the meanings set forth in the Agreement.

1. **Grantee:** Hamilton Unified School District

2. **Project Number:** RSBPP 18-14

3. **District Approval Date:** August 21, 2019

4. **Scope of Work - Project Description:** The purchase of one (1) eligible school bus ("New Bus") to replace an existing in-use school bus ("Old Bus"). Project Equipment includes the Old Bus, New Bus, and purchase of renewable fuel (diesel, compressed natural gas, or propane) necessary for the operation of the New Bus. The New Bus must meet or exceed the emission specifications listed in the table below. During the *Equipment Acquisition Phase*, the Grantee shall purchase the New Bus and a sufficient quantity of renewable fuel to propel the New Bus for the length of the agreement term. The Old Bus shall be scrapped, wrecked, and dismantled in accordance with Section 3 of the Agreement. During the *Equipment Utilization Phase*, and after securing the proper CHP certifications, the Grantee shall place the New Bus into active service and make all reasonable efforts to use it in the same manner as the Old Bus it replaced. The Grantee shall collect and record information on the operation of the Project Equipment for annual reporting. The report shall be prepared using a form provided by the Air District, however, the Grantee may submit additional information or materials as deemed appropriate. Each reporting period shall be twelve (12) months in length and shall begin on December 31 of the year the New Bus is placed into active service. There are four reporting events, which will capture calendar year usage and usage based on 12, 24, and 36 months of operation.

Project Equipment

In-Use Bus ("Old Bus")			
License Plate #	Vehicle Identification Number	Bus make and model	Model year
E261636	<u>1HVBAZRM8LH699636</u>	Ward 3700	1990

An eligible replacement school bus ("New Bus") is defined as a new (current model year) hybrid or internal combustion engine school bus using renewable fuel (diesel, compressed natural gas, propane) and whose engine meets or exceeds the following emission standards:

Eligible replacement school bus	Emission Requirements	
	NOx (g/bhp-hr)	PM (g/bhp-hr)
Diesel school bus	.20	0.01

5. **Maximum Amount of Grant Funds Awarded: \$165,000.00**

According to program guidelines, the reimbursement of eligible project costs for the project described in Section 4 above shall not exceed \$165,000.00 in Rural School Bus Pilot Project grant awards. The maximum amount of grant funds awarded for this project is **\$165,000.00**. **The actual amount paid under this agreement is further limited to eligible project costs.** Eligible project costs include: The cost of the New Bus (vehicle price, taxes, and environmental disposal fees), and the incremental cost of the renewable fuel. Rural School Bus Pilot Project grant awards may not exceed the Maximum Funding Levels allowed under the grant and the total

project costs for each category. Rural School Bus Pilot Project grant awards combined with other funding sources may not exceed eligible project costs.

RSBPP Funding (Bus)	RSBPP Funding (incremental fuel costs)	Additional Funding*	Total
\$165,000.00	\$-	\$-	\$165,000.00

*Rural School Bus Pilot Project funded vehicle(s) cannot be co-funded with the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) program.

6. Project Schedule (Milestones): The following is a list of the deliverables (performance duties), under the Agreement which must be completed on or before the dates indicated below.

Milestone	Due Date(s) / Timetable
1) Issue Purchase Order (PO) for New Bus	Complete within 30 days of contract execution
2) Submit copy of PO to the Air District	Within 10 days of execution
3) Deliver New Bus to Grantee, AND place New Bus into active service	On or before February 1, 2021
4) Notify Air District of New Bus Delivery and Operation	Within 10 days of delivery
5) Dismantle / Scrap Old Bus	Within 60 days of delivery of the New Bus to the Grantee (Milestone #3).
Final Date to Submit Reimbursement Request is March 15, 2021	
6) First Annual Report	Record mileage on December 31 st of the year the New Bus is placed into active service. Reports will be due the following January 31 st
7) Second Annual Report	Record mileage on December 31 st and 12 months after the New Bus was first placed into service. Reports will be due the following January 31 st
8) Third Annual Report	Record mileage on December 31 st and 24 months after the new bus was first placed into service. Reports will be due the following January 31 st
9) Fourth Annual Report	Record mileage on December 31 st and 36 months after the New Bus was first placed into service. Reports will be due the following January 31 st

7. Reimbursement Schedule Limits: The following represent the maximum allowable reimbursement possible for each of the milestones listed. In order to receive payment, the Grantee must submit documentation as required pursuant to Section 1 of the Agreement.

Milestone	Maximum Payment
#5 - New Bus in Service & Old Bus Dismantled	\$165,000.00
#6 - 8 – Incremental Cost of Renewable Fuel <i>(The Grantee may claim Incremental Renewable Fuel costs through March 15, 2021. Fuel cost accrued after this date is the sole responsibility of the Grantee.)</i>	

8. Notices: Any required written notice shall be addressed to:

Grantee:
Charles Tracy
Superintendent
Hamilton Unified School District
P.O. Box 488
Hamilton City, CA 95951
530-826-3261 ext. 6004

District:
Brian Wilson
Air Pollution Control Officer
North Coast Unified AQMD
707 L Street
Eureka, CA 95501
(707) 443-3093

9. Contacts: Contact persons for day-to-day activities of the Project are:

Grantee:
Charles Tracy
Superintendent
Hamilton Unified School District
P.O. Box 488
Hamilton City, CA 95951
530-826-3261 ext. 6004
ctracy@husdschools.org

District:
Erin Squire
Air Quality Specialist
North Coast Unified AQMD
707 L Street
Eureka, CA 95501
(707) 443-3093
esquire@ncuaqmd.org

10. Vehicle Garage & Location of Records: The physical address where the new bus and old bus are housed (vehicle yard) and the location where operational records are kept.

Vehicle Garage:
620 Canal Street
Hamilton City, CA 95951

Location of Records:
620 Canal Street
Hamilton City, CA 95951

ATTACHMENT B – Reimbursement Request Form

Project Number: RSBPP RSBPP 18-14

School District: Hamilton Unified School District

Contact Person: _____

In order to request payment for the Rural School Bus Pilot Project, submit this form within 60 days of receiving the "new bus," and no later than March 15, 2021. All fields must be completed and required documents received to be considered for payment.

The following is a list of documents and photographs that must accompany this form, as per section 1.2 of your Grant Agreement. A separate form must be completed for each bus.

All Project Types

- Vendor Invoice
- CHP Safety Certification documentation
- DMV Registration
- Photographs of the following (New Bus):
 - VIN Number (Bus Manufacturers ID tag)
 - Engine Serial Number
 - New Bus Number/Fleet ID #
 - License Plate, if available
- Copies of any checks paid by the Grantee
- ARB Executive Order for the new bus or engine

Combustion Engine Projects Only

- Completed Dismantle Certification Form
- Receipts for renewable fuel purchase (if applicable)

Zero-Emission Projects Only

- Invoice documenting infrastructure costs (if applicable)
- Completed Old Bus Designation Form
- Completed Dismantle Certification Form (if applicable)

New Bus Information

Vehicle Make:		Vehicle Model:	
Vehicle Identification Number:			
License Plate Number (if available):	Bus ID#:	Odometer Reading:	
Engine Make:	Engine Model:	Engine Serial Number:	

Payee Information

Vehicle costs:			Infrastructure or fuel costs:		
Make Check payable to:			Make Check payable to:		
Address:			Address:		
City	State	Zip	City:	State:	Zip:
Contact:			Contact:		

ATTACHMENT B – Reimbursement Request Form

Project Number: RSBPP RSBPP 18-14

Payment Claim

	Project Costs	Claim Amount	District Use Only	
New Bus Cost:	\$	\$	Verified By:	Approved By:
Infrastructure:	\$	\$		
Renewable Fuel:	\$	\$	Date	Date
Total:	\$	\$		

The total claimed for payment must not exceeded the “Total Grant Award” listed in Attachment A, Section 5 of your Rural School Bus Pilot Project Grant Agreement.

I certify that the information reported on this form is true and correct to the best of my knowledge and that I have taken reasonable measures to ensure its accuracy and completeness. Further, the information reported describes the purchase of a new school bus with RSBPP funds pursuant to the terms of the RSBPP grant agreement specific for this new unit.

X _____
Signature

Printed Name

Date

RESOLUTION No. 18-19-105
BEFORE THE HAMILTON UNIFIED SCHOOL DISTRICT GOVERNING BOARD
AUTHORIZING PARTICIPATION IN THE RURAL SCHOOL BUS PILOT PROJECT

WHEREAS, on October 3, 2018, the Board of Directors of the Hamilton Unified School District met in regular session; and

WHEREAS, California Climate Investments are funded by the State proceeds from Cap-and-Trade auctions. These funds provide an opportunity for the State to invest in projects that help achieve our climate goals and provide benefits to disadvantaged communities; and

WHEREAS, the California Air Resources Board (CARB) created the Rural School Bus Pilot Project (RSBPP), and has allocated funding from the California Climate Investments; and

WHEREAS, the North Coast Unified Air Quality Management District (NCUAQMD) has been selected to administer the RSBPP on behalf of CARB; and

WHEREAS, the NCUAQMD requires the submission of information, on standardized forms (application forms), to determine eligibility and to rank proposed projects; and

WHEREAS, if selected to receive funding, in order to participate in the RSBPP, the grantee is required to enter into an agreement with the NCUAQMD wherein the fulfillment of terms and conditions is required in order to receive the funding.

NOW THEREFORE, BE IT RESOLVED, that the Governing Board of the Hamilton Unified School District authorizes the submission of applications for Rural School Bus Pilot Project grants; and

BE IT FURTHER RESOLVED, that if selected for funding, the Superintendent is authorized to enter into binding contracts on behalf of the school district and to act, as needed, to ensure the contract terms are satisfied.

On motion of Wendall Lower, Seconded by
Rosalinda Sanchez, the foregoing resolution is hereby PASSED and
ADOPTED BY the Hamilton Unified School District Governing Board on this 3rd day of October, 2018
by the following votes:

AYES: 4

ABSTAIN: 0

NOES: 0

ABSENT: 1

Hamilton Unified School District

Gabriel Leal
Gabriel Leal, Board President

ATTEST:

Wendall Lower
Wendall Lower, Clerk of the Board

HAMILTON UNIFIED SCHOOL DISTRICT
HAMILTON HIGH SCHOOL SITE EXPANSION-PERMITTING STATUS

BOARD DISCUSSION ITEM

OCTOBER 23, 2019

CURRENT SITE PURCHASE STATUS & TIMELINE-(Defer to Supt. & Legal Counsel)

CDE SITE PERMITTING REQUIREMENTS

DEPARTMENT OF TOXIC SUBSTANCES CONTROL (NV5)

- **Preliminary Environmental Assessment Scope; DTSC Comments returned to District-District & Consultant have made requested amendments. No apparent cost impacts for study.**
- **On site sampling scheduled for the week of October 27.**

CALIFORNIA ENVIRONMENTAL QUALITY ACT (PLACEWORKS)

- **Construction Data requests in process; will be incorporated in final Project Description**
- **On site studies & sampling scheduled for the week of October 27.**

TITLE 5 REPORTS (PLACEWORKS)-

- **Pipeline Safety Study: Research & Report Complete. SUMMARY-No mitigation measures required.**
- **Railway Safety Study: Research & Report Complete. SUMMARY: No special risks or mitigation required.**
- **Dam Inundation Study: Research & Report Complete. SUMMARY: Dam Inundation: *"The school site is within the inundation zones of Black Butte Dam and Shasta Dam. It is highly unlikely that either the Black Butte Dam or Shasta Dam would experience a catastrophic failure, even in the case of a maximum credible earthquake. As flood depths would not reach the school site for 7 hours at the earliest, there would be adequate time for the safe evacuation of students and staff at Hamilton High School in the unlikely event of a dam failure. However, because the school site is located within the inundation zones for two dams, it is recommended that the District coordinate with the Glenn County Sheriff/Office of Emergency Services to ensure that they are notified via the SEMS and CodeRED in the case of an imminent dam failure or other natural disaster."***

EDUCATIONAL SPECIFICATIONS (iep2)

- **Initial Scoping Meeting with Superintendent 7/2/2019; Sup't. now putting together Focus Group membership lists (i.e. Site Faculty, Parent Groups, District Support Staff, etc.)**

2019 Local Indicators for LCAP

Date Presented to Local Governing Board: October 23, 2019

Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities LCFF Priority 1 (LEA Requirement) Self-Reflection Tool

Standard: LEA annually measures its progress in meeting the Williams settlement requirements at 100% at all its school sites, as applicable, and promptly addresses any complaints or other deficiencies identified throughout the academic year, as applicable; and provides information annually on progress meeting this standard to its local governing board and to stakeholders and the public through the evaluation rubrics.

Indicator	Data Reported
Number & Percent of misassignments of teachers of English Learner Students	#2 / 5 %
Number & Percent of total teacher misassignments	#2 / 5 %
Number of vacant teacher positions	#0 / 0 %
Number & Percent of students without access to their own copies of standards-aligned instructional materials for use at school and at home	#0 / 0 %
Number of identified instances where facilities do not meet the “good repair” standard (including deficiencies and extreme deficiencies)	# 0
<i>Optional: Provide any additional information that the local educational agency believes is relevant to understanding its progress on meeting the requirements for appropriately assigned teachers, access to curriculum-aligned instructional materials, and safe, clean and functional school facilities.</i>	
Criteria: Assessment of the LEAs performance on meeting the standard: MET	

Implementation of State Academic Standards LCFF Priority 2

Standard: LEA annually measures its progress implementing state academic standards and reports the results to its local governing board at a regularly scheduled meeting of the local governing board and to stakeholders and the public through the evaluation rubrics. Rating Scale (lowest to highest): 1 – Exploration and Research Phase; 2 – Beginning Development; 3 – Initial Implementation; 4 – Full Implementation; 5 – Full Implementation and Sustainability

Content	2017-18	2018-19	2019-20			
	Overall	Overall	PD	Materials	Structures	Overall
ELA	3	4	3/4 4	4	2 4	4
ELD	3	3	4 3	3 4	4 3	4
Math	3	4	4	4	4	4
NGS	2	2	2/3 1	1	3 1	1
HSS	2	3	2/3 4	1 4	2 3/4	4
CTE	NA	3				4
Heath	2	3				4
PE	3	4				4
VPA	2	2				4
Language	NA	3				4

LEA's progress	Weighted Ave.
Staff-wide PD needs	2.5 3.1
Individual PD needs	2.4 2.8
Provide support for unmastered standards	2.2 2.8

School Climate

LCFF Priority 3 -Parent Engagement

Standard: LEA annually measures its progress implementing state academic standards and reports the results to its local governing board at a regularly scheduled meeting of the local governing board and to stakeholders and the public.

Hamilton Unified School District administered a local survey to parents/guardians in at least one grade within each grade span that the local educational agency serves (e.g., K–5, 6–8, 9–12), and was asked to summarize the following:

Input for Parent Involvement LCAP 2019-20 Update was gathered using California School Parent Survey administered beginning mid February to March 1, 2019. This spring the survey was available on-line, additionally a paper copy was also sent home. There were 122 respondents.

The key findings from the survey related to promoting parental participation in programs:

- In order to promote parental participation in HUSD activities, HES has implemented additional parent initiatives. This includes Academic Parent Teacher Teams (APTT), monthly parent lunches featuring rotating topics. 82% of parents feel welcome at their child’s school, 93% of parents believe that school staff is helpful to parents.

Whether the findings relate to the goals established for other Local Control Funding Formula priorities in the Local Control and Accountability Plan:

- In order to seek input from parents/guardians for decisions related to our LCAP action steps, HUSD continues to develop initiatives such as GEAR UP for increasing student participation in a college and career readiness path. Only 37% of parents districtwide believe HUSD is providing information on how to help their children plan for college or vocational school. Additional counseling support with the additional GEAR UP personnel should help improve our CCR outcomes.

Why the local educational agency chose the selected survey:

- HUSD chose the California School Parent Survey, as means to gather parent input on a variety of topics. This allowed unfiltered feedback from our community. We also used a paper survey option as well increasing our participation substantially.

School Climate

LCFF Priority 6-Student Survey

Standard: LEA administers a local climate survey at least every other year that provides a valid measure of perceptions of school safety and connectedness, such as the California Healthy Kids Survey, to students in at least one grade within the grade span(s) that the LEA serves (e.g. K-5, 6-8, 9-12), and reports the results to its local governing board at a regularly scheduled meeting of the local governing board and to stakeholders and the public through the California School Dashboard. *Provide a Narrative Summary.*

The local educational agency was asked to provide a narrative summary of the local administration and analysis of a local climate survey that captures a valid measure of student perceptions of school safety and connectedness in at least one grade within the grade span (e.g., K-5, 6-8, 9-12).

Hamilton Unified School District used two surveys to obtain information from students:

- California Healthy Kids Survey 2017-18 (grades 7, 9, 11 graders);
- California Healthy Kids Survey 2018-19 (grades 4, 6).

School Connectedness:

- Even though 4th grade and 6th grade students rated themselves similarly on academic motivation, 4th grade students felt very connected to school, 83% rated their connectedness high, compared to only 33% of 6th graders. This increases at higher grade levels however, with 66% of 9th graders and 69% of 11th graders feeling connected to school, this despite decreasing academic motivation. Only 15% of 11th graders rated their academic motivation high.

School Rules and Consequences:

- At HES consistent application of rules and consequences, as perceived is still an area for improvement. 78% of 4th graders view the discipline system as fair, while only 63% believe it is. Rules at the elementary school are clear, based on student feedback, 96% of 4th graders know the rules, most or all of the time. 76% of time know the rules most or all of the time. This has been an MTSS initiative.

Safety:

- 84% of 4th graders and 73% of 6th graders feel safe, however just over 50% of 4th graders have been called a negative name or had rumors spread. In contrast 43% and 33% respectively of 6th graders have had rumors spread or been called names. Students report an anti-bullying climate, supported by teacher and student actions to stop bullying. 68% of 9th graders feel safe or very safe at school, compared to 62% of 11th graders.

Mental Health:

- One area of interest and possible action is under mental health. Across the surveys, from 20 to 32% of students have experienced chronic sadness/hopelessness. In the 2017-18 survey approximately 30% of students had caring adult relationships, compared to 86% of 4th graders and 63% of 6th graders.

Bond and Property Expenses

SUMMARY OF CONSULTANT & PROPERTY EXPENSES BY YEAR

2018-19						
Vendor	PO #	Description	Amount			Reimbursable
California Appraisals	19-567	Appraisal for future site	\$ 4,000.00			Yes
Educational Facilities Program Management LLC	19-134	Bond Development & Election	\$ 34,440.00			Yes
Glenn County Elections	PV#69	Bond Election Fees	\$ 3,466.00			No
Holdrege & Kull (NV5)	19-309	Environmental Site Assessment	\$ 4,600.00			Yes
Holdrege & Kull (NV5)	19-397	Prelim Assessment #032-230-015	\$ 4,060.62			Yes
HUSD Revolving Fund	19-524	New property project	\$ 1,500.00			Yes
Placeworks Inc.	19-514	Title 5 Risk Assessment	\$ 15,210.00			Yes
Placeworks Inc.	19-515	CEQA Review; Expansion Project	\$ 5,877.75			Yes
School Works Inc.	18-639	Development Fee Study	\$ 6,000.00			No
Western Valuation Professional	19-596	Appraisal - new property	<u>\$ 3,500.00</u>			Yes
Total Amount Expended			\$ 82,654.37			
Reimbursable Total			\$ 73,188.37			
2019-20						
Vendor	PO #	Description	Amount	Encumbered		Reimbursable
Department of Toxic Substances Control - DTSC	20-202	Property purchase testing	\$ -	\$ 14,480.00		Yes
Educational Facilities Program Management LLC	20-219	Consulting for HHS Expansion Proj.	\$ -	\$ 44,800.00		Yes
Holdrege & Kull (NV5)	19-397	Prelim Assessment #032-230-015	\$ -	\$ 36,677.50		Yes
Placeworks Inc.	19-515	CEQA Review; expansion project	\$ -	<u>\$ 50,449.25</u>		Yes
Total Amount Expended				\$ 146,406.75		
Reimbursable Total				\$ 146,406.75		

TOTAL CONSULTANT & PROPERTY EXPENSES BY YEAR

2018-2019		Total Expenses	\$ 82,654.37	
		Reimbursable Expenses	\$ 73,188.37	
2019-2020		Total Expenses	\$ 146,406.75	
		Reimbursable Expenses	\$ 146,406.75	
Total		Total Expenses	\$ 229,061.12	
		Reimbursable Expenses	\$ 219,595.12	
		Expense From General Fund	(9,466.00)	

SUMMARY OF BOND LEGAL EXPENSES BY YEAR

2018-19					
Vendor	PO #	Description	Amount		Reimbursable
Dannis Woliver Kelley	423	matter # 10518 Property Purchase Negotiaion	\$6,470		Yes
Dannis Woliver Kelley	423	matter # 10418 2018 Bond Discussions	<u>\$1,017</u>		No
			\$7,487		

TOTAL BOND LEGAL EXPENSES BY YEAR

2018-2019		Total Expenses	\$7,487	
		Reimbursable Expenses	\$6,470	
2019-2020		Total Expenses	\$0.00	
		Reimbursable Expenses	\$0.00	

HUSD ENROLLMENT OVER FIVE YEARS 2015-2019

1
2015-16
290 HHS
11 EBHS
416 K-5
6-8
717 TOTAL

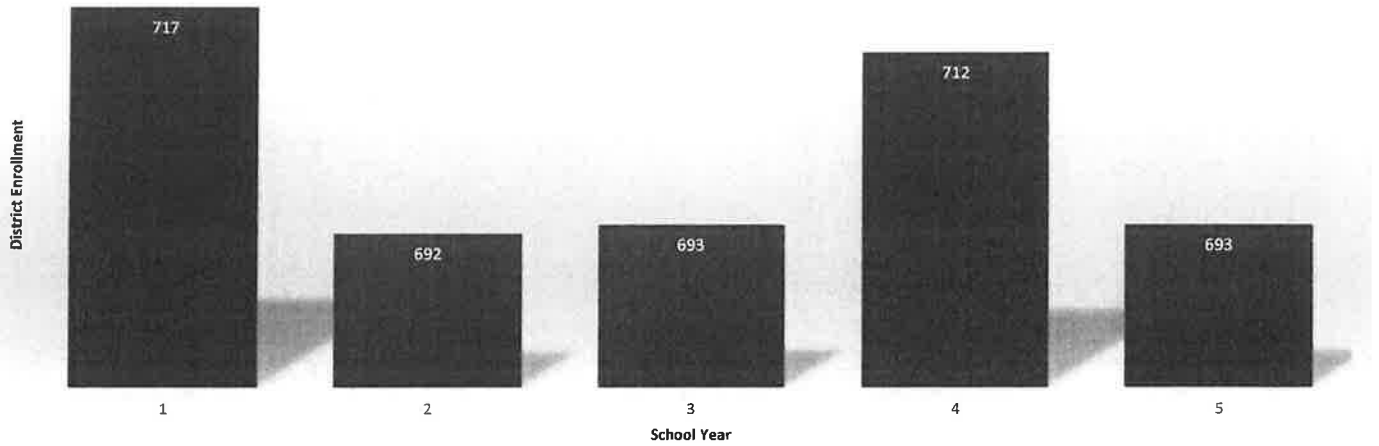
2
2016-17
264 HHS
14 EBHS
414 K-5
6-8
692 TOTAL

3
2017-18
269 HHS
12 EBHS
279 K-5
133 6-8
693 TOTAL

4
2018-19
286 HHS
9 EBHS
292 K-5
125 6-8
712 TOTAL

5
2019-20
263 HHS
14 EBHS
266 K-5
150 6-8
693 TOTAL

Enrollment by School Year



2019-20	
8/13-8/30/19	
#STU	GRADE
11	TK
39	K
45	1
42	2
40	3
46	4
40	5
59	6
43	7
48	8
68	9
74	10
78	11
53	12
686 TOTAL	

2019-20	
9/3-9/27/19	
#STU	GRADE
11	TK
39	K
47	1
42	2
40	3
47	4
40	5
59	6
43	7
48	8
68	9
74	10
79	11
54	12
691 TOTAL	

2019-20	
9/30-10/14/19	
#STU	GRADE
11	TK
39	K
47	1
42	2
40	3
47	4
40	5
59	6
43	7
48	8
68	9
74	10
79	11
56	12
693 TOTAL	

CSBA POLICY GUIDE SHEET
July 2019
For HUSD Board Meeting October 23, 2019
First Reading
Page 1 of 1

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP/AR 6174 Education for English Learners

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2735, 2018)** which prohibits districts from denying English learners the opportunity to enroll in core curricular courses or courses needed for middle school promotion, high school graduation, or college admission. Policy also adds requirement to annually designate a district and site coordinator to oversee administration of the English Language Proficiency Assessments for California (ELPAC). Regulation reflects **NEW STATE REGULATION (Register 2019, No. 1)** which establishes a timeframe for notifying parents/guardians of their child's ELPAC test results when the results are received from the test contractor after the last day of instruction for the school year.

BP 6179 - Supplemental Instruction

(BP revised)

Policy updated to reflect current law requiring the provision of remedial instruction to students who are recommended for retention or are identified as being at risk for retention. Policy also deletes reference to federal Title I program improvement which is no longer operational, and clarifies that schools identified for comprehensive or targeted school improvement may, but are not required to, offer supplemental instruction.

BB/E 9321 - Closed Session

(BB revised; E(1) and E(2) added)

Bylaw retitled and updated to incorporate material formerly in BB 9321.1 - Closed Session Actions and Reports. Bylaw also adds the requirement to provide final documents approved or adopted during closed session to persons who have submitted a request. Section on "Matters Related to Students" provides that student names should not be included on the agenda or reports of expulsion hearings pursuant to court decision. Section on "Security Matters" reflects the board's authority to meet in closed session with law enforcement officials to develop a tactical response plan. Section on "Real Property Negotiations" reflects Attorney General publication stating the board's authority to approve a final real property agreement in closed session. Section on "Pending Litigation" updates legal cites. Exhibit (1) added to provide examples of agenda descriptions of closed session items. Exhibit (2) added to provide examples of reports of closed session actions that must be made when the board reconvenes in open session following the closed session.

BB 9321.1 - Closed Session Actions and Reports

(BB deleted)

Bylaw deleted and key concepts incorporated in BB 9321 - Closed Session.

CSBA Sample Board Policy

Instruction

BP 6142.2(a)

WORLD/FOREIGN LANGUAGE INSTRUCTION

Note: The following **optional** policy may be revised to reflect district practice.

Education Code 51220 requires districts that serve students in grades 7-12 to offer courses in world languages. In January 2019, the State Board of Education adopted revised content standards and proficiency levels for world languages. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in May 2020.

The following policy may be revised by districts that do not maintain any of grades 7-12. Districts that do not maintain secondary schools may adapt this policy to reflect any elementary school K-6 programs designed to develop student's literacy in a language other than English. Education Code 51212 states legislative intent to encourage programs of world language (foreign language) instruction as early as feasible for the district.

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop ~~linguistic proficiency~~ **communicative** and cultural **proficiency and** literacy in one or more world languages ~~in addition to English.~~

Note: The California Department of Education's (CDE) Foreign Language Framework for California Public Schools encourages districts to offer as many language course options as possible. Within the context of the CDE's framework, The following paragraph may be revised to reflect language courses available in the district. **The revised state content standards acknowledge the need for the study of a wide variety of languages, and recognize American Sign Language is recognized as a foreign world language.**

The following paragraph may be revised to reflect language courses available in the district.

The Superintendent or designee shall recommend **a variety of** world languages to be taught in the district's educational program based on student interest, community needs, and available resources. ~~He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language.~~

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses **are offered, they** shall be open to all students regardless of hearing status.

(cf. 6174 - Education for English Learners)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

~~Note: On January 7, 2009, the State Board of Education (SBE) adopted voluntary content standards for world languages for grades K-12; see the accompanying administrative regulation, Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in 2020.~~

~~In addition, Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California colleges and universities; see BP 6143 - Courses of Study. Admissions criteria for California State University and University of California include two years of coursework in one foreign language other than English that has been approved by the University of California. "Frequently Asked Questions" in the University of California's [A-G Policy Resource Guide](#), available on its web site, clarify that American Sign Language may be used to fulfill the requirement if used with a language other than English, but signing in English will not satisfy the requirement. The following paragraph may be revised by districts that do not maintain any of grades 7-12.~~

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

~~Note: The following paragraph is for use by districts that maintain any of grades 7-12 and may be revised to reflect the grade levels at which instruction in world languages will be offered in the district. Education Code 51220 requires that the adopted course of study for grades 7-12, beginning no later than grade 7, include instruction in world languages designed to develop a facility for understanding, speaking, reading, and writing the particular language; see AR 6143 - Courses of Study.~~

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

~~Note: The following optional paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either foreign language, American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, foreign language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.~~

A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126—Awards for Achievement.

BP 6142.2(c)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Students shall obtain credit toward high school graduation requirements for completion of a one-year course in a world language or American Sign Language during grades 9–12.

(cf. 5126—Awards for Achievement)

(cf. 6146.1—High School Graduation Requirements)

(cf. 6146.11—Alternative Credits Toward Graduation)

Note: The following **optional** paragraph is for use by districts that choose to offer a dual-language immersion program and may be revised to reflect district practice. Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305-310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all of the instruction is in English, and may offer dual-language immersion programs or other language acquisition programs. Also see BP/AR 6174—Education for English Learners. The CDE and the The Center for Applied Linguistics notes that dual-language immersion programs are often focused on the primary grades and that such programs may continue for five to seven years but optimally throughout grades K-12.; aAlso see the accompanying administrative regulation.

For further information and recommendations regarding dual-language immersion programs, see CSBA's governance brief [English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs](#).

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. (Education Code 305-306)

Note: Pursuant to Education Code 60119, as a condition of receiving funds for instructional materials from any state source, the Governing Board is required to hold a public hearing to determine, **through a resolution**, whether each student **in the district** has sufficient textbooks and/or instructional materials in specified subjects, including **foreign world** language, that are aligned to the state content standards or curriculum frameworks; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1- Library Media Centers)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, **including communicative and cultural proficiency and understanding.**

BP 6142.2(d)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 4131 - Staff Development)

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either ~~foreign world~~ language, **which includes** American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, ~~foreign world~~ language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

~~A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 - Awards for Achievement.~~

Students shall obtain credit toward high school graduation requirements for ~~completion of~~ **completing one year of a one-year course** in a world language or American Sign Language course during grades 9-12.

(cf. 5126 - Awards for Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate **a high level of proficiency** in speaking, reading, and writing skills in one or more languages in addition to English. **The California Spanish Assessment, which is part of the California Assessment of Student Performance and Progress, can be used to measure a student's competency in the Spanish language and is suitable for assessing qualifications for the State Seal of Biliteracy. See the California Department of Education's California Spanish Assessment Fact Sheet.** Also see BP/AR 5126 - Awards for Achievement.

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

(cf. 5126 - Awards for Achievement)

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's world/~~foreign~~ languages instructional program.

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, **whether the district's world language program is serving the grade levels required by law**, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards

BP 6142.2(e)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

300-310 *Education for English learners*

42238.02 *Local control funding formula; class size requirements*

44253.1-44253.11 *Qualifications of teachers of English learners*

44256-44257 *Credential requirements, including teachers of foreign world language*

48980 *Parental notifications*

51212 *Legislative intent to encourage foreign world language instruction in grades 1-6*

51220 *Courses of study, grades 7-12*

51225.3 *High school graduation requirements*

51243-51245 *Alternative credits toward graduation for foreign world language instruction in private school*

60119 *Public hearings, instructional materials*

60605.3 *Content standards for world language instruction*

60605.5 *Revision of state standards for world language instruction*

CODE OF REGULATIONS, TITLE 5

1632 *Alternative credits toward graduation for foreign language instruction in private school*

11300-11316 *Multilingual and English learner education*

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION CSBA PUBLICATIONS

Proposition 58 Regulations, Fact Sheet, August 2018

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Two-Way Language Immersion Program Multilingual FAQ

World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve

California Spanish Assessment Fact Sheet, March 2019

World Languages Content Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017

Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

Guiding Principles for Dual Language Education, Second Edition, 2007

Management Resources continued: (see next page)

BP 6142.2(f)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 Serving English Learners

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

21st Century Skills Map: World Languages, January 2011

UNIVERSITY OF CALIFORNIA PUBLICATIONS

A-G Policy Resource Guide

WEB SITES

CSBA: <http://www.csba.org>

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education, Foreign World Languages: <http://www.cde.ca.gov/ci/fl>

California Language Teachers' Association: <http://www.clta.net>

California Foreign World Language Project: <http://www.stanford.edu/group/CFLP>

California Language Teachers' Association: <http://www.elta.net>

Center for Applied Linguistics: <http://www.cal.org>

National Education Association, Partnership for 21st Century Skills:
<http://www.nea.org/home/34888.htm>

University of California, a-g Course Approval A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.2(a)

WORLD/FOREIGN LANGUAGE INSTRUCTION

Content of Instruction

Note: Items #1-53 below reflect the ~~five~~ **three** categories of content standards for world languages adopted by the State Board of Education (SBE) ~~on in January 7, 2009~~ **2019**. Within each category, the state standards describe four proficiency levels or performance benchmarks. Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. **The revised content standards also address information literacy, technology literacy, media literacy, and emotional literacy as outlined in the National Education Association's 21st Century Skills Map.**

The district may revise the following list to reflect ~~the~~ topics ~~to be~~ addressed in the district's **world language** program.

The district's instructional program for world languages shall be designed to help students gain knowledge about ~~new~~ language systems, **develop a cultural understanding**, and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

- ~~1. Content: Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.~~

~~(cf. 6011 Academic Standards)~~

- 2-1. Communication: Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages, including:**

- a. **Language functions, which describe the purposes to which language is used in culturally appropriate real-world communication**
 - b. **The setting in which the language is used, which includes using language both within and beyond the classroom to interact in local communities and abroad**
 - c. **The structures used to convey meaning**
- 3.2. **Cultures: Students shall receive instruction that allows them to make connections and comparisons between language and culture interact, with competence and understanding, with those who are native to the language in a variety of real-world settings.**

AR 6142.2(b)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6142.94 - History-Social Science Instruction)

- 4. ~~Structures: The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.~~
- 3. **Connections: Students shall receive instruction that builds, reinforces, and expands their knowledge of other disciplines using the language to develop critical thinking and problem-solving skills, and to access and evaluate information and diverse perspectives readily or only available through the language and its cultures, in order to function in real-world, academic and career-related settings.**
- 5. ~~Settings: To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.~~

(cf. 6011 - Academic Standards)

Dual-Language Immersion Programs

Note: The following **optional** section is for use by districts that choose to establish a dual-language immersion program integrating native English speakers and English learners in a class that is taught in both English and a second language; see the accompanying Board policy.

~~Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305.310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all classroom instruction is provided in English, and may offer dual language immersion programs or other language acquisition programs. See BP/AR 6174 - Education for English Learners.~~

Items #1-2 below reflect program models **described** on the California Department of Education's (CDE) web site and may be revised to reflect district practice.

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program
2. A 90:10 model in which instruction is provided in the non-English target language for 90 percent of the time and in English for 10 percent of the time during the first year of the program, decreasing the percentage of time in the non-English language in each subsequent year until there is a 50:50 balance of languages

AR 6142.2(c)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6174 - Education for English Learners)

~~Note: The following two paragraphs reflect recommendations of the CDE in its "Two-Way Language Immersion Program FAQ," available on its web site, and may be revised to reflect district practice.~~

Native English speakers shall generally be admitted into the program only during the first grade level at which the program is offered, and English learners during the first or second grade level at which the program is offered. Bilingual students may enter the program at any time. On a case-by-case basis, the Superintendent or designee may admit a student later in the program if ~~he/she determines~~ **it is determined** that the student is adequately prepared for and will benefit from the program.

Note: The following paragraph reflects the recommendation of CDE in its "Multilingual FAQ," available on its web site, and may be revised to reflect district practice.

In enrolling students for the program, the district shall strive to maintain a ratio of half native English speakers and half English learners, and such ratio shall not fall below one-third for either language group except under exceptional circumstances.

~~Note: The following paragraph may be deleted by districts that do not offer a dual-language immersion program in any of grades K-3. Pursuant to Education Code 310, as amended by Proposition 58 (November 2016), all language acquisition programs must comply with requirements related to class size in grades K-3.~~

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. (Education Code 310)

(cf. 5145.6 - Parental Notifications)

AR 6142.2(d)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.

~~Whenever one or more English learners are enrolled in a dual language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.~~

~~*(cf. 4112.22 - Staff Teaching English Learners)*~~

Note: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of students enrolled in the school to establish a language acquisition program other than, or in addition to, programs available at the school. When the request is for a dual-language immersion program, requests from parents/guardians of enrolled students who are native speakers of English shall be considered along with requests from parents/guardians of English learners in determining whether the threshold has been met to require district response. See AR 6174 - Education for English Learners.

If a school does not currently offer a dual-language immersion program but the parents/guardians of 30 or more students at the school, or 20 or more students at the same grade level, request the establishment of such a program, the district shall determine whether it is possible to offer such a program in accordance with 5 CCR 11311.

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CSBA Sample

Board Policy

Instruction

BP 6179(a)

SUPPLEMENTAL INSTRUCTION

Note: The following policy is **mandated** pursuant to Education Code 48070.5 and should be revised to reflect the grade levels offered by the district.

Pursuant to Education Code 52060-52077, the Governing Board must annually adopt a local control and accountability plan which includes goals and actions aligned with ~~eight~~-state priorities, including student achievement; see BP/AR 0460 - Local Control and Accountability Plan. The provision of high-quality supplemental instruction may be one strategy to improve student achievement outcomes for underperforming students.

In addition, the provision of supplemental instruction may be a strategy to assist low-performing schools identified by the California Department of Education for comprehensive or targeted support and improvement pursuant to 20 USC 6311. Such schools are required to develop and implement a school plan to improve student outcomes.

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

BP 6179(b)

SUPPLEMENTAL INSTRUCTION (continued)

When determined to be necessary by the principal or designee **and when written parent/guardian consent is obtained for the student's participation**, a student may be required to participate in supplemental instruction outside the regular school day. ~~In such cases, written parent/guardian consent shall be obtained for the student's participation.~~

Note: Pursuant to Education Code 37252.2, districts are required to provide supplemental instruction to students in grades 2-9, inclusive, who have been retained or recommended for retention, as provided below. Education Code 48070.5 mandates that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention. See BP/AR 5123 - Promotion/Acceleration/Retention for information regarding the criteria for identifying students for retention.

Supplemental instruction shall be offered to students ~~in grades 2-9 who have been retained or are~~ recommended for retention, **or are identified as being at risk for retention**, at their current grade level. (Education Code ~~37252.2~~, 48070.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6162.51 - State Academic Achievement Tests)

Note: The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required Title I schools identified for program improvement in year 2 or beyond to provide eligible students with supplemental educational services from an approved service provider. In accordance with the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. See AR 0520.2 - Title I Program Improvement Schools for details regarding this requirement.

~~The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.~~

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

Note: Items #1-32 below are **optional** and may be revised to reflect district practice.

In addition, supplemental instruction may be offered to:

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who have been identified as being "at risk" for retention based on state assessment results;

grades, or other indicators. See BP 5123—Promotion/Acceleration/Retention for further information about criteria for identifying students as at risk of retention. If districts choose to offer such instruction, Education Code 48070.5 mandates that they adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are at risk for retention.

BP 6179(c)

SUPPLEMENTAL INSTRUCTION (continued)

1. ~~Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators~~

~~(cf. 5121—Grades/Evaluation of Student Achievement)
(cf. 6162.51—State Academic Achievement Tests)~~

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who are identified as having a deficiency in mathematics, reading, or written expression based on state assessment results. At their discretion, districts may offer such instruction to students who demonstrate academic deficiencies at any grade level or in any subject matter.

- 2.1. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

~~(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6142.94 - History-Social Science Instruction)~~

Note: The following **optional** item may be used by districts maintaining high schools to provide support to students who need assistance to meet graduation requirements.

- 3.2. High school students who need support to successfully complete courses required for graduation

Legal Reference: (see next page)

SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

~~37252-37254.1 Supplemental instruction, summer school~~

42238.01-42238.07 **42238.5** Local control funding formula

46100 Length of school day

48070-48070.5-6 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6311 State plan

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

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Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9321(a)

CLOSED SESSION ~~PURPOSES AND AGENDAS~~

Note: Pursuant to Government Code 54962, the Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963) or by a provision of the Education Code. Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act, as described throughout this bylaw and the accompanying Exhibit (1). **Following the closed session, Government Code 54957.7 requires the Board to reconvene in open session to report any action taken in closed session, as described below and in the accompanying Exhibit (2).**

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed sessions during a regular, special, or emergency meeting only for purposes authorized by law. ~~A closed session may be held during a regular, special, or emergency meeting in accordance with law.~~

~~Note: Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act.~~

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law **and specified below.** (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54957.7 states **requires** that, before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. ~~These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements. In addition, the Board is required to reconvene in open session upon conclusion of a closed session to report any action taken in the closed session.~~

In the open session preceding the closed session, t~~The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. (Government Code 54957.7)~~

After the closed session, the Board shall reconvene in open session before adjourning the meeting, and, when applicable, shall **publicly disclose any action taken in the closed session, the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed.** ~~in the manner prescribed by Government Code 54957.1. Such reports may be made in writing or orally at the location announced in the agenda for the closed session. (Education Code 32281; Government Code 54957.1, 54957.7)~~

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CLOSED SESSION PURPOSES AND AGENDAS (continued)

(cf. 9321.1 - Closed Session Actions and Reports)

Note: Pursuant to Government Code 54957.1, a document approved or adopted in a closed session must be provided to any person who has submitted a written request within 24 hours of the posting of the agenda or who has made a standing request for all documentation as part of a request for meeting notices pursuant to Government Code 54954.1 or 54956.

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary retyping is completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

~~The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)~~

(cf. 1340 - Access to District Records)

Note: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

~~The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)~~

(cf. 1340 - Access to District Records)

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CLOSED SESSION PURPOSES AND AGENDAS (continued)

Personnel Matters

Note: Government Code 54957 authorizes the use of closed sessions for personnel matters described below. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded (59 Ops.Cal.Atty.Gen. 532 (1976)) that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. (~~59 Ops.Cal.Atty.Gen. 532 (1976)~~) However, under the "personnel exception," the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline ~~in closed session~~ under this exception.

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, **performance** evaluation ~~of performance~~, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4315 - Evaluation/Supervision)

Note: Pursuant to Government Code 54957, failure of the Board to give an employee against whom a "specific complaint or charge" has been made the notice described below will render any action taken by the Board in the closed session null and void. Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult legal counsel as necessary. In Furtado v. Sierra Community College District, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, Bell v. Vista Unified School District, the court determined that a presentation to the Board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another ruling, Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy ~~him/her~~ the employee for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; see AR 4117.6 - Decision Not to Rehire.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee **who is the subject of the complaint** requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of ~~his/her~~ **the right** to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss ~~a district~~ **an** employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Note: In Moreno v. City of King, the court held that the requirement for special meeting agenda items to notice the "business to be transacted or discussed" pursuant to Government Code 54956 does not eliminate the "brief general description of each item" requirement pursuant to Government Code 54954.2. The court also held that describing the business as "public employee (employment contract)" was not sufficient when at least a quarter of the meeting was devoted to a discussion of the employee and whether to terminate the employee. The court further held that describing the item as "public employee dismissal," as illustrated in Government Code 54954.5, would not violate the employee's privacy rights and it would also provide adequate public notice that dismissal would be considered. The court noted that while Government Code 54954.5 does not provide the exclusive means of compliance with agenda specification requirements, it demonstrates how privacy rights can be protected while also providing adequate notice.

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Note: Government Code 54957.1 requires the Board to publicly report any closed session action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee. The Attorney General, in 89 Ops. Cal. Atty. Gen. 110 (2006), opined that boards are not required to publicly report an action taken in closed session to reject the proposed dismissal of an employee, as such a decision to maintain the status quo does not constitute "an action taken to dismiss."

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a

CLOSED SESSION PURPOSES AND AGENDAS (continued)

dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 4117.7/4317.7 - Employment Status Reports)

Negotiations/Collective Bargaining

Note: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the **open meeting requirements of Brown Act:** (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The **California Office of the Attorney General's** publication The Brown Act: Open Meetings for Local Legislative Bodies, also states that the "labor exception" applies to **the Board** meeting in closed session to instruct its negotiator concerning negotiations with **current or prospective** employees.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. ~~For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session.~~ (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

~~Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)~~

~~For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)~~

The Board also may meet in closed session with a state conciliator ~~or mediator~~ who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name(s) of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Approval of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

CLOSED SESSION PURPOSES AND AGENDAS (continued)**Matters Related to Students**

~~The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)~~

~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

If a public hearing would lead to the disclosure of confidential student information, t~~The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion, or a challenge to a student record. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Education Code 35146, 48912, 49070)~~

~~(cf. 5117 - Interdistrict Attendance)~~

~~(cf. 5119 - Students Expelled from Other Districts)~~

~~(cf. 5125.3 - Challenging Student Records)~~

~~(cf. 5144 - Discipline)~~

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following **optional** paragraph provides that student names shall not be included on the agenda.

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the

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CLOSED SESSION PURPOSES AND AGENDAS (continued)

confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

(cf. 5125 - Student Records)

Note: Although Education Code 48918 states that student expulsion records are "nonprivileged, disclosable public records" and the Attorney General (80 Ops.Cal.Atty.Gen. 85 (1997)) has opined that districts must disclose the student's name, the court in Rim of the World Unified School District v. San Bernardino County Superior Court held that the federal Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) preempts state law and prohibits the disclosure of student expulsion records to the public. Failure to comply with FERPA may lead to loss of federal funding. Because of the potential conflict between state and federal law, it is recommended that districts consult legal counsel prior to adopting the following paragraph.

However, in taking final action, the Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. **Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 9323.2 - Actions by the Board)

BB 9321(i)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Note: Government Code 54956.5 authorizes an emergency meeting in closed session to meet with the law enforcement officials specified above pursuant to Government Code 54957. Two-thirds of the Board members present at the meeting must agree to the need for the closed session. Those emergency situations that necessitate a need for an emergency meeting are listed in BB 9320 Meetings and Notices and include a terrorist attack, crippling disaster, or other activity that impairs public health or safety. For a list of actions for which more than a majority vote of the Board is required, see BB 9323.2 Actions by the Board.

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to these security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

The Board may meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281)

Conference with Real Property Negotiators

Note: An Attorney General opinion (94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms. **Public disclosure of such items would reveal information that Government Code 54956.8 permits to be kept confidential.** Although Attorney General opinions are not binding, they are accorded deference by the courts.

In addition, the California Office of the Attorney General publication The Brown Act: Open Meetings for Legislative Bodies states that, since Government Code 54957.1 requires the Board to report, at the conclusion of a closed session, the approval of a final agreement concluding real property negotiations, the Board's power to grant authority to its negotiator must also include the power to finalize any agreement so negotiated.

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

BB 9321(j)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), ~~and~~ the property under negotiation, and ~~to specify~~ the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

~~For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)~~

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Note: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below.

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

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CLOSED SESSION PURPOSES AND AGENDAS (continued)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9~~(a)~~**(d)(1)**)
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9~~(b)~~ **(d)(2), (3)**)

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the ~~For~~ **Government** Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before

the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on his/her the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(e) (d)(4))

BB 9321(l)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a) (d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) (d)(2) or (3) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(e) (d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

1. **Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.**

2. **Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.**
3. **Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.**

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CLOSED SESSION PURPOSES AND AGENDAS (continued)

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

Joint Powers Agency Issues

Note: The following ~~section applies to~~ **paragraphs are for use by** districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

Note: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5 provides an agenda description for the purpose of this closed session. The following **optional** paragraphs are for use by districts that participate in a JPA that has adopted such a provision.

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may **also** meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA **that has direct financial or liability implications for the district**. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

~~The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)~~

BB 9321(n)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Closed session agenda items related to conferences involving a JPA shall specify **the name of the JPA**, the closed session description used by the JPA, and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

Note: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a **confidential** final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Note: Government Code 54956.75 does not specify reporting requirements for closed sessions related to the review of the audit report from the State Auditor. The following optional paragraph reflects the purpose of the closed session.

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

Note: The following **optional** paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code.

BB 9321(o)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Note: Education Code 60617 does not specify reporting requirements for closed sessions related to the review of student assessment instruments. The following optional paragraph reflects the purpose of the closed session.

Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35145 Public meetings

35146 Closed session ~~(re student suspension)~~ for student suspension or disciplinary action

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension of student

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

49073-49079 Privacy of student records

60617 ~~Meetings of governing board~~ **Closed session (re review of contents of statewide assessment)**

GOVERNMENT CODE

3540-3549.3 ~~Educational Employment Relations Act~~

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION

Article 1, Section 3 Public right to access information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Moreno v. City of King, (2005) 127 Cal.App.4th 17

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393

Bell v. Vista Unified School District, (2001)(2000) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d

Legal Reference continued: (see next page)

BB 9321(p)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

94 Ops. Cal. Atty. Gen. 82 (2011)

89 Ops. Cal. Atty. Gen. 110 (2006)

86 Ops. Cal. Atty. Gen. 210 (2003)

78 Ops. Cal. Atty. Gen. 218 (1995)

59 Ops. Cal. Atty. Gen. 532 (1976)

57 Ops. Cal. Atty. Gen. 209 (1974)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009-rev. 2014

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

CSBA: <http://www.csba.org>

*California Office of the Attorney General's Office: <http://www.oag.ca.gov>
League of California Cities: <http://www.cacities.org>*

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Policy Reference UPDATE Service

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CSBA POLICY GUIDE SHEET
July 2019
For HUSD Board Meeting October 23, 2019
Second Reading
Page 1 of 2

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)

(BP/AR added)

New policy and regulation address requirements for disciplinary proceedings for classified employees in merit system districts. BP/AR contain material formerly in AR 4218 - Dismissal/Suspension/Disciplinary Action, and new material consistent with BP/AR 4218 and BP/AR 4118 - Dismissal/Suspension/Disciplinary Action for certificated employees. Policy also reflects **NEW LAW (AB 2234, 2018)** which requires the personnel commission to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor.

BP 5123 - Promotion/Acceleration/Retention

(BP revised)

Policy updated to make minor revision reflecting current law pertaining to the requirement to provide remedial instruction to students who are recommended for retention or are identified as being at risk for retention.

BP/AR 5136 - Gangs

(BP/AR revised)

Policy and regulation updated to expand material related to supports and services for students identified as gang members and reflect best practices for gang prevention, intervention, and suppression described in **NEW RESOURCE** from the National Gang Center and in publication from the Los Angeles Police Department.

BP/AR 6142.2 - World Language Instruction

(BP/AR revised)

Policy and regulation retitled to be consistent with terminology used in the Education Code pursuant to **NEW LAW (AB 2319, 2018)**. Policy and regulation updated to reflect **NEW STATE CONTENT STANDARDS** for world language instruction adopted by the State Board of Education in January 2019. Policy also reflects University of California guidance stating that American Sign Language courses may be used to satisfy world language coursework requirements for college admission, and reflects state regulations which require districts to establish a process for receiving and responding to input from parents/guardians and other stakeholders regarding the world language in which instruction will be provided in any program sufficient to produce proficiency in a world language. Regulation also reflects state regulation requiring districts to establish a process for receiving and responding to parent/guardian requests to establish a language acquisition program not currently offered at the school.

AR 6145.2 - Athletic Competition

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1109, 2018)** which requires districts to annually provide student athletes and their parents/guardians an opioid fact sheet produced by the Centers for Disease Control and Prevention.

BP/AR 6145.6 - International Exchange

(BP/AR-revised)

Policy updated to clarify the scope of the policy, separate material pertaining to district students studying in another country and material pertaining to international exchange students studying in district schools, and reflect CSBA Legal Guidance. Policy also addresses student eligibility, information to obtain from the placement organization, and methods that may be used to calculate the total cost of educating an international student for the purpose of determining tuition. Regulation reflects the requirement to provide the placement organization with written acceptance of a student's enrollment, clarifies that a student's enrollment may be for one semester or one year, and adds optional language regarding the provision of a school transcript.

CSBA Sample Board Policy

Students

BP 5123(a)

PROMOTION/ACCELERATION/RETENTION

Note: Education Code 48070 and 48070.5 **mandate** that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Note: Education Code 48070.5 **mandates** that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly.

Education Code 48070.5 further **mandates** that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

PROMOTION/ACCELERATION/RETENTION (continued)

Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Note: Education Code 48070.5 **mandates** that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.

Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to ~~special education~~ students **with special needs**, the determination as to the appropriate standards for promotion or retention should be made as part of the ~~IEP~~ **individualized education program** process; see BP/AR 6159 - Individualized Education Program.

Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.

OPTION 1: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

(cf. 5121 - Grades/Evaluation of Student Achievement)

Note: According to the California Department of Education's (CDE) "FAQs Pupil Promotion and Retention," student results from the California Assessment of Student Performance and Progress may be included as indicators of academic achievement for the purpose of identifying students for promotion or retention as provided in Option 2 below, but should not be the only criterion until minimum performance levels for this purpose have been established by CDE. Other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below.

PROMOTION/ACCELERATION/RETENTION (continued)

OPTION 2: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the following additional indicators of academic achievement:

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

Note: The remainder of this policy is for use by all districts.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

Note: Education Code 48070.5 mandates that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).
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If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

Note: Education Code 37252.2 requires districts to provide supplemental instruction to students in grades 2-9 who have been retained or recommended for retention. Education Code 37252.8 authorizes, but not does require, districts to provide supplemental instruction to students in grades 2-6 who have been identified as at risk of retention. Pursuant to Education Code 48070.5, the Board must adopt policy indicating the manner in which supplemental

instruction for these purposes will be provided to students who are recommended for retention or are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate.

BP 5123(d)

PROMOTION/ACCELERATION/RETENTION (continued)

When any student in grades 2-9 is ~~retained or~~ recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. ~~The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention.~~ (Education Code ~~37252.2, 37252.8,~~ 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

~~37252-37254.1~~ Supplemental instruction

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education ~~plan~~ program

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

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CSBA Sample Board Policy

Students

BP 5136(a)

GANGS

Note: The following **optional** policy and regulation may be used as a component of a **the district's** comprehensive district safety plan and should be revised to reflect district ~~circumstances~~ **practice**. See **BP/AR 0450 - Comprehensive Safety Plan**.

The National Gang Center, in its publication **Gangs in Schools**, recommends adopting policy that addresses gang-related incidents.

The Governing Board desires to keep district schools free from the threats or harmful influence of any groups or gangs which **who exhibit drug use, violence or disruptive behavior disruptive to the school environment and/or the safety and well-being of students. The Board additionally desires to provide support and intervention to students who are members of gangs to enable them to successfully disengage from gang involvement and be successful in school.** The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5137 - Positive School Climate)

Note: ~~Education Code 51265 urges districts to give high priority to inservice programs on gang violence and substance abuse prevention education.~~

The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

Note: The following paragraph is based on the Los Angeles Police Department's "Why Young People Join Gangs," available on its web site.

The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. The Superintendent or designee shall develop strategies for gang prevention that address the reasons that students may become involved in gangs, including the identity, recognition, or status achieved as being part of a gang, protection from gang violence in the community, the need for companionship and an extended family, intimidation to join a gang, desire to

BP 5136(b)

GANGS (continued)

join a gang to be in a position to intimidate others, and/or connection with criminal activity.

Note: The following paragraph reflects recommendations in the National Gang Center's Strategic Planning Tool and Gangs in Schools, both available on its web site.

Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten. Gang violence prevention shall start as early as possible and include, but not be limited to, age-appropriate education that focuses on developing emotional and social competence, increasing prosocial peer bonds, strengthening attachment and commitment to school, and enhancing cooperative learning skills. Prevention shall also include improving parent/guardian involvement in and support for their children's academic progress, as well as ongoing gang awareness education for parents/guardians, including gang identifiers.

(cf. 5020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall take steps to deter gang activity on school campuses, including threats and intimidation of students and staff, recruitment or intimidation of students to join gangs, bullying, fighting, criminal activities, and confrontations between members of different gangs.

(cf. 5131.2 - Bullying)

Note: Education Code 35183 authorizes the Governing Board to approve a site-initiated plan that prohibits the school's students from wearing gang-related apparel. The definition of "gang-related apparel" must be limited to apparel that reasonably could be determined to threaten the health and safety of the school environment, and the Board's approval must be based on a determination the policy is necessary for the health and safety of the school environment. In Marvin H. Jeglin et al v. San Jacinto Unified School District et al, a federal district court held that in order to justify a gang-related dress code, there must be evidence of a gang presence at a school and actual or threatened disruption or material interference with school activity. Education Code 32282 specifies that for the purpose of establishing a schoolwide dress code, gang-related apparel shall not be considered a protected form of speech pursuant to Education Code 48950. For further information, see BP/AR 5132 - Dress and Grooming.

To further discourage the influence of gangs, the **The Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the principal or designee and the student's parent/guardian.**

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5132 - Dress and Grooming)
(cf. 6164.2 - Guidance/Counseling Services)

BP 5136(c)

GANGS (continued)

Note: Education Code 51265 urges districts to give high priority to in-service **training** programs on gang violence and substance abuse prevention education.

The Superintendent or designee shall provide in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. **The Superintendent or designee shall also provide staff development on social and emotional learning, classroom management, interactive teaching, and cooperative learning skills.**

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee may consider gang activity prevention and intervention when developing programs outside of the school day.

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Preschool/Early Childhood Education)
(cf. 5148.3 - Before/After School Programs)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall collaborate with child welfare services, mental health agencies, social services, and local law enforcement authorities in the prevention and intervention of gang activity.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Legal Reference: (see next page)

GANGS (continued)

Legal Reference:

EDUCATION CODE

32282 *School safety plans*

35183 *Gang-related apparel*

48907 *Student exercise of free expression*

48950 *Student freedom of speech*

51264 *Educational inservice training; CDE guidelines*

51265 *Gang violence and drug and alcohol abuse prevention inservice training*

51266-51266.5 *Model gang and substance abuse prevention curriculum*

PENAL CODE

186.22 *Participation in criminal street gang*

13826-13826.7 *Gang violence suppression*

UNITED STATES CODE, TITLE 20

7101-7122 *Student Support and Academic Enrichment Grants*

Management Resources:

LOS ANGELES POLICE DEPARTMENT PUBLICATIONS

Why Young People Join Gangs

NATIONAL GANG CENTER PUBLICATIONS

Strategic Planning Tool

Gangs in Schools, March 2019

Parents' Guide to Gangs, July 2015

WEB SITES

California Cities Gang Prevention Network: <http://www.ccgpn.org>

California Department of Education: <https://www.cde.ca.gov/ls/ss/sa>

Gang Resistance Education and Training: <https://www.great-online.org/GREAT-Home>

Los Angeles Police Department, Gangs:

http://www.lapdonline.org/get_informed/content_basic_view/1396

Homeboy Industries: <https://homeboyindustries.org>

National Gang Center: <https://www.nationalgangcenter.gov>

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CSBA Sample Administrative Regulation

Students

AR 5136(a)

GANGS

Note: The following **optional** administrative regulation may be revised to reflect district practice.

Prevention, ~~and~~ Intervention, and Suppression Measures

Note: The following **optional** administrative regulation may be revised to reflect district practice.

Districts may consider utilizing the Gang Resistance Education and Training Program (G.R.E.A.T.) for students in grades 4-7. Taught by local law enforcement, the program is designed to create stronger bonds with students and their communities and has a family component aimed at strengthening the resiliency of individual families susceptible to gang influences.

The Superintendent or designee shall become informed of the gang history in the district and community, conduct assessments of current gang activity at the school sites, and document and follow up on gang-related incidents.

In order to discourage the influence of gangs, ~~school staff shall take~~ the following measures **shall be implemented**:

1. Any student **suspected of gang affiliation based on the displaying of behavior, gestures, apparel, or paraphernalia** ~~indicative of gang affiliation~~ shall be referred to the principal or designee, **and the following actions taken, as appropriate:-**

- a. The student's parent/guardian shall be contacted and may be asked to meet with school staff **in order to proactively address the concern and be included as part of the solution.**
- b. The student may be sent home to change clothes if necessary.

(cf. 5132 - Dress and Grooming)

- c. **The student's behaviors and progress in school shall be documented, including attendance and grades.**

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

(cf. 6164.2 - Guidance/Counseling Services)

AR 5136(b)

GANGS (continued)

- d. **Intervention techniques such as mentoring, academic support, and a system of wraparound support service shall be implemented to help the student disengage from gang involvement.**
- e. **Consistent and graduated discipline and accountability shall be implemented when appropriate and combined with positive support using conflict-resolution strategies and other restorative justice practices demonstrated to be effective with gang-involved youth.**

~~2. Staff members shall be provided with the names of known gang members.~~

~~3.~~

- f. ~~Students who seek~~ **Students shall be offered** help in rejecting gang associations, **including possible referral** ~~may be referred~~ to community-based gang suppression and prevention organizations.
- g. **Law enforcement shall be notified if the student is suspected of being involved in gangs.**

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

- 4.2. Any ~~gang~~ graffiti on school premises shall be removed, washed down, or painted over as soon as discovered. Graffiti shall be **documented and** photographed before it is removed.

These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders. **This information can also be used to determine whether a threat or incident is imminent.**

~~a. Daily checks for graffiti shall be made throughout the campus.~~

~~b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.~~

(cf. 3515 - Campus Security)

(cf. 5131.5 - Vandalism and Graffiti)

5.3. Classroom and after-school programs **may include gang prevention lessons that are taught jointly by teachers, counselors, law enforcement, and/or other organizations that are knowledgeable about gang prevention and at each school shall: be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities.** ~~These programs shall also:~~

AR 5136(c)

GANGS (continued)

a. Provide social and emotional learning designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities

~~a.b.~~ Explain the dangers of gang membership

~~b.c.~~ Provide counseling for targeted at-risk students

~~e.d.~~ Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, **anti-bullying**, anger management, **acceptance ethnic/cultural tolerance**, and mediation skills

(cf. 5131.2 - Bullying)

~~d.e.~~ Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang

~~e.f.~~ Provide school-to-career instruction

~~f.g.~~ Provide positive interaction with local law enforcement staff

(cf. 5137 - Positive School Climate)

~~Gang prevention lessons may be taught jointly by teachers and law enforcement staff.~~

6.4. Staff shall actively promote membership in authorized **school clubs and** student organizations, sports and cultural activities and affiliations with the local community, and community service projects which can provide students companionship, safety, and a sense of purpose and belonging, ~~including:~~

a. ~~Positive sports and cultural activities and affiliations with the local community~~

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6145.2 - Athletic Competition)

b. ~~Structured, goal-oriented community service projects~~

(cf. 6142.4 - Service Learning/Community Service Classes)

Parent/Guardian and Community Outreach

Note: The following optional section may be revised to reflect district practice. is offered for districts that wish to provide gang education programs for parents/guardians or the community.
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AR 5136(d)

GANGS (continued)

The Superintendent or designee may offer gGang prevention classes or counseling ~~offered~~ for parents/guardians **which may shall** address the following topics:

1. The reasons students join gangs

~~1.2.~~ The dangers **and consequences** of gang membership

~~2.3.~~ Warning signs which may indicate that ~~children~~ **students** are at risk of becoming involved with gangs, **including the use of social media for gang communication and promotion**

~~3.4.~~ The nature of local gang apparel and graffiti

~~4.5.~~ Effective parenting techniques **and planning family time**

~~5.6.~~ Conflict resolution techniques

In addition, the Superintendent or designee may offer cCommunity programs ~~shall that~~ address: ~~1. T~~the scope and nature of local gang problems **and** ~~2. S~~strategies by which each segment of the community may alleviate gang problems.

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CSBA Sample Board Policy

Instruction

BP 6142.2(a)

WORLD/FOREIGN LANGUAGE INSTRUCTION

Note: The following **optional** policy may be revised to reflect district practice.

Education Code 51220 requires districts that serve students in grades 7-12 to offer courses in world languages. In January 2019, the State Board of Education adopted revised content standards and proficiency levels for world languages. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in May 2020.

The following policy may be revised by districts that do not maintain any of grades 7-12 ~~Districts that do not maintain secondary schools may adapt this policy to reflect any elementary school K-6 programs designed to develop student's literacy in a language other than English. Education Code 51212 states legislative intent to encourage programs of world language (foreign language) instruction as early as feasible for the district.~~

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop ~~linguistic proficiency~~ **communicative** and cultural **proficiency and** literacy in one or more world languages ~~in addition to English.~~

Note: ~~The California Department of Education's (CDE) Foreign Language Framework for California Public Schools encourages districts to offer as many language course options as possible. Within the context of the CDE's framework, The following paragraph may be revised to reflect language courses available in the district. The revised state content standards acknowledge the need for the study of a wide variety of languages, and recognize American Sign Language is recognized as a foreign world language.~~

~~The following paragraph may be revised to reflect language courses available in the district.~~

The Superintendent or designee shall recommend a **variety of world languages** to be taught in the district's educational program based on student interest, community needs, and available resources. ~~He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language.~~

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses are offered, they shall be open to all students regardless of hearing status.

(cf. 6174 - Education for English Learners)

BP 6142.2(b)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Note: ~~On January 7, 2009, the State Board of Education (SBE) adopted voluntary content standards for world languages for grades K-12; see the accompanying administrative regulation Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in 2020.~~

~~In addition, Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California colleges and universities; see BP 6143 - Courses of Study. Admissions criteria for California State University and University of California include two years of coursework in one foreign language **other than English** that has been approved by the University of California. "Frequently Asked Questions" in the University of California's **A-G Policy Resource Guide**, available on its web site, clarify that American Sign Language may be used to fulfill the requirement ~~if used with a language other than English, but signing in English will not satisfy the requirement.~~ The following paragraph may be revised by districts that do not maintain any of grades 7-12.~~

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)

Note: The following paragraph is for use by districts that maintain any of grades 7-12 and may be revised to reflect the grade levels at which instruction in world languages will be offered in the district. Education Code 51220 requires that the adopted course of study for grades 7-12, beginning no later than grade 7, include instruction in world languages designed to develop a facility for understanding, speaking, reading, and writing the particular language; see AR 6143—Courses of Study.

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either foreign language, American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1—High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, foreign language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11—Alternative Credits Toward Graduation.

A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126—Awards for Achievement.

BP 6142.2(c)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Students shall obtain credit toward high school graduation requirements for completion of a one-year course in a world language or American Sign Language during grades 9-12.

(cf. 5126—Awards for Achievement)
(cf. 6146.1—High School Graduation Requirements)
(cf. 6146.11—Alternative Credits Toward Graduation)

Note: The following **optional** paragraph is for use by districts that choose to offer a dual-language immersion program and may be revised to reflect district practice. Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305-310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all of the instruction is in English, and may offer dual-language immersion programs or other language acquisition programs. Also see BP/AR 6174—Education for English Learners. The CDE and the The Center for Applied Linguistics notes that dual-language immersion programs are often focused on the primary grades and that such programs may continue for five to seven years but optimally throughout grades K-12. Also see the accompanying administrative regulation.

For further information and recommendations regarding dual-language immersion programs, see CSBA's governance brief English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs.

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. (Education Code 305-306)

Note: Pursuant to Education Code 60119, as a condition of receiving funds for instructional materials from any state source, the Governing Board is required to hold a public hearing to determine, **through a resolution**, whether each student **in the district** has sufficient textbooks and/or instructional materials in specified subjects, including **foreign world** language, that are aligned to the state content standards or curriculum frameworks; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, **including communicative and cultural proficiency and understanding**.

BP 6142.2(d)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 4131 - Staff Development)

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either **foreign world** language, **which includes** American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, **foreign world** language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

~~A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 - Awards for Achievement.~~

Students shall obtain credit toward high school graduation requirements for ~~completion of~~ **completing one year of a one-year course in** a world language or American Sign Language **course** during grades 9-12.

(cf. 5126 - Awards for Achievement)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate a **high level of proficiency** in speaking, reading, and writing skills in one or more languages in addition to English. **The California Spanish Assessment, which is part of the California Assessment of Student Performance and Progress, can be used to measure a student's competency in the Spanish language and is suitable for assessing qualifications for the State Seal of Biliteracy. See the California Department of Education's California Spanish Assessment Fact Sheet.** Also see BP/AR 5126 - Awards for Achievement.

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

(cf. 5126 - Awards for Achievement)

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's world/~~foreign~~ languages instructional program.

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, **whether the district's world language program is serving the grade levels required by law**, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards

BP 6142.2(e)

WORLD/~~FOREIGN~~ LANGUAGE INSTRUCTION (continued)

for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:
EDUCATION CODE

300-310 Education for English learners
42238.02 Local control funding formula; class size requirements
44253.1-44253.11 Qualifications of teachers of English learners
44256-44257 Credential requirements, including teachers of foreign world language
48980 Parental notifications
51212 Legislative intent to encourage foreign world language instruction in grades 1-6
51220 Courses of study, grades 7-12
51225.3 High school graduation requirements
51243-51245 Alternative credits toward graduation for foreign world language instruction in private school
60119 Public hearings, instructional materials
60605.3 Content standards for world language instruction
60605.5 Revision of state standards for world language instruction
CODE OF REGULATIONS, TITLE 5
1632 Alternative credits toward graduation for foreign language instruction in private school
11300-11316 Multilingual and English learner education

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION CSBA PUBLICATIONS
Proposition 58 Regulations, Fact Sheet, August 2018
English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Two-Way Language Immersion Program Multilingual FAQ
World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve
California Spanish Assessment Fact Sheet, March 2019
World Languages Content Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009 2019
California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017
Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
CENTER FOR APPLIED LINGUISTICS PUBLICATIONS
Guiding Principles for Dual Language Education, Second Edition, 2007

Management Resources continued: (see next page)

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WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
CL-622 Serving English Learners
NATIONAL EDUCATION ASSOCIATION PUBLICATIONS
21st Century Skills Map: World Languages, January 2011
UNIVERSITY OF CALIFORNIA PUBLICATIONS
A-G Policy Resource Guide
WEB SITES
CSBA: <http://www.csba.org>
American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>
California Department of Education, ~~Foreign~~ World Languages: <http://www.cde.ca.gov/ci/fl>
California Language Teachers' Association: <http://www.clta.net>
California ~~Foreign~~ World Language Project: <http://www.stanford.edu/group/CFLP>
~~California Language Teachers' Association: <http://www.elta.net>~~
Center for Applied Linguistics: <http://www.cal.org>
National Education Association, Partnership for 21st Century Skills:
<http://www.nea.org/home/34888.htm>
University of California, ~~a-g Course Approval~~ A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.2(a)

WORLD/~~FOREIGN~~ LANGUAGE INSTRUCTION

Content of Instruction

Note: Items #1-53 below reflect the ~~five~~ **three** categories of content standards for world languages adopted by the State Board of Education (~~SBE~~) ~~on in~~ January 7, 2009 **2019**. Within each category, the state standards describe

four proficiency levels or performance benchmarks. Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The revised content standards also address information literacy, technology literacy, media literacy, and emotional literacy as outlined in the National Education Association's 21st Century Skills Map.

The district may revise the following list to reflect the topics to be addressed in the district's world language program.

The district's instructional program for world languages shall be designed to help students gain knowledge about new language systems, **develop a cultural understanding**, and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

1. ~~Content: Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.~~

(cf. 6011 Academic Standards)

2-1. Communication: Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages-, **including:**

a. **Language functions, which describe the purposes to which language is used in culturally appropriate real-world communication**

b. **The setting in which the language is used, which includes using language both within and beyond the classroom to interact in local communities and abroad**

c. **The structures used to convey meaning**

3-2. Cultures: Students shall receive instruction that allows them to ~~make connections and comparisons between language and culture~~ **interact, with competence and understanding, with those who are native to the language in a variety of real-world settings.**

AR 6142.2(b)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6142.94 - History-Social Science Instruction)

4. ~~Structures: The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.~~

3. **Connections: Students shall receive instruction that builds, reinforces, and expands their knowledge of other disciplines using the language to develop critical thinking**

and problem-solving skills, and to access and evaluate information and diverse perspectives readily or only available through the language and its cultures, in order to function in real-world, academic and career-related settings.

5. ~~Settings: To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.~~

(cf. 6011 - Academic Standards)

Dual-Language Immersion Programs

Note: The following **optional** section is for use by districts that choose to establish a dual-language immersion program integrating native English speakers and English learners in a class that is taught in both English and a second language; see the accompanying Board policy.

~~Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305.310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all classroom instruction is provided in English, and may offer dual language immersion programs or other language acquisition programs. See BP/AR 6174 - Education for English Learners.~~

Items #1-2 below reflect program models **described** on the California Department of Education's (CDE) web site and may be revised to reflect district practice.

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program
2. A 90:10 model in which instruction is provided in the non-English target language for 90 percent of the time and in English for 10 percent of the time during the first year of the program, decreasing the percentage of time in the non-English language in each subsequent year until there is a 50:50 balance of languages

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WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6174 - Education for English Learners)

Note: The following two paragraphs reflect recommendations of the CDE in its "Two-Way Language Immersion Program FAQ," available on its web site, and may be revised to reflect district practice.

Native English speakers shall generally be admitted into the program only during the first grade level at which the program is offered, and English learners during the first or second grade level at which the program is offered. Bilingual students may enter the program at any time. On a case-by-case basis, the Superintendent or designee may admit a student later in the program if ~~he/she determines~~ **it is determined** that the student is adequately prepared for and will benefit from the program.

Note: The following paragraph reflects the recommendation of CDE in its "Multilingual FAQ," available on its web site, and may be revised to reflect district practice.

In enrolling students for the program, the district shall strive to maintain a ratio of half native English speakers and half English learners, and such ratio shall not fall below one-third for either language group except under exceptional circumstances.

~~Note: The following paragraph may be deleted by districts that do not offer a dual-language immersion program in any of grades K-3. Pursuant to Education Code 310, as amended by Proposition 58 (November 2016), all language-acquisition programs must comply with requirements related to class size in grades K-3.~~

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

~~Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.~~

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. (Education Code 310)

(cf. 5145.6 - Parental Notifications)

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WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

~~Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.~~

~~Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.~~

~~(cf. 4112.22 - Staff Teaching English Learners)~~

Note: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of students enrolled in the school to establish a language acquisition program other than, or in addition to, programs available at the school. When the request is for a dual-language immersion program, requests from parents/guardians of enrolled students who are native speakers of English shall be considered along with requests from parents/guardians of English learners in determining whether the threshold has been met to require district response. See AR 6174 - Education for English Learners.

If a school does not currently offer a dual-language immersion program but the parents/guardians of 30 or more students at the school, or 20 or more students at the same grade level, request the establishment of such a program, the district shall determine whether it is possible to offer such a program in accordance with 5 CCR 11311.

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Instruction

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ATHLETIC COMPETITION