

**HAMILTON UNIFIED SCHOOL DISTRICT
REGULAR BOARD MEETING & PUBLIC HEARING**

AGENDA

Wednesday, August 26, 2020

5:30 p.m. Public session for purposes of opening the meeting only via Zoom:
5:30 p.m. Closed session to discuss closed session items listed below via Zoom (For Board Only)
6:00 p.m. Reconvene to open session no **later** than 6:30 p.m. via Facebook Live or Zoom (see below)

As authorized by the Governor's Emergency Executive Orders issued on March 12 and 17, 2020, the Hamilton Unified School District Board of Education will conduct Board of Education meetings by video conference until further notice. Please join the meeting by attending the livestream via Facebook Live on the District's Facebook page or through the below Zoom link or dial by phone as listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/85613734267?pwd=b1VET0FhY294VmdtaUJVVWVU4MWILZz09>

Meeting ID: 856 1373 4267

Passcode: 4GQvda

Dial in by phone:

+1 929 436 2866

Meeting ID: 856 1373 4267

Passcode: 160800

1.0 OPENING BUSINESS:

- a. Call to order and roll call

_____ Gabriel Leal, President

_____ Hubert "Wendell" Lower, Clerk

_____ Rod Boone

_____ Genaro Reyes

_____ Ray Odom

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.

- a. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
- b. Public Employee Performance Evaluation. Government Code section 54957, subdivision (b)(1). Superintendent.
- c. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
- d. 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.
- e. *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:

- a. Board Member Comments/Reports.
- b. District Reports (written)
 - i. Technology Report by Frank James & Derek Hawley (p. 5)
 - ii. Nutrition Services Report by Sean Montgomery (p. 6)
 - iii. Operations Report by Alan Joksch (p.7)
- c. Principal and Dean of Student Reports (written)
 - i. Kathy Thomas, Hamilton Elementary School Principal (p. 8)
 - ii. Maria Reyes, District Dean of Students (p. 9)
 - iii. Cris Oseguera, Hamilton High School Principal (p. 10)
 - iv. Sylvia Robles, Adult School (p. 11)
- d. Chief Business Official Report by Kristen Hamman (p. 12)
- e. Superintendent Report by Jeremy Powell (p. 13)

8.0 PRESENTATIONS:

- a. None

9.0 CORRESPONDENCE:

- a. None

10.0 INFORMATION ITEMS:

- a. HUSD Enrollment History for 5 years (p. 15)
- b. Bond Satus (Fund 21) Update (p.16)
- c. Update on Roy Boone Memorial Barn Project – Mike Cannon (p. 19)
- d. HHS Site Expansion Permitting Status Update – Mike Cannon (p. 20)

11.0 DISCUSSION ITEMS:

- a. CSBA Policies Review and Adopt 1st Readings (p. 31)
 - i. Board Policy (updated) and **(new) Exhibit 3555: Nutrition Program Compliance** to reflect new state regulations (p. 35)
 - 1. Recommend Option
 - ii. Administrative Regulation 4030: Nondiscrimination in Employment updated to reflect new federal regulations (p. 47)
 - iii. Board Policy and Administrative Regulation 4119.11/4219.11/4319.11: Sexual Harassment updated to reflect new federal regulations (p. 55)
 - iv. **Administrative Regulation (new) 4119.12/4219.12/4319.12: Title IX Sexual Harassment Complaint Procedures** (p. 61)
 - v. Board Policy and Administrative Regulation 5141.22: Infection Diseases updated to reflect new law (p. 82)
 - vi. Administrative Regulation 5145.3: Nondiscrimination/Harassment updated to reflect new federal regulations (p. 91)
 - vii. Board Policy (updated) and Exhibit 5145.6: Parental Notifications updated to reflect new law (p. 104)
 - viii. Board Policy and Administrative Regulation 5145.7: Sexual Harassment updated to reflect new federal law (p. 126)
 - ix. **Administrative Regulation (new) 5145.71: Title IX Sexual Harassment Complaint Procedures** reflecting new federal regulations. (p. 143)
 - x. Board Policy and Administrative Regulation 6142.7: Physical Education and Activity updated to reflect new law (p. 156)
 - xi. Board Policy and Administrative Regulation 6159: Individualized Education Program updated to reflect new law (p. 173)
 - xii. Board Policy and Administrative Regulation 6159.1: Procedural Safeguards for Special Education updated to reflect new state regulations (p. 194)
 - xiii. Board Policy and Administrative Regulation 6159.2: Nonpublic, Nonsectarian School and Agency Services for Special Education updated to reflect new law (p. 208)

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 OPEN PUBLIC HEARING

- a. Adopt Resolution 20-21-101, Certification that each pupil in each school in the District has Sufficient Textbooks and instructional materials that are aligned to the State Content Standards and are consistent with the Content and Cycles of the Curriculum Framework Adopted by the SBE in ELA, Math, Social Studies and Science for the 2020-21. (p. 217)

14.0 OPEN PUBLIC HEARING

- a. Discussion and public comment on Adoption of Board Resolution #20-21-102; Certification of an Initial Study/Mitigated Negative Declaration (IS/MND), Adoption of a Mitigation Monitoring Reporting Program under CEQA & Approval of the Hamilton High School Site Expansion Project Documents are available for public review at District Office and on our website: www.hudschool.org (p. 219)

15.0 OPEN PUBLIC HEARING

- a. Discussion and public comment on Learning Continuity and Attendance Plan for 2020-21 School year (p. 353)

16.0 ACTION ITEMS:

- a. Approval of a Construction Testing Contract with M.T. Hall & Co. for the Roy Boone Memorial Barn Project (p. 392)
- b. Approval of EFPM Contract Amendment for Geological/Geohazard Studies to CDE (p. 394)
- c. Adoption of Board Resolution# 20-21-102 Certifying an Initial Study/Mitigated Negative Declaration (IS/MND), Adoption of a Mitigation Monitoring Reporting Program under CEQA & Approval of the Hamilton High School Site Expansion Project (p. 397)
- d. Adoption of Board Resolution# 20-21-103 Making Findings regarding compliance with Education Code 17213 regarding Setbacks for Utilities & Other items for the Hamilton High School Site Expansion Project (p. 401)
- e. Approval of a Geotechnical/Geohazards Study for the Hamilton High School Site Expansion Project (p. 404)
- f. Certification of Provision of Standards Aligned Instructional Materials for 2020-21 School Year (p. 429)
- g. Approve Gaynor Telesystems District Phone System Project (p. 431)

17.0 **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.

- a. Minutes from Regular Board Meeting on Wednesday, July 22,2020 (p. 449)
- b. Warrants and Expenditures (p. 455)
- c. Williams Quarterly July 2020 (p. 470)
- d. Interdistrict Transfers (new only; elementary students reapply annually).
 - i. Out
 - 1. Hamilton Elementary School
 - a. none
 - 2. Hamilton High School
 - a. none
 - ii. In
 - 1. Hamilton Elementary School
 - a. K x 2
 - b. 3rd x 1
 - c. 5th x 2
 - d. 8th x 1
 - 2. Hamilton High School
 - a. 9th x 6
 - b. 11th x 1
- e. Personnel Actions as Presented:
 - i. New hires:
 - Aaron Elliot
 - Varsity Head Football Coach
 - HHS

Mariesa Fitzgerald-Adams	Paraeducator/Library Media Technician - Position ending December 2020	HES
Maribel Brand	Child Nutrition Assistant	HES
Sophia Langevin	Multiple Subject Teacher, Long Term Substitute	HES
Derek Nall	Long Term Substitute Teacher	HUSD
Chloe Patton	English Teacher, Long Term Substitute - Position ending December 2020	HUSD
Aaron Johnson	Math Teacher, Long Term Substitute - Position ending December 2020	HUSD

- ii. Resignations/Retirement:
 - 1. None

18.0 ADJOURNMENT:

Technology Report
Board Meeting on August 26, 2020
Frank James, Director of Technology
Derek Hawley, Information Systems Technician

Completed and in Progress Tasks – August 2020

1. **2020-21 Chromebook deployment:** Chromebook deployments at both sites went fairly smoothly. We currently have Chromebooks out to 2nd through 12th grade. Devices have been ordered for K-1st also. They are expected to arrive the in around the middle of September.
2. **2020-21 Teacher Devices:** 35 Dell Latitude 5500 Laptops have been ordered for Teachers. These Laptops should be a significant upgrade for most staff. I hope to have these out to teacher by the last week in August.
3. **GoGuardian:** GoGuardian is up and running. Chromebooks appear to be reporting properly and providing some great insight into student engagement.
4. **Beacon:** Beacon Core is up and running also. This is also providing us some good information and appears to be monitoring student traffic properly.
5. **Cachebox Caching Server:** Cachebox has been racked and is working properly. We are still working on the best way to utilize this on the Public Wifi but everything else is dialed in and working.
6. **Staff Support:** The first week of school shaped up to be a pretty busy one. We fielded a lot of tech tickets, phone calls, and emails but we were able to stay on top of those requests and support staff in a timely manner.
7. **Classroom Technology:** The three TVs and Dell monitor that we ordered arrived at the end of last week. I will work with MTO to see if we can get them installed this week.
8. **Aeries NYR:** New Year Rollover has been completed and 2020-21 is active in Aeries.
9. **NutriKids NYR:** New Year Rollover has been completed and 2020-21 is active. NutriKids application has also been updated to the latest version.
10. **Google Sync:** Google Sync has been enabled and students have been synced from AD to Google Admin Console.

HUSD Food Service Report

Board Meeting on August 26, 2020

Sean Montgomery, Director of Nutrition and Student Welfare

The 2020-21 school year has begun!

- We started our curbside meal service on Tuesday 8/11.
- We serve a breakfast and a hot lunch Monday through Friday from 11-12:30.
- Parents are allowed to pick up the meals with a valid student ID or a name that coincides with the student ID #.

Meals served the first week of school:

Monday	Tuesday	Wednesday	Thursday	Friday
	August 11 174	August 11 88	August 11 108	August 11 110
August 17 140				

1. The first day of school we saw our largest number of participants, partly because students were picking up their class packets. After an initial drop, our numbers have been steadily rising.
2. Our kitchen staff has been meeting with our consultant Joey Soon and designing menus that work better with the curbside meal pick-up.
3. We are a little concerned by the lower numbers compared to previous years - but it's really tough to compare this year to any year we've seen before. Due to these concerns we would like to try some new things like a curbside barbeque for doing hamburgers and hot dogs to try and increase participation.
4. We are working with the elementary and high school office staff to set up a delivery schedule for students who find it hard to come by the school to pick up meals.
5. We are also thinking of changing the hours of meal pick up if this would work better for the families.
6. It's going to be a very interesting year and my staff and myself are ready for this challenge.

HUSD Maintenance Report

Board Meeting on August 26, 2020

Alan Joksch, Director of Maintenance and Transportation

Back to School?

1. Completed Summer Projects

- a. The High School Gym has a nice new surface. The Locker Rooms and the Front Restrooms have fresh Epoxy Floor Paint. They all look great.
- b. The District Office Building has a new Water Heater. Sinks once again have hot water to wash hands and clean coffee cups.
- c. New aluminum gates have been installed at the Fire Lane near room 20 to block parking and access during events.
- d. The Bus Loading Zone at the Elementary has been moved to Just South of the Main Gate. This uses three parking spaces but opened up 6 at the North End near Kindergarten.
- e. Light bulbs have been replaced as needed district wide. We were hoping for the LED Upgrade through PG&E to work out, however it is on hold, so we changed out many bad light bulbs.
- f. The district wide Fire Alarm System as well as the Fire Extinguishers and Fire Suppression Systems have had the annual inspections. There are a few minor repairs scheduled and some of the backup batteries will be replaced.

2. Cleaning and Sanitizing

- a. As Staff are returning to their Classrooms, we have begun our regular (Modified) cleaning schedule.
- b. We are cleaning and sanitizing offices, restrooms and the Elementary kitchen, daily. We are vacuuming and removing trash from classrooms and other areas as needed.
- c. We are sanitizing and fogging rooms with a Pro-Biotic cleaner once a week or more if a heavy use area.

3. General Maintenance

- a. We are working on some repairs in several of the restrooms: Fixing Leaks and other issues that come up.
- b. We will be doing some pruning and other yard work to clean up the campuses.
- c. We will begin to touch up paint and repaint some doors and other areas that need of attention.

HAMILTON ELEMENTARY SCHOOL
Board Meeting on August 26, 2020

Submitted by

Kathryn Thomas, Principal

Enrollment:

Total: 420

Daily: N/A

Campus News:

- All teachers and staff joined forces and supported the Chromebook pick up days on the first day of school.
- The HES office team finalized and arranged for the few devices that were not picked up,
- All Chromebooks have now been deployed and teachers and office staff have been busy helping students and parents get into the rhythm of signing in, accessing Google Classroom, and following the Zooming schedule.
- Teachers have communicated their zooming schedule with parents, students, and office staff to improve communications.
- A process is in place for the follow up on the few students who have not attended school: 3 students at this time. This includes teachers, office staff, and administrators working together and sharing responsibilities of contacts.
- Tk-1st grade teachers have been distributing weekly packets by appointment as devices are back ordered. Teachers and parents are working closely together and their flexibility is acknowledged.

Instructional News:

- The professional development sessions were well received and teachers appreciated the synchronous and asynchronous tools provided by our GCOE partners.
- Break out rooms are available for teachers to support differentiated instruction and collaboration with our Special Education team.
- In order to improve our systems and protocols, we collaborated together on our Tier 1,2 and 3 approaches to distance learning support. [See link](#). It is our hope that this will help clarify roles and responsibilities and support accountability of all stakeholders.
- Jenny Firth provided training on Standards-Based Report cards to our K-5 staff to improve alignments between grade book and summative grades. This is especially important during our remote instruction.

Coming Up:

- Further discussion on how to provide Back To School style information during our distance structure is taking place within the grade level PODs.
- School Site Council meetings will be held virtually.
- Progress Reports are around the corner: September 4th mailing date.

Alternative Education Report

Board Meeting on Wednesday August 26, 2020

Maria Reyes, Dean of Students

Greetings from Alternative Ed.

We are excited to start a new school year even as the start of the new school year is distance learning. Students are adjusting to the bell schedule and we are working with technology issues as they arise. As students get into the swing of having classes online via Zoom, the transition gets smoother with each passing day.

- We will have a combination of homework packets and online assignments for students to complete at home.
- We delivered chrome books to all students and hotspots to families who have connectivity issues.
- Teachers have setup google classrooms and Zoom meetings for students to access on line.

As we have transition to online distance learning, students are adjusting to this new normal as well as can be and are reaching out to school staff as needed. Mr. Oseguera and I have made several home visits to deliver chrome books and hotspots. We have also reiterated to the students to contact the school for questions or concerns.

We have staff members teaching English, Math, and History at Ella Barkley and combined courses of Science, P.E., and electives with high school.

Enrollment:

12th grade = 5 (two of the seven are in Independent Study)

11th grade = 3 (one of seven is in Independent Study)

Total = 8

Hamilton High School
HUSD Board Report
August 2020
(created 8/17/20)

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1. **Enrollment:** HHS Grades 9-12= 286; EBHS=9. Total 9-12= 295 students.
 - a. 43% of students from out-of-district schools.
 - b. **Original Projected 9th-12th 2020-21 Enrollment= 299 (increase of +22 for HHS).**
 - c. We have had 4 students transfer to finch school in last few days due to our online learning.
2. **Current Learning Methods- Distance Learning, going forward.**
 - a. Personally distributed over 200 chromebooks to our 9-12 students, all by August 8 in order to ensure all students were technologically prepared for the 2020-21 school year prior to the Day 1. Along with Maria Reyes, and support and deliveries from Kelly Langan and Cristina Rios, I visited HHS families/students for delivery and conversation. This provided valuable in-person communication and gave the parents direct one-to-one discussion essential to building trust and rapport with my families. By first day of school, we had assured that every 9-12 student (100%) had a device, school info, and support ahead of Day 1.
 - i. As of today, we have visited over 250 homes and families since July 31. These essential visits will continue, especially for our Frosh and new families. I have also joined in on over 50 zooms in the first week of school and have seen strong, concise lessons as well as students engaged and participating.
 - ii. HHS Teachers are continuing their development as online delivery agents, utilizing tech skills, some new, some enhanced, in order to provide students with the quality education expected of us. PD has been utilized, but most direct credit goes to the Teachers for their professionalism and to the dedication of providing the best educational experience for our students.
 - iii. To that end, Teachers are continuing to provide content to all students through online distance learning. Teachers by adapting/learning the video conferencing techniques as well as sharing tips and ideas and best practices for serving the educational needs of our students. Protocols for face to face student-to-teacher media (i.e. zoom) are being utilized for daily, synchronous academic interaction as well as setting the foundation for the necessary asynchronous learning essential in this dynamic.
 - iv. Our school schedule is aimed at providing an impactful learning routine for our students and families while we remain on distance learning. This is vital for students in preparation for eventual return to on-site instruction. Attendance is being emphasized as required and beneficial, with attendance thus far being stellar.
 - v. **Top Priority** emphasized to our teachers for our HHS students continues to be the health and well-being of all of our students and their families. Teachers are asked to check-in, via various methods, with the students to see how they are doing emotionally, socially, and physically. Grace, compassion, and heart are to be exhibited to our students during this time. This is the primary concern emphasized as we try to reduce the stress and anxiety of our students- all else is secondary and I am adhering our staff to "do no harm" either socially, emotionally, or educationally. How we continue to treat and react to our students during this historic and health-concerning event will be an important factor in their development. I will continue to make home visits to our families to ensure students are attendant, engaged, and active participants as we remain online.
 - vi. School Athletics. State CIF has recommended Seasons of Sport be moved to the Spring Semester (January to June 2021). Northern Section CIF is working on creating Seasons of Sport specific and geared towards our section geography and school demographics and may look, in the end, different from State CIF. This recommendation should be out by early September though the primary concern and priority remains student health and well-being. Currently, we continue to follow the strict Glenn County Public Health guidelines that prohibit in-person workouts, tryouts, interactions with our students while we remain on the state watch list.
 - vii. I personally would like to thank the Hamilton High School teachers and staff for their emotional support these last two weeks for myself and my family as we mourned the passing of my mother-in-law, Blanca Carrillo. The incredible understanding and sympathy expressed by the HHS family has been uplifting and I am appreciative of their sincerity.
3. **Future Concerns:**
 - a. **2020-21 HHS Schedule-** staffing and class sizes will remain concerns for when we return to full on- site instruction. Under online and with a hybrid model, class sizes will not be as problematic as in-person. Potential adjustment to the HHS Friday schedule from multiple log-ins to intervention for students requiring extra support is being considered.

Submitted:


Cris Oseguera
Principal
Hamilton High School

Hamilton Adult Education
Board Meeting Report-August, 2020
Silvia Robles/Director

Completed and in Progress Tasks – August, 2020

1. Enrollment and students served to date for all programs:

- Citizenship6
- Computer Literacy Spring 20203 (Waitlist)
- CPR/First Aid0
- ESL11
- Floral Design.....1 (Waitlist)
- Forklift Training for3 (October)
- High School Diploma28 (Waiting on concurrently enrolled referrals to turn in their paperwork and pretesting the adults)
- Intensive ELD/Childcare Provider0
- Job Reentry 20201 (Waitlist)
- TOTAL:53**

2. Start mandatory Adult Ed Trainings for Implementation and Accountability.
3. CASAS, WIOA II Network Meetings.
4. Outreach and Recruit with nonprofit organizations, local businesses, employers ... enticing people to enroll, and retain those that we are currently working with.
5. Closure of 2019-20 year, filing records, and setting up class instances for 2020-21 year.
6. Pretesting newcomers involves an appraisal and a pretest. Testing has to be administered in person by proctor and the time needed is two hours. We cannot enroll for ESL, Citizenship, or High School Diploma unless they are pretested. Parking lot testing while a novel idea is out of the question under this weather. Therefore, we are making individual appointments and observing all the COVID-19 guidelines in order to comply.

**Hamilton Unified School District
General Fund - Unrestricted and Restricted
August Board Report**

	2020-21 Approved Budget	2020-21 Year To Date As of 8/17/20	2019-20 Approved Budget	2019-20 Year To Date As of 8/17/19
Revenues				
LCFF Sources	\$ 7,197,888	\$ 240,441	\$ 7,980,647	\$ 257,050
All Other Federal Revenue	\$ 252,770	\$ 9,661	\$ 254,861	\$ -
Other State Revenue	\$ 483,279	\$ -	\$ 195,102	\$ 237,780
Other Local Revenue	\$ 74,840	\$ -	\$ 69,840	\$ -
Other Financing Sources	\$ -	\$ -	\$ -	\$ -
Total Revenues	\$ 8,008,777	\$ 250,102	\$ 8,500,450	\$ 494,830
Expenditures				
Certificated Personnel Salaries	\$ 2,944,886	\$ 39,000	\$ 3,452,793	\$ 43,540
Classified Personnel Salaries	\$ 947,558	\$ 71,842	\$ 1,193,213	\$ 75,951
Employee Benefits	\$ 1,658,150	\$ 122,865	\$ 1,985,568	\$ 103,915
Books and Supplies	\$ 414,755	\$ 9,638	\$ 498,893	\$ 12,751
Travel and Conferences	\$ 113,556	\$ -	\$ 120,287	\$ 1,208
Dues and Memberships	\$ 14,850	\$ 8,326	\$ 9,500	\$ 2,995
Other Insurance	\$ 93,766	\$ 93,766	\$ 89,819	\$ 100,695
All Other Utilities	\$ 275,450	\$ 18,018	\$ 205,500	\$ 9,191
Rents/Leases/Repairs	\$ 64,745	\$ 3,940	\$ 77,299	\$ 13,559
Other Operating Expenditures	\$ 333,766	\$ 55,501	\$ 293,881	\$ 34,328
Capital Outlay	\$ 306,728	\$ -	\$ -	\$ -
Other Outgo	\$ 907,586	\$ 2,657	\$ 808,946	\$ -
Total Expenditures	\$ 8,075,796	\$ 425,553	\$ 8,735,699	\$ 398,133
Net Increase (Decrease) in Fund	\$ (67,019)	\$ (175,451)	\$ (235,249)	\$ 96,697
Beg. Fund Bal. (2019-20 Estimated Actuals)	\$ 687,779			
Projected End. Fund Bal.	\$ 620,760			

HUSD Superintendent Report

Board Meeting on August 26, 2020

Jeremy Powell, Ed. D.

The 2020-2021 school year will go down as one of the most unique in recent history. I am proud to report that our doors, although virtually, opened to students on August 11th. We were the first school in Glenn County to open and, because of the hard work of our teachers and school administrators, our first two weeks have been very successful. We have over 97% daily attendance and our teachers are providing high quality instruction to our students. The dedication and selflessness of our staff can be seen in the many home visits and phone calls made daily to check on students who we have not had recent contact with. I could not be prouder to be a part of such a strong team.

District Highlights for July, & August:

- **August 6th and 7th Professional Development Days** were added back (using COVID-19 funds) for whole staff Professional Development. We were trained by GCOE Educational Services team on Synchronous (live) instruction and Asynchronous (independent study) instruction. It was a powerful two days of learning. During these days, we also were able to plan for our Distance Learning Programs at each school site.
- **New Staff Members:** We have been able to add four long term substitutes; 1 nutrition specialist; 2 custodians and are looking to hire several other positions using COVID-19 Learning Loss Mitigation Funds. These positions are currently only funded through December.
- **Summer Projects:**
 - **MT&O:**
 - Our Maintenance department was able to clean and wax all classrooms, gyms, and cafeterias in the district. They also repaired broken fixtures and worked to improve grounds and facilities. District Facilities, Maintenance, and Grounds priority lists have been developed and we are looking forward to completing many projects with the additional staff we have hired.
 - Our High School Marquee has been ordered and we are hoping to install it near the end of August.

HUSD Superintendent Report

Board Meeting on August 26, 2020

Jeremy Powell, Ed. D.

- **Technology:**
 - We deployed over 700 Chromebooks and 50 hotspots to our students since the beginning of August. We are continuing to meet the needs of our students and teachers with orders of additional Chromebooks and hotspots for students, as well as Dell Laptops for our teachers to support Distance Learning.
- **Nutrition Services:**
 - The Nutrition Services Department continues to work with Joey Soon (who is volunteering his time) with a focus on improving the selection and quality of food offered at the Elementary School. We are currently preparing Grab-and-Go meals.
- **Make sure to Follow us on:**
 - HUSD App: Download from App Store or our website
 - Instagram: HamiltonUnified
 - Twitter: @hamiltonunified
 - Facebook: HamiltonUnifiedSchool District

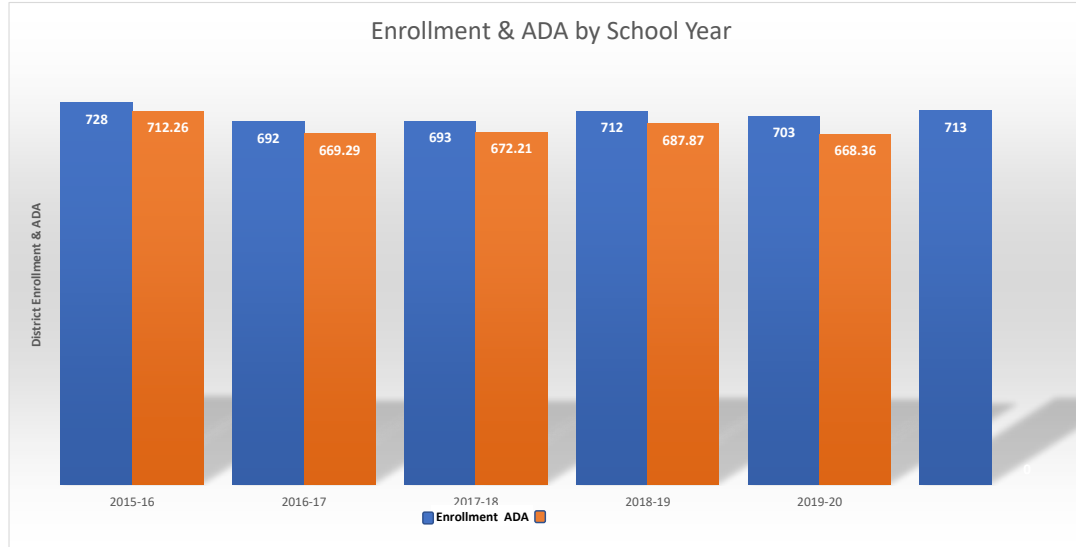
Upcoming Events:

- Sept 7th: No School--Labor Day
- Sept 16th: HULC via Zoom
- Sept 21st: No School-Teacher In-Service Day
- Sept 23rd: Board Meeting at 5:30 in HHS Library
- October 9th: End of the 1st Quarter
- October 12th: DELAC/ELAC @ 6:00
- October 20th-22nd: K-8 Parent Conferences
- October 21st: Board Meeting at 5:30 in HHS Library
- October 30th: Halloween Carnival

HUSD ENROLLMENT OVER FIVE YEARS 2015-2019

1	2	3	4	5	5
2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
304 HHS	264 HHS	269 HHS	286 HHS	265 HHS	287 HHS
9 EBHS	14 EBHS	12 EBHS	9 EBHS	13 EBHS	9 EBHS
415 K-5	414 K-5	279 K-5	292 K-5	272 K-5	276 K-5
6-8	6-8	133 6-8	125 6-8	153 6-8	145 6-8
728 ENROLLMENT	692 ENROLLMENT	693 ENROLLMENT	712 ENROLLMENT	703 ENROLLMENT	713 ENROLLMENT
712.26 ADA	669.29 ADA	672.21 ADA	687.87 ADA	668.36 ADA	0 ADA

Enrollment and ADA totals above are based on P2 Data Reporting except current year based on current reporting
ADA not yet available for 2020-21



2020-21	
8/11-8/17/20	
#STU	GRADE
13	TK
42	K
41	1
47	2
40	3
42	4
50	5
41	6
60	7
44	8
74	9
65	10
80	11
74	12
713 TOTAL	

**Building Fund 21 (Bond) Expenditures for 2020-21
For HUSD Board Meeting August 26, 2020**

PO #	Date	Vendor	Description	Amount
PV 1	7/22/2020	Bank of New York Mellon	Paying Agent Fee; RE: Election of 2018, GO Bonds, Series A	\$ 750.00
			Total expenditures through 8/17/20	<u>\$ 750.00</u>

**Building Fund 21 (Bond) Expenditures for 2019-20
For HUSD Board Meeting August 26, 2020**

PO #	Date	Vendor	Description	Amount
423	9/27/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 802.00
423	10/30/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 1,126.00
423	11/13/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 165.00
423	12/11/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 2,969.00
423	1/8/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518/1103	\$ 807.00
423	5/6/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 754.50
423	5/20/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 1,833.50
423	6/24/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 1,194.50
423	6/30/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 2,179.50
423	6/30/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 9,317.00
19397	9/27/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,057.63
19397	9/27/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,445.00
19397	10/16/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 2,960.00
19397	10/23/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 171.62
19397	12/11/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 12,940.58
19397	2/5/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 12,895.93
19397	2/5/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 560.00
19397	3/18/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 4,475.12
19397	3/18/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,252.38
19397	6/17/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,366.98
19515	9/27/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 4,692.02
19515	10/2/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 5,009.48
19515	11/20/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 9,667.98
19515	11/20/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 14,715.59
19515	6/17/2020	Placeworks Inc.	CEQA Review; expansion project	\$ 15,933.69
19515	6/30/2020	Placeworks Inc.	CEQA Review; expansion project	\$ 430.49
19515	6/30/2020	Placeworks Inc.	CEQA Review; expansion project	\$ 9,341.19
19515	6/30/2020	Placeworks Inc.	CEQA Review; expansion project	\$ 2,588.26
20202	9/27/2019	Department of Toxic Substances Control - DTSC	Property Purchase Testing	\$ 14,480.00
20219	9/27/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 5,040.00
20219	9/27/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,200.00
20219	11/13/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,480.00
20219	12/11/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 3,080.00
20219	1/15/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 2,520.00
20219	2/12/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 2,380.00
20219	3/11/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,480.00
20219	4/15/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 5,320.00
20219	5/20/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 3,920.00
20219	6/17/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,200.00
20219	6/30/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 5,180.00
20247	11/20/2019	Timios Title	Title Report for new property	\$ 400.00
20287	10/9/2019	Robertson Erickson Inc.	Survey for land	\$ 3,250.00
20287	6/30/2020	Robertson Erickson Inc.	Survey for land	\$ 3,250.00
20495	6/30/2020	Integrated Educational Planning & Programming	Building/Expansion Project	\$ 4,800.00
PV 98	3/11/2020	Sacramento Valley Mirror	Legal Ad - Notice of Prep. of a Prelim. Environmental Assess.	\$ 90.20
PV 119	6/17/2020	Sacramento Valley Mirror	Legal Ad - Expansion Project	\$ 139.40
Total expenditures through 6/30/2020				\$ 193,861.54

2018-2019 Bond and Property Related Expenses

PO #	Vendor	Description	Amount	Reimbursable
19-567	California Appraisals	Appraisal for future site	\$ 4,000.00	Yes
19-134	Educational Facilities Program Management LLC	Bond Development & Election	\$ 34,440.00	Yes
PV#69	Glenn County Elections	Bond Election Fees	\$ 3,466.00	No
19-309	Holdrege & Kull (NV5)	Environmental Site Assessment	\$ 4,600.00	Yes
19-397	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 4,060.62	Yes
19-524	HUSD Revolving Fund	New property project	\$ 1,500.00	Yes
19-514	Placeworks Inc.	Title 5 Risk Assessment	\$ 15,210.00	Yes
19-515	Placeworks Inc.	CEQA Review; Expansion Project	\$ 5,877.75	Yes
18-639	School Works Inc.	Development Fee Study	\$ 6,000.00	No
19-596	Western Valuation Professional	Appraisal - new property	\$ 3,500.00	Yes
423	Dannis Woliver Kelley	matter # 10518 Property Purchase Negotiation	\$ 6,470	Yes
423	Dannis Woliver Kelley	matter # 10418 2018 Bond Discussions	\$ 1,017	No

Total Amount Expended \$ 90,140.87

Reimbursable Total \$ 79,657.87

**MEMORIAL BARN CTE PROJECT:
APPROVED CONSTRUCTION COST BUDGET & SCHEDULE**

CONSTRUCTION COST	BUDGET	ACTUAL	NOTES
GENERAL CONTRACTOR North Valley Building Systems	\$ 212,920	\$ 180,110	Deductive Alternate: Delete enclosed buiding area of 4" washed chip sand -\$5900. Approved 7-22-2020
SITE CONTRACTOR	\$ 0	\$ 0	Included in NVBS Bid
OTHER SPECIALITY CONTRACTOR(S) Sheep Pens-NE Gate	\$ 45,000	\$ -	Pending project completion-\$20,110 Quote rec'd 6/17/2020
CONTINGENCY (15.0%)	\$ 25,792	\$ 27,017	15% Contingency
CONSTRUCTION TOTAL	\$ 283,712	\$ 207,127	
SUPPORT COST			
A & E FEES (9.0%) Robertson Erikson	\$ 25,534	\$ 8,000	Not to Exceed Amount-Approved 7-22-2020
SITE INSPECTOR (1.25%)	\$ 3,546	\$ 0	N/A
DSA & CDE FEES (0.75%)	\$ 2,128	\$ 0	N/A
TESTING LAB (0.75%) M.T. Hall	\$ 2,128	\$ 1,200	For Board Approval 8-26-2020
CONSTRUCTION MANAGEMENT (3.5%) EFPM/LLC	\$ 9,930	\$ 5,600	Not to Exceed Amount-Approved 7-22-2020
CONTINGENCY (15.0%)	\$ 4,327	\$ 2,220	15% Contingency
SUPPORT TOTAL	\$ 47,593	\$ 17,020	
PROJECT TOTAL	\$ 331,305	\$ 224,147	
FUNDING AVAILABLE	\$ 250,503		
FUND BALANCE	\$ 26,356		

SCHEDULE

DEMOLITION	WEEK OF AUGUST 26, 2020
SITWORK	START WEEK OF SEPTEMBER 14, 2020
FOUNDATIONS	START WEEK OF OCTOBER 5, 2020
BUILDING	START WEEK OF OCTOBER 26, 2020
COMPLETION	WEEK OF DECEMBER 14, 2020

HAMILTON UNIFIED SCHOOL DISTRICT
HAMILTON HIGH SCHOOL SITE EXPANSION-PERMITTING STATUS
BOARD INFORMATION ITEM

August 26, 2020

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

CDE SITE PERMITTING REQUIREMENTS

DEPARTMENT OF TOXIC SUBSTANCES CONTROL (NV5):

- Final PEA completed; submitted to DTSC 2/11/2020. Required 30-day Public Comment Period opened 2/17/2020; closed 3/20/2020. Public Comment Hearing completed at Board Meeting 2/26/2020. No adverse comments from DTSC received; No Further Action (Final Approval Letter) from DTSC (see attached) received 4/29/2020. No further action required by the District.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (PLACEWORKS):

- CEQA Final Report now completed; Initial Study/Mitigated Negative Declaration on District Agenda for review 4/22/2020 (see separate Agenda item). Notice of Intent to Adopt and 30 Public Comment period from 4/20/2020 through 5/20/2020; no public comments received to date. Board adoption and final Notice of Determination on August 26, 2020 Board Agenda for approval.

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: No special risks or mitigation required.

EDUCATIONAL SPECIFICATIONS (iep2):

- Initial Steering Committee Meeting held 2/11/2020; meetings now being scheduled for site faculty, support staff, administrators, parents, students and community members. Teleconference meetings scheduled for September 2020.

GEOLOGICAL HAZARDS STUDIES (EFPM/LLC):

- Geological Hazards Study completed by EFPM/LLC after consultation with Department of Education/Facilities Division; on Board Agenda of August 26, 2020 for review and approval.

HAMILTON UNIFIED SCHOOL DISTRICT
HAMILTON HIGH SCHOOL SITE EXPANSION-PERMITTING STATUS
BOARD INFORMATION ITEM

August 26, 2020

FINAL SITE SURVEY:

- Fieldwork for final site survey for escrow closure and recording completed by Robertson Erickson Surveying & Engineering in July 2020; final report to be completed by August 28.

PLANNING COMMISSION SUBMITTAL (EFPM/LLC):

- Request for Glenn County Planning Commission review (per Section 21151.2. Public Resources Code) submitted on 6/10/2020, with a requested return within 45 days. Public hearing and comments by Planning Commission at its August 19, 2020 Commission Meeting (see attached Glenn County Planning Commission Staff Report).

WILLIAMSON ACT FILINGS (EFPM/LLC):

- Initial Williamson Act abatement filings to County Planning Office and State Department of Conservation reviewed by District Legal Counsel and submitted to the State Department of Conservation and the Glenn County Planning Commission on 6/15/2020. Approval by Department of Conservation on 7/23/2020; review and comment by Glenn County Planning Commission at its August 19, 2020 Commission Meeting (see above).

GLENN COUNTY
Planning & Community Development Services Agency

225 North Tehama Street
Willows, CA 95988
530.934.6540
www.countyofglenn.net



Donald Rust, Director

GLENN COUNTY PLANNING COMMISSION

STAFF REPORT

MEETING DATE: August 19, 2020
TO: Glenn County Planning Commission
FROM: Planning Staff
RE: Hamilton City Unified School District Expansion
"AP-80" Agriculture Preserve Zoning District

Attachments:

1. Proposed Expansion Map
2. Letter of Request to Planning Commission

1 PROJECT SUMMARY

On June 15, 2020, the Glenn County Planning Division received a project referral requesting that the Planning Commission review a proposed expansion of the Hamilton High School campus by the Hamilton City Unified School District. The proposed expansion would absorb a ±45.91-acre portion of the ±125.58-acre property located directly north of the existing campus.

The project site is located at 500 Sixth Street within the community of Hamilton City; on the east side of County Road 203, southwest of the Southern-Pacific Rail Road, and north of the Hamilton City High School, in the unincorporated area of Glenn County, California. The current Assessor’s Parcel Number (APN) for the site of the expansion is 032-230-015.

The proposed expansion site is zoned “AP-80” Agriculture Preserve Zone (72-acre minimum parcel size) and is designated “Intensive Agriculture” in the Glenn County General Plan. The Hamilton City Unified School District will acquire ±45.91-acres of the property for the expansion of the High School Campus; the remaining ±79.67-acres will remain as agriculture under the existing Williamson Act Contract.

1.1 RECOMMENDATIONS

Planning Staff recommends that the Planning Commission find that the proposed expansion is inconsistent with the General Plan and that this report be delivered to the Hamilton City Unified School District.

2 ANALYSIS

Section 21151.2 of the Public Resources Code requires the Planning Commission to consider the proposed site and to submit to the governing board (school district) a written report of the investigation and its recommendation concerning the acquisition of the site. The school governing board shall not acquire title to the property until the report of the Planning Commission has been received.

Section 65402 of the Government Code requires the Planning Commission to determine the site’s consistency with the General Plan. The report is not subject to CEQA; however, Section 53097 of the Government Code requires the school district to comply with County ordinances relative to drainage, street improvements, grading, and off-site improvements.

California State law requires that the Land Use Element of the General Plan address criteria for locating various land uses including school facilities. Glenn County has chosen to meet these requirements through a Conditional Use Permit process. Glenn County zoning designations, including residential and agricultural zones, allow schools. However, the Agricultural Preserve Zoning district (and Williamson Act Contract restriction) does not permit schools.

The Conditional Use Permit process requires a public hearing to be conducted prior to decision of a school expansion, unless the school district chooses to ignore these regulations. According to State law, the school district may vote (2/3 vote required) to ignore County zoning regulations (Government code Section 53094.1). The Hamilton City School Unified District Board elected to proceed without the County Zoning process.

2.1 GENERAL PLAN CONSISTENCY

The Intensive Agriculture classification is used to identify areas suitable for commercial agriculture which provide a major segment of the county's economic base; to protect the agricultural to protect the agricultural community from encroachment of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic wellbeing of the agricultural community; to accommodate lands under Williamson Act contracts; to encourage the preservation of agricultural land, both in production and potentially productive, which contain State-designated Important Farmlands or Locally Significant Farmlands.

Examples of permitted uses within the Intensive Agriculture General Plan designation are growing and harvesting field crops, grain, and hay crops; growing and harvesting fruit and nut trees, vines and vegetables; pasture and grazing land; and animal raising operations.

While the proposed expansion is not consistent with the current General Plan designation of Intensive Agriculture, Glenn County is currently in the processes of updating the 1993 General Plan. Part of the General Plan update process includes revisions to land use designations of parcels suited or planned for an alternate land use designation. The land use designation revision, if approved with the General Plan Update, would thereby place the proposed expansion into conformance with the General Plan.

2.2 WILLIAMSON ACT

The Agricultural Preserve ("AP") Zone is to be applied to lands which are covered by a California Land Conservation Act (Williamson Act) contract with the county, for the following purposes:

- A. To preserve the maximum amount of the limited supply of agricultural land which is necessary in the conservation of the county's economic resources and vital for a healthy agricultural economy of the county;
- B. To protect the general welfare of the agricultural community for encroachments of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community.

As noted in California Government Code 51290-51295, with certain findings and notification to the California Department of Conservation Director, and Section 53094.1, the school district can acquire the property and the Williamson Act Contract for the property acquired will be canceled.

3. CONCLUSION

The proposed expansion site is inconsistent with the current Glenn County General Plan; however, pending the school acquiring the property the updated general plan land use designation for the property will likely be revised to be consistent with the school expansion. In addition, there are no other feasible expansion possibilities in the immediate adjacent vicinity for the Hamilton City Unified School District.

To the east of the current school are developed commercial properties considered inadequate in size for the proposed expansion, ranging from ± 1 acre to ± 2.5 acres. South of the property is State Route 32, followed by residential properties, and west of the current school is County Road 203 and the Glenn Colusa Canal. The proposed northward expansion of the Hamilton City High School campus is a reasonable growth pattern for the area of Hamilton City and the district.

4. SAMPLE MOTION

I move that the Planning Commission find that the proposed expansion of the Hamilton City High School campus is inconsistent with the Glenn County General Plan and direct staff to transmit this report to the Hamilton City School District, per Section 21151.2 of the Public Resources Code and pursuant to Government Code 65402.

PROJECT DESCRIPTION



Source: ESRI, 2019; 2019; County of Glenn, 2019; PlaceWorks, 2019.

Figure 1-2
Local Setting
Page 26



HAMILTON UNIFIED SCHOOL DISTRICT

620 Canal Street
P.O. Box 488, Hamilton City, CA 95951
TEL 530-826-3261 | FAX 530-826-0440

Jeremy Powell, Ed. D.
Superintendent

Donald Rust, Director
Glenn County Planning & Community Services Department
225 N. Tehama street
Willows, CA 95988

Dear Mr. Rust:

In accordance with Public Resources Code Sections 21151.2 and 65402, this letter will serve as formal notice to the Glenn County planning department regarding the proposed acquisition of the following property for construction and operation of a public school facility:

Approximately 48 acres located on State Route 45 in the community of Hamilton City, located immediately north of the existing Hamilton High School 620 Canal Street, Hamilton City and entirely within Glenn County Assessor Parcel Number (APN 032-230-015).

The District is in the process of completing an Initial Study/Mitigated Negative Declaration pursuant to requirements of the California Environmental Quality Act, and is also in the process of drafting the First Notice to Glenn County and the Department of Conservation pursuant to Williamson Act requirements. The District requests that the Glenn County Planning & Community Services Department analyze the subject property to determine conformity with the underlying General Plan Land Use designation so that a written report of the investigation and the Planning Commission's recommendations may be submitted to the District's Board of Trustees.

Please submit findings to Dr. Jeremy Powell, Superintendent at Hamilton Unified School District, P.O. Box 488, Hamilton City CA 95951 **within 45 days of receipt** of this notice.

Please contact either myself at (530) 826-3261 or Michael Cannon. EFPM at (916) 825-0000 if you have any questions or need any additional information.

Sincerely,

Jeremy Powell, Ed. D.

Michael Cannon, EFPM
Alan Popper, Glenn County Planning
Attachment: Site Map

BOARD OF TRUSTEES

Gabriel Leal, President | Hubert "Wendall" Lower, Clerk
Rod Boone, Trustee | Ray Odom, Trustee | Genaro Reyes, Trustee

BOARD AGENDA ITEM – RESOLUTION RE EXEMPTION FROM LOCAL LAND USE PLANNING REQUIREMENTS; AND, DESIGNATION OF DISTRICT AS LEAD AGENCY FOR CEQA STUDY PURPOSES

The attached Resolution will, as a part of the planning process for the proposed expansion of Hamilton High School, exempt the District, as a State Agency, from local land use planning requirements. This would relieve the District from resolving conflicts between State mandated siting, design and construction requirements for public schools, and local codes which may either be in direct conflict with, or may exceed State requirements. The District is required to follow State requirements in order to receive design approval and be eligible for State Facilities funding; County requirements different from those required by the State would be unapproved and not funded by the State.

The attached Resolution would also designate the District as the Lead Agency for California Environmental Quality Act (CEQA) study purposes. This designation will allow the District, rather than the County or State, to act as the controlling agency for this project: powers would include setting project scope; reviewing all project documentation and findings; and acting and adopting all necessary findings and mitigation actions.

District staff recommends approval.

HAMILTON UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 18-19-110

IN THE MATTER OF: The exemption of the Hamilton Unified District from County zoning and use ordinances for the proposed Hamilton High School Expansion Project in Glenn County, as well as designating the District as Lead Agency under the provisions of the California Environmental Quality Act (CEQA).

RESOLUTION

WHEREAS, pursuant to Section 53094 of the Government Code, School Districts are allowed to exempt specific projects from local zoning and use ordinances, as well as designating itself as the Lead Agency under the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, exemption from local zoning and use ordinances would relieve the District from resolving conflicts between State mandated siting, design and construction requirements for public schools, and local codes which may either be in direct conflict with, or may exceed State requirements; and

WHEREAS, the District is required to follow State requirements in order to receive design approval and be eligible for State Facilities funding, and County requirements different from or above those required by the State would be unapproved and not funded; and

WHEREAS, this exemption will benefit the District's capital facilities program as well as the County's planning process; and

WHEREAS, this exemption will preserve the District and County from any potential conflicts between local ordinances and mandated State requirements for public school siting, design and construction; and

WHEREAS, the District may, by statute, designate itself as the Lead Agency for California Environmental Quality Act (CEQA) study and action purposes, and carry out those functions required of a Lead Agency; now

THEREFORE, BE IT RESOLVED that, by a recorded two thirds affirmative vote, that the Hamilton Unified School District exempt itself from Glenn County zoning and use ordinances for the proposed Hamilton High School Expansion Project in the County of Glenn, as well as designating the District as the Lead Agency under the provisions of the California Environmental Quality Act (CEQA).

The above RESOLUTION was duly passed by the Board of Trustees of the Hamilton Unified School District at its regularly scheduled meeting on February 27, 2019, by the following roll call vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAINED: 0

Signed and approved by me after passage.



Gabriel Leal, President



3.27.19

Wendall Lower, Clerk

CSBA POLICY GUIDE SHEET

July 2020

First Reading 8/26/2020

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.

Board Policy 3555 - Nutrition Program Compliance

Policy updated to reflect **NEW STATE REGULATIONS** (Register 2020, No. 21) which provide that complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses should be submitted directly to the California Department of Education (CDE), and complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability should be submitted to the U.S. Department of Agriculture (USDA). Complaints regarding other program requirements or other bases for discrimination are to be investigated and resolved at the district level. Policy also deletes the USDA nondiscrimination statement that must be included on all forms of communication regarding program availability, which is now presented in the accompanying exhibit.

NEW - Exhibit 3555 - Nutrition Program Compliance

New exhibit presents the USDA statement, formerly in BP 3555, which must be included on all forms of communication available to the public regarding the availability of child nutrition programs in order to advise the public of the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints against the district.

Administrative Regulation 4030 - Nondiscrimination in Employment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.

Board Policy 4119.11/4219.11/4319.11 - Sexual Harassment

Policy updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator pursuant to federal regulations, and responsibility assigned to Title IX Coordinator to receive complaints and determine the appropriate complaint procedure to use.

Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment

Regulation updated to reflect **NEW LAW (SB 778, 2019)** which (1) requires a district with five or more employees to provide two hours of sexual harassment training to supervisory employees and one hour of sexual harassment training to nonsupervisory employees by January 1, 2021 and every two years thereafter, and (2) requires new nonsupervisory employees and employees promoted to supervisory positions to receive the training within six months of hire or promotion. Regulation also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require the district to designate a Title IX Coordinator and disseminate the Coordinator's contact information.

NEW - Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the requirement to offer supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

CSBA POLICY GUIDE SHEET

July 2020

First Reading 8/26/2020

Board Policy 5141.22 - Infectious Diseases

Policy reflects **NEW LAW (AB 262, 2019)** which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.

Administrative Regulation 5141.22 - Infectious Diseases

Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's Science Safety Handbook pertaining to experiments involving human blood sampling.

Administrative Regulation 5145.3 - Nondiscrimination/Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.

Board Policy 5145.6 - Parental Notifications

Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.

Exhibit 5145.6 - Parental Notifications

Exhibit updated to reflect **NEW LAW (SB 74, 2020)** which extends the suspension of certain mandated activities through the 2020-21 school year; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect **NEW LAW (SB 1109, 2018)** which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect **NEW LAW (AB 2370, 2018)** which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.

Board Policy 5145.7 - Sexual Harassment

Policy updated to include examples of actions to reinforce the district's sexual harassment policy, consistent with **NEW LAW (AB 34, 2019)** which requires posting the sexual harassment policy on the district's web site and **NEW LAW (AB 543, 2019)** which requires displaying a poster and providing the sexual harassment policy in student orientations. Policy also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator throughout policy pursuant to federal regulations.

Administrative Regulation 5145.7 - Sexual Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which amend the process for resolving complaints of sexual harassment, including, but not limited to, requirements to designate a Title IX Coordinator and disseminate the Coordinator's contact information. Regulation also reflects **NEW LAW (AB 543, 2019)** which requires the district to create a poster notifying students of the district's sexual harassment policy and to display the poster in specified locations, and requires the district to

CSBA POLICY GUIDE SHEET

July 2020

First Reading 8/26/2020

provide a copy of the policy to students as part of any orientation program for new and continuing students. Regulation reflects **NEW LAW (AB 34, 2019)** which requires the district to post the district's sexual harassment policy and the definition of sexual harassment in a prominent location on the district's web site.

NEW - Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the offer of supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

Board Policy 6142.7 - Physical Education and Activity

Policy updated to add statement on equal access and equal opportunities for participation in physical education regardless of gender, gender expression, sexual orientation, and mental or physical disability, as included in CDE's Federal Program Monitoring instrument. Policy also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children, clarifies credential requirements for teachers of physical education, and reflects the requirement that students who have been granted a permanent exemption from physical education must still be offered physical education courses of at least 400 minutes each 10 school days.

Administrative Regulation 6142.7 - Physical Education and Activity

Regulation updated to reflect **NEW LAW (SB 75, 2019)** which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. Regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical fitness test coordinator as described in state regulations.

Board Policy 6159 - Individualized Education Program

Policy updated to include the requirement, formerly in BP/AR 0430 - Comprehensive Local Plan for Special Education, to provide a free appropriate public education (FAPE) to students who have been suspended or expelled from school or who are placed by the district in a nonpublic, nonsectarian school. Policy adds the requirement to provide FAPE to individuals age 18-21 who are incarcerated in an adult correctional facility if they had been identified as students with disabilities or had an individualized education program (IEP) in their prior educational placement. Paragraph on the rights of foster parents moved to AR.

Administrative Regulation 6159 - Individualized Education Program

Regulation updates the section on "Contents of the IEP" to consolidate lists of IEP requirements for clarity. Regulation reflects **NEW LAW (SB 98, 2020)** which requires the IEP to describe the means by which the IEP will be provided under emergency conditions in which instruction and/or services cannot be provided to the student at school or in person for more than 10 school days. Regulation also reflects **NEW LAW (AB 947, 2019)** which (1) authorizes districts to consider elements of the "expanded core curriculum," as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired, and (2) establishes requirements for orientation and mobility evaluations conducted for such students. Regulation also reflects **NEW LAW (AB 605, 2019)** which requires districts to provide assistive technology devices for use in a student's home or other setting when required by the student's IEP, and requires that such students be given continued access to assistive technology devices for up to two months after transferring out of the district. Section on "Parent/Guardian Consent for Provision of Special Education and Services" revised to more directly reflect law.

Board Policy 6159.1 - Procedural Safeguards for Special Education

CSBA POLICY GUIDE SHEET

July 2020

First Reading 8/26/2020

Policy updated to encourage early, informal resolution of any dispute regarding special education services. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities in Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

Administrative Regulation 6159.1 - Procedural Safeguards for Special Education

Regulation updated to clarify that due process complaints should be filed with the state Office of Administrative Hearings and that such complaints must generally be filed within two years of the date the parent/guardian or district knew or should have known about the alleged violation. Regulation also adds new section on "State Compliance Complaints" reflecting **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Policy updated to include the provision of nonpublic, nonsectarian school and agency (NPS/A) services in the comprehensive local plan of the Special Education Local Plan Area. Policy reflects **NEW LAW (AB 1172, 2019)** which requires districts to verify that the NPS/A provides staff training in the use of practices and interventions specific to the unique behavioral needs of the student population at the NPS/A. Policy also reflects the requirement for the district to pay the full amount of the school's tuition or, as amended by AB 1172, the fees for the agency. Legal cite for Education Code 56366.3 deleted as it has been repealed.

Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Regulation updated to include the maximum term of the master contract between the district and NPS/A, expand the components of the contract in accordance with state law and regulations, and include the ability to terminate the contract for cause with 20 days' notice. Regulation also provides more detail regarding the annual IEP review focused on NPS/A students. New section on "On-Site Visits" reflects **NEW LAW (AB 1172, 2019)** which (1) requires the district to conduct an on-site visit of an NPS/A the first time the district places a student at that NPS/A, and (2) requires the district to annually conduct an on-site monitoring visit to review the services provided to the student, the facilities, and the student's progress.

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3555(a)

NUTRITION PROGRAM COMPLIANCE

Note: The following policy is **mandated required** for any district whose child nutrition programs (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. **During the California Department of Education's (CDE) Administrative Review of the district's child nutrition programs, CDE will review whether the district has a written procedure that complies with requirements pertaining to civil rights and nondiscrimination.** 5 CCR 4621 **mandates** that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 **Uniform Complaint Procedures.**

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, **nationality**, national origin, **immigration status**, ethnic group **identification, ethnicity**, age, religion, marital **or parental** status, **pregnancy, parental status, physical or mental** disability, **medical condition**, sex, sexual orientation, gender, gender identity, **or gender** expression, or genetic information; **a perception of one or more of such characteristics**; or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities. 7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or U.S. Department of Agriculture, Food and Nutrition Service.

The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and the U.S. Department of Agriculture's (USDA) FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate **against him/her** on any basis prohibited by law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Compliance Coordinator

Note: According to **the CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs,** districts are required to appoint a **civil rights** coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

NUTRITION PROGRAM COMPLIANCE (continued)

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, as the district's civil rights coordinator to ensure compliance with the laws governing its-the district's nutrition programs, and to investigate any related complaints.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's <u>Civil Rights and Complaint Procedures for the Child Nutrition Programs</u> .
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The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the civil rights compliance coordinator, to the California Department of Education (CDE) and other interested parties

(cf. 6164.6 - Identification and Education Under Section 504)

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.
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The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

NUTRITION PROGRAM COMPLIANCE (continued)

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, **and working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary**

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

When requesting such information, districts should be careful to not request any information in regard to the immigration status of students or their family members and, if such information is inadvertently received, to not disclose it to immigration enforcement authorities without parental consent, a court order, or judicial subpoena. See AR 5145.13 - Response to Immigration Enforcement.

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

(cf. 5145.13 - Response to Immigration Enforcement)

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service **shall be is** displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

NUTRITION PROGRAM COMPLIANCE (continued)

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

The **compliance** coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their **program** rights and responsibilities and steps necessary **for participation to participate in the nutrition programs**. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, **FNS USDA** requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. **FNS USDA** provides specific language for the notification and prohibits its modification in any way. **The required language is available on USDA's web site and in the accompanying exhibit.** The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

In addition, **the compliance coordinator shall ensure that** all forms of communication available to the public regarding program availability shall contain, in a prominent location, **the following statement: a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.**

~~"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.~~

~~Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.~~

~~To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a~~

NUTRITION PROGRAM COMPLIANCE (continued)

letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) — mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) — fax: (202) 690-7442; or

(3) — email: program.intake@usda.gov

~~This institution is an equal opportunity provider."~~

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude ~~menus~~ **items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical.** The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, ~~stating "This institution is an equal opportunity provider,"~~ **as provided by USDA,** may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

Note: 5 CCR 4610, as amended by Register 2020, No. 21, reduces the applicability of the district's uniform complaint procedures (UCP) for complaints regarding child nutrition programs. 5 CCR 15582, as added by Register 2020, No. 21, requires allegations of discrimination based on race, color, national origin, sex, age, or disability to be referred to USDA. Complaints of discrimination on any other basis are addressed through the district's UCP; see BP/AR 1312.3 - Uniform Complaint Procedures.

For information about compliance complaints, see the section below on "Complaints Regarding Noncompliance with Program Requirements."

~~When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following~~

NUTRITION PROGRAM COMPLIANCE (continued)

agencies:—**A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)**

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814 2342 or call (916) 323 8531 or (800) 952 5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, **deaf, hard of hearing, or speech disabilities**), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.~~

Any eComplaints concerning the district's nutrition programs of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

~~When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:~~

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814 2342 or call (916) 323 8531 or (800) 952 5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877 8339 (Federal Relay Service - English), (800) 845 6136 (Federal Relay Service - Spanish), fax (202) 690 7442, or email program.intake.usda.gov.~~

Complaints Regarding Noncompliance with Program Requirements

Note: 5 CCR 15580-15584, as added by Register 2020, No. 21, require complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses to be referred to CDE. During the investigation, the complainant will have the opportunity to present information or evidence to support the allegations, and the district will have the opportunity to respond to the complaint. The district may also be subject to an on-site investigation, which may be unannounced. CDE's written decision will be issued within 90 days of receipt of the complaint.

Complaints regarding noncompliance with other nutrition program requirements are addressed locally as described below.

NUTRITION PROGRAM COMPLIANCE (continued)

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

- 1. A statement that the district has violated a law or regulation relating to its child nutrition program**
- 2. The facts on which the statement is based**
- 3. The name of the district or the school against which the allegations are made**
- 4. The complainant's contact information**
- 5. The name of the student if alleging violations regarding a specific student**

Note: Pursuant to 5 CCR 15583, as added by Register 2020, No. 21, districts are required to investigate and issue a written report within the 60-day timeline provided within 5 CCR 4631, and the complainant may appeal the district's report to CDE within the 30-day timeframe provided within 5 CCR 4632.

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Note: Option 1 below is for districts that do not allow complainants to appeal the compliance coordinator's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and requires the coordinator's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

OPTION 1:

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

NUTRITION PROGRAM COMPLIANCE (continued)

OPTION 2:

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 30 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance coordinator's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631. When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

(cf. 9321 - Closed Session)

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Note: The following paragraph is for use by all districts.

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

Legal Reference: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

42238.01 Definitions for purposes of funding

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint proceduresUNITED STATES CODE, TITLE 201400-1482 Individuals with Disabilities ~~in~~ Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

~~2000h-2000h-6 Title IX~~

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7**210.19 National School Lunch Program, additional responsibilities**

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

220.13 School Breakfast Program, special responsibilities of state agencies

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring **and assistance****225.11 Summer Food Service Program, corrective action procedures****226.6 Child and Adult Care Food Program, state agency administrative responsibilities****250.15 Out-of-condition donated foods, food recalls, and complaints**CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 **Nondiscrimination on the basis of disability, public accommodations, ~~Aa~~ auxiliary aids and services**CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018 rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

(7/10 7/16) 7/20

CSBA Sample Exhibit

Business and Noninstructional Operations

E 3555(a)

NUTRITION PROGRAM COMPLIANCE

NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS

Note: As part of its instructions to all recipients of federal funds for child nutrition programs, FNS the U.S. Department of Agriculture (USDA) requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS The following exhibit presents provides specific language provided by USDA for the notification, which must not be modified in any way, and prohibits its modification in any way. The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the district's child nutrition programs:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer> http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

NUTRITION PROGRAM COMPLIANCE (continued)

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

"This institution is an equal opportunity provider."

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the district may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

CSBA Sample Administrative Regulation

All Personnel

AR 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

Note: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. The Title IX Coordinator may be the same person designated below, or the district may designate different employees to serve these functions. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures; see section on "Complaint Procedure" below.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

(position title)

(address)

(telephone number)

(email)

Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.

In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

NONDISCRIMINATION IN EMPLOYMENT (continued)

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4111/4211/4311 - Recruitment and Selection)

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form
 - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

Note: **Optional** item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment. Pursuant to Government Code 12950.1, as amended by SB

NONDISCRIMINATION IN EMPLOYMENT (continued)

778 (Ch. 215, Statutes of 2019), any district that has five or more employees must provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2021 and once every two years thereafter.

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Note: 2 CCR 11023 **mandates** that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.

NONDISCRIMINATION IN EMPLOYMENT (continued)

While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

In lieu of using the procedures described below, complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, Title IX sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any **other** complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

NONDISCRIMINATION IN EMPLOYMENT (continued)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made

NONDISCRIMINATION IN EMPLOYMENT (continued)

that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session)

Other Remedies

Note: Items #1-3 below state the time limits within which complaints must be filed.

EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: As amended by AB 9 (Ch. 709, Statutes of 2019), Government Code 12960 extends the period of time in which a complaint alleging employment discrimination pursuant to Government Code 12940-12952 may be filed with DFEH, from one year to three years following the alleged discriminatory act(s). That period may be extended under certain circumstances. Districts should consult legal counsel if any questions arise.

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

(3/19 12/19) 7/20

CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Education Code 231.5, **2 CCR 11023, and 34 CFR 106.8** mandates the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; **34 CFR 106.1-106.82**), as well as the California Fair Employment and Housing Act (Government Code 12900-12996). **Whether a complaint of sexual harassment is addressed through federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or procedures adopted pursuant to 2 CCR 11023 is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.**

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may **also** be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

This The following policy shall apply to all district employees, and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants, and other persons with an employment relationship with the district.

SEXUAL HARASSMENT (continued)

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

Note: Government Code 12940 clarifies that sexual harassment includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions.

Sexual harassment includes, but is not limited to, harassment that is based on the **sex**, gender, gender identity, gender expression, or sexual orientation of the victim **and harassment based on pregnancy, childbirth, or related medical conditions.**

~~This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

~~Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~

~~Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.~~

~~*(cf. 4117.7/4317.7 - Employment Status Reports)*
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

SEXUAL HARASSMENT (continued)

Pursuant to Government Code 12950.1, **as amended by SB 778 (Ch. 215, Statutes of 2019)**, employers with **50 five** or more employees are required to provide ~~two hours of~~ sexual harassment training to supervisory **and nonsupervisory** employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

(cf. 4112.9/4212.9/4312.9 – Employee Notifications)

3. Ensuring prompt, thorough, **and fair, and equitable** investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

Note: The following **optional** paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Note: **Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023 to instruct supervisors to report complaints. 34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate**

SEXUAL HARASSMENT (continued)

its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not unreasonable in light of the known circumstances and in compliance with Title IX regulations. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, the district should train all employees regarding the reporting process.

In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Any district employees who feels that he/she has **they have** been sexually harassed in the performance of his/her **their** district responsibilities or who **has have** knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her **their** direct supervisor, ~~another supervisor,~~ **a district administrator, or** the district's **Title IX** Ceordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. An employee **Employees** may bypass his/her **their** supervisor in filing a complaint ~~where~~ **if** the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the **Title IX** Ceordinator.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

~~Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.~~

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

SEXUAL HARASSMENT (continued)

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a sexual harassment complaint, any district employee who found to have engaged or participated in sexual harassment or who aids, abets, incites, compels, or coerces to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy is shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

Legal Reference continued: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1681-1688 Title IX ~~prohibition against discrimination~~ **of the Education Amendments of 1972**

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-~~106.64~~ **106.82** Nondiscrimination on the basis of sex in employment in education programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

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CSBA Sample Administrative Regulation

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

This **The following** administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

SEXUAL HARASSMENT (continued)

[REDACTED]
(telephone number)

[REDACTED]
(email)

(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Definitions- Prohibited Conduct

Note: **Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30, as added by 85 Fed. Reg. 30026, requires investigation and resolution through Title IX regulations; see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291)**

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. **Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting when under any of the following conditions:** (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

SEXUAL HARASSMENT (continued)

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.

3.4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

~~Note: Pursuant to Government Code 12940, conduct may meet the definition of sexual harassment regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.~~

~~*Prohibited sexual harassment* also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.~~

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

SEXUAL HARASSMENT (continued)

Training

Note: The following paragraph is consistent with a district's affirmative duty to protect its employees from sex discrimination, including sexual harassment, pursuant to 2 CCR 11023. In its informal guidance, Promising Practices for Preventing Harassment, the U.S. Equal Employment Opportunity Commission recommends that employers provide sexual harassment training to all employees, not just supervisors and managers. In addition, since BP/AR 5145.7—Sexual Harassment requires employees to report sexual harassment against students, training employees to recognize and address sexual harassment incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti harassment policies and communicating those policies to employees.

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3—Uniform Complaint Procedures)
(cf. 4030—Nondiscrimination in Employment)
(cf. 5145.7—Sexual Harassment)

Note: Government Code 12950.1, as amended by SB 778 (Ch. 215, Statutes of 2019), requires districts with 50 five or more employees to provide two hours of sexual harassment training and education to supervisory and nonsupervisory employees by January 1, 2021 (or two years after a training provided in 2019) and once every two years thereafter. to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. As amended, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

SEXUAL HARASSMENT (continued)

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

~~Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment lawsuits. The provision of supervisor training may also be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940. Therefore, it is recommended that all districts, regardless of the number of employees, provide sexual harassment training. Districts with fewer than 50 employees that do not provide sexual harassment training may revise the remainder of this section to reflect district practice.~~

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, **and nonsupervisory employees receive at least one hour**, of classroom or other effective interactive training and education regarding sexual harassment. All ~~such~~ newly hired **employees and** ~~or promoted~~ employees **promoted to a supervisory position** shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

~~Note: Government Code 12950.1 and 2 CCR 11024 require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.~~

The district's sexual harassment training and education program **for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of**

SEXUAL HARASSMENT (continued)

sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws ~~on~~ **concerning** the prohibition, prevention, and correction of sexual harassment, ~~the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability~~
2. The types of conduct that constitute sexual harassment ~~and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources~~
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. **Strategies to prevent harassment in the workplace**
- 3.5. A supervisor's **Supervisors'** obligation to report sexual harassment, discrimination, and retaliation of which he/she **they** becomes aware ~~and what to do if the supervisor himself/herself is personally accused of harassment~~
4. ~~Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint~~
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. **Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint**

SEXUAL HARASSMENT (continued)

10. What to do if the supervisor is personally accused of harassment

5.11. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

~~6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received~~

~~7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance~~

Note: Item #8 below is required pursuant to Government Code 12950.1, as amended by SB 396 (Ch. 858, Statutes of 2017).

8.12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11024 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

~~(cf. 4112.9/4212.9/4312.9 – Employee Notifications)~~

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment **and a poster regarding the rights of transgender employees.** ~~This document is~~ **These documents are** available on DFEH's web site.

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

SEXUAL HARASSMENT (continued)

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

Note: ~~Government Code 12950, as amended by SB 396 (Ch. 858, Statutes of 2017), requires districts to post, in a prominent and accessible location, a poster developed by DFEH regarding transgender rights. This poster is available on DFEH's web site.~~

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

CSBA Sample Administrative Regulation

All Personnel

AR 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment in employment that does not meet this definition should be addressed through the district's complaint procedures described in AR 4030 - Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Also see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct**
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity**
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291**

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

(cf. 4030 - Nondiscrimination in Employment)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process**
- 4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence**
- 5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process**

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence**
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence**
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney**
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties**
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate**
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report**
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response**
- 9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party**

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

- 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30**
- 2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process**
- 3. Findings of fact supporting the determination**
- 4. Conclusions regarding the application of the district's code of conduct to the facts**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant**
- 6. The district's procedures and permissible bases for the complainant and respondent to appeal**

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

- 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties**
- 2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator**
- 3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome**
- 4. Issue a written decision describing the result of the appeal and the rationale for the result**
- 5. Provide the written decision simultaneously to both parties**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

Legal Reference continued: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample Board Policy

Students

BP 5141.22(a)

INFECTIOUS DISEASES

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

In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza **including influenza or coronavirus pandemics**. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan. **Also see the U.S. Department of Health and Human Services' School District (K-12) Pandemic Influenza Planning Checklist for components districts may want to consider when developing and updating emergency and disaster preparedness plans.**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing **an appropriate a high-quality** education for all students. **The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.** The Superintendent or designee shall collaborate with **parents/guardians and local and state health agencies and organizations officials** to develop **and regularly update** a comprehensive approach to **plan for** disease prevention that promotes preventative measures, **mitigation, and education, communication, and training** of students and staff. **All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.**

Infectious Disease Prevention

Note: ~~In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan.~~

~~The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures, and education of students and staff.~~

(cf. 0400 - Comprehensive Plans)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

INFECTIOUS DISEASES (continued)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs **and operations** are based on the most up-to-date information.

The **Superintendent or designee shall ensure that the** district's comprehensive health education program **shall provide** **age-appropriate** information about the **prevention of infectious diseases**, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff. **nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.**

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

Note: Pursuant to Health and Safety Code 120175.5, as added by AB 262 (Ch. 798, Statutes of 2019), local health officers are required to promptly notify and update districts during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, if, in the opinion of the local health officer, action or inaction on the part of the district might affect the outbreak response efforts. Local health officers are also required to make any relevant information available to districts, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that districts should take to assist with outbreak response efforts. The local health officers may issue orders to districts to take any action that the health officers deem necessary to control the spread of the communicable disease.

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Universal Precautions

Note: Pursuant to 8 CCR 5193, employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens for a detailed exposure control plan and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. The following **optional section paragraph** addresses the need for students to follow similar procedures.

INFECTIOUS DISEASES (continued)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - *Exposure Control Plan for Bloodborne Pathogens*)

(cf. 4119.43/4219.43/4319.43 - *Universal Precautions*)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - *Health Care and Emergencies*)

(cf. 6145.2 - *Athletic Competition*)

Students with Infectious Diseases

Note: In *Thomas v. Atascadero Unified School District*, a federal court held that **acquired immunodeficiency syndrome (AIDS)** is a disability under Section 504 of the Rehabilitation Act (29 USC 794) and that a student with AIDS cannot be excluded from school without evidence that the student poses a risk of transmission of the **human immunodeficiency virus (HIV)** **HIV virus** to classmates or teachers. The following paragraph extends this protection to students with any bloodborne pathogen infection. 8 CCR 5193 defines bloodborne pathogens to include the hepatitis C virus in addition to hepatitis B virus and HIV.

See AR **5111.2-5112.2** - Exclusion from Attendance for information regarding exclusions, including notification of parents/guardians.

The Superintendent or designee shall exclude students **from on-campus instruction** only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - *Exclusions from Attendance*)

(cf. 6164.6 - *Identification and Education Under Section 504*)

Note: The following **optional** paragraph encourages parents/guardians to notify the school if their child has an infectious disease so that staff can assist in maintaining the child's health. However, **it's important to note that** the law does **not** require parents/guardians to inform school officials of a student's **HIV/AIDS status medical condition**; thus, a student cannot be penalized because the parent/guardian did not provide such notification.

Both **state and** federal **and state** law (**20 USC 1232g and** Education Code 49060-49069.7; **20 USC 1232g**) require that student health information remain confidential. In the event that a parent/guardian authorizes the district to disclose the fact that the student has an infectious disease, **such as the student's HIV status**, it is recommended that any decision to inform staff should be made by the Superintendent or designee, the student, and **his/her family the student's parent/guardian**, in consultation with district legal counsel.

INFECTIOUS DISEASES (continued)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. **If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak.** The Superintendent or designee shall ensure that student confidentiality **and privacy** rights are strictly observed in accordance with law.

(cf. 4119.23/4219.23/4319.23 - *Unauthorized Release of Confidential/Privileged Information*)
 (cf. 5022 - *Student and Family Privacy Rights*)
 (cf. 5125 - *Student Records*)

*Legal Reference:*EDUCATION CODE48210-48216 *Persons excluded***49060-49069.7 Student records**49073-49079 *Privacy of pupil records*49403 *Cooperation in control of communicable disease and immunization of pupils*49405 *Smallpox control*49406 *Examination for tuberculosis (employees)*49408 **Student emergency information of use in emergencies**49602 **Counseling and c**Confidentiality of student information51202 *Instruction in personal and public health and safety*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CIVIL CODE56-56.37 *Confidentiality of Medical Information Act*1798-~~1798.76~~ **1798.78** *Information Practices Act*HEALTH AND SAFETY CODE**120175.5 Local health officers and communicable diseases**120230 *Exclusion for communicable disease*120325-120380 *Immunization against communicable diseases*120875-120895 *AIDS information*120975-~~121022~~ **121023** *Mandated blood testing and confidentiality to protect public health*121475-121520 *Tuberculosis tests for pupils students*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CODE OF REGULATIONS, TITLE 85193 **California bB** bloodborne pathogens standardCODE OF REGULATIONS, TITLE 172500-2511 *Communicable disease reporting requirements*UNITED STATES CODE, TITLE 201232g *Family Educational and Privacy Rights Act*1400-1482 *Individuals with Disabilities Education Act*

Legal Reference: (see next page)

INFECTIOUS DISEASES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 ~~Health Insurance Portability and Accountability Act (HIPAA)~~ **Privacy of individually identifiable health information**

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987 1986) 662 F.Supp. 376

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

School District (K-12) Pandemic Influenza Planning Checklist

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

~~U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>~~

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CSBA Sample Administrative Regulation

Students

AR 5141.22(a)

INFECTIOUS DISEASES

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

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

(cf. 6157 - Distance Learning)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Youth)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies

INFECTIOUS DISEASES (continued)

6. Procedures for the cancellation or alteration of extracurricular activities and field trips

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

7. Protocols for transportation of students using district vehicles

(cf. 3540 - Transportation)

(cf. 3543 - Transportation Safety and Emergencies)

8. Information on effective hygiene practices

9. Provisions for continuing free and reduced-price meal services

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

10. Processes for protecting students who are at higher risk from the disease

11. Programs that enhance a positive school climate and foster the emotional well-being of all students

(cf. 5141.5 - Mental Health)

(cf. 5141.52 - Suicide Prevention)

(cf. 6164.2 - Guidance/Counseling Services)

12. Guidelines for cleaning and sanitization of district facilities and equipment

(cf. 3510 - Green School Operations)

(cf. 3514.1 - Hazardous Substances)

13. Protocols for visitors and outside groups that utilize district facilities

14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Note: The following standards are based upon the universal precautions required for use by employees

INFECTIOUS DISEASES (continued)

pursuant to 8 CCR 5193 and should be modified to reflect district practice. **See also the California Department of Education's (CDE) Science Safety Handbook for more information about laboratory safety and universal precautions.**

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.

(*cf.* 5142 - Safety)

Note: CDE's Science Safety Handbook recommends that alternatives to fresh human blood, such as blood that is acquired from a local blood bank that has been tested and found to be free of hepatitis B and human immunodeficiency virus, be utilized for experiments that require blood samples. If the district permits fresh human blood samples from students to be utilized for such purposes, CDE's Science Safety Handbook states that human blood sampling may only occur on a voluntary basis, that the blood draw should be self-administered and performed in a manner consistent with the district's exposure control plan, and that goggles and gloves should be utilized. As students with specified known medical conditions are not permitted to participate, districts should have a process in place which ensures that students with such medical conditions need not share that information with their teacher(s) or other students.

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
 - a. For finger punctures, ~~students shall use individual sterile lancets~~ **that have engineered sharps injury protection for finger punctures** and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

INFECTIOUS DISEASES (continued)

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

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CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations **mandate** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs **identifies** the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), **including the investigation and resolution of as the same person designated to investigate and resolve** discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. **Districts may modify the following paragraph to designate separate district employees to serve these functions.** Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

NONDISCRIMINATION/HARASSMENT (continued)

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires that the employee designated by the district to coordinate its responsibilities under Title IX be referred to as the Title IX Coordinator. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether the complaint should be appropriately addressed through AR 1312.3 or the federal Title IX complaint procedures pursuant to 34 CFR 106.44-106.45. The Title IX Coordinator may be the same person designated below and in AR 1312.3. See AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, **medical condition**, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

(title or position)

(address)

(telephone number)

(email)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

NONDISCRIMINATION/HARASSMENT (continued)

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8, 106.9), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. **For notification requirements specifically pertaining to sexual harassment, see BP/AR 5145.7 - Sexual Harassment.**

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires a district, starting with the 2020-21 school year, to post its nondiscrimination policies on its web site as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. ~~5145.7 - Sexual Harassment~~)

(cf. 5145.9 - Hate-Motivated Behavior)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post the definitions specified below.

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 221.61 requires districts and public schools to post on their web sites information related to Title IX (20 USC 1681-1688). Education Code 234.6, as added by AB 34, requires districts, beginning in the 2020-21 school year, to post the Title IX information required pursuant to 221.61 in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a web site may comply by posting the information below on the web site of its county office of education. A school without a web site may comply by posting the information on the web site of the district or county office of education.

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the district's Title IX **eC**oordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX **in accordance with AR 1312.3 – Uniform Complaint Procedures**, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post a link to statewide resources as specified below.

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter or be served by the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient and costs. State law is more specific than federal law. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

NONDISCRIMINATION/HARASSMENT (continued)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Note: Item #11 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

NONDISCRIMINATION/HARASSMENT (continued)

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

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

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

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR

NONDISCRIMINATION/HARASSMENT (continued)

35.107), and age (34 CFR 110.25). OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. ~~In addition, districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school sponsored or school related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.~~

Complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Allegations that do not meet this definition should be addressed through the district's UCP. See BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a ~~verbal~~ report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall ~~make a note of the report and encourage~~ **notify** the student or parent/guardian **of the right to file a formal complaint in accordance with** ~~to file the complaint in writing, pursuant to the provisions in~~ AR 1312.3 - Uniform Complaint Procedures **or, for complaints of sexual harassment that meet the federal Title**

NONDISCRIMINATION/HARASSMENT (continued)

IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the **principal or** compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Note: The term "gender identity" is not specifically defined in the Education Code. The following definition is consistent with case law and generally accepted terms within academia, as well as the Resolution Agreement between the Arcadia Unified School District, the U.S. Department of Education Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

NONDISCRIMINATION/HARASSMENT (continued)

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) **or Title IX sexual harassment procedures (AR 5145.71), as applicable,** shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

NONDISCRIMINATION/HARASSMENT (continued)

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be

NONDISCRIMINATION/HARASSMENT (continued)

affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

Note: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Because Education Code 221.5 affords transgender students these rights, districts in California are not impacted by the February 22, 2017 action of the USDOE and U.S. Department of Justice to rescind earlier federal guidance which had indicated that, under Title IX, students must be allowed to use sex-segregated facilities in accordance with their gender identity. In implementing state law, districts may review recommended practices in the USDOE's Office of Elementary and Secondary Education's Examples of Policies and Emerging Practices for Supporting Transgender Students. For more information on the rights of transgender students, see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 49062.5 and 49070, as added and amended by AB 711 (Ch. 179, Statutes of 2019), respectively, require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records.

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress and Grooming)

(5/18 5/20) 7/20

CSBA Sample Board Policy

Students

BP 5145.6(a)

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ **the student's** parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

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

Whenever a student enrolls in a district school during the school year, ~~his/her~~ **the student's** parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

PARENTAL NOTIFICATIONS (continued)

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, **he/she the employee** shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

*Legal Reference:*EDUCATION CODE

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 234.7 Student protections relating to immigration and citizenship status
- 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
- 310 Language acquisition programs
- 313 Reclassification of English learners, parental consultation
- 313.2 Long-term English learner, notification
- 440 English language proficiency assessment; instruction in English language development
- 8483 Before/after school program; enrollment priorities
- 17288 Building standards for university campuses
- 17611.5-17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35182.5 Advertising in the classroom
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35211 Driver training; district insurance, parent/guardian liability

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)**EDUCATION CODE (continued)*

- 35256 School Accountability Report Card*
- 35258 School Accountability Report Card*
- 35291 Rules for student discipline*
- 37616 Consultation regarding year-round schedule*
- 39831.5 School bus rider rules and information*
- 44050 Employee codes of conduct, employee interactions with students*
- 44808.5 Permission to leave school grounds*
- 46010.1 Notice regarding excuse to obtain confidential medical services*
- 46014 Regulations regarding absences for religious purposes*
- 46600-46611 Interdistrict attendance agreements*
- 48000 Minimum age of admission*
- 48070.5 Promotion or retention of students*
- 48204 Residency requirements*
- 48205 Absence for personal reasons*
- 48206.3 Students with temporary disabilities; individual instruction; definitions*
- 48207-48208 Students with temporary disabilities in hospitals*
- 48213 Prior notice of exclusion from attendance*
- 48216 Immunization*
- 48260.5 Notice regarding truancy*
- 48262 Need for parent conference regarding truancy*
- 48263 Referral to school attendance review board or probation department*
- 48301 Interdistrict transfers*
- ~~48350-48361 Open Enrollment Act~~*
- ~~48354 Option to transfer from school identified under Open Enrollment Act~~*
- ~~48357 Status of application for transfer from school identified under Open Enrollment Act~~*
- 48412 Certificate of proficiency*
- 48432.3 Voluntary enrollment in continuation education*
- 48432.5 Involuntary transfers of students*
- 48850-48859 Education of foster youth and homeless students*
- 48900.1 Parental attendance required after suspension*
- 48904 Liability of parent/guardian for willful student misconduct*
- 48904.3 Withholding grades, diplomas, or transcripts*
- 48906 Notification of release of student to peace officer*
- 48911 Notification in case of suspension*
- 48911.1 Assignment to supervised suspension classroom*
- 48912 Closed sessions; consideration of suspension*
- 48915.1 Expelled students; enrollment in another district*
- 48916 Readmission procedures*
- 48918 Rules governing expulsion procedures*
- 48929 Transfer of student convicted of violent felony or misdemeanor*
- 48980 Required notification at beginning of term*
- 48980.3 Notification of pesticide use*
- 48981 Time and means of notification*
- 48982 Parent signature acknowledging receipt of notice*
- 48983 Contents of notice*
- 48984 Activities prohibited unless notice given*
- 48985 Notices to parents in language other than English*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)***EDUCATION CODE** (continued)

- 48987 Child abuse information
- 49013 Use of uniform complaint procedures for complaints regarding student fees
- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of student record
- 49073 Release of directory information
- 49073.6 Student records, social media
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance
- 49475 Student athletes; concussions and head injuries
- 49476 Student athletes; opioid fact sheet**
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 Course credits; ~~foster youth, homeless youth, former juvenile court school students and military connected students~~
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

1597.16 Licensed child care centers, lead testing

104420 Tobacco use prevention

104855 Availability of topical fluoride treatment

116277 Lead testing of school drinking water

120365-120375 Immunizations

120440 Sharing immunization information

124100-124105 Health screening and immunizations

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

4702 Student transfer from school identified under Open Enrollment Act

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7704 Impact Aid; policies and procedures related to children residing on Indian lands

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 *Student records, annual notification*

99.30 *Disclosure of personally identifiable information*

99.34 *Student records, disclosure to other educational agencies*

99.37 *Disclosure of directory information*

104.32 *District responsibility to provide free appropriate public education*

104.36 *Procedural safeguards*

104.8 *Nondiscrimination*

106.8 *Notification of contact information for Title IX coordinator*

106.9 *Dissemination of policy, nondiscrimination on basis of sex*

200.48 *Teacher qualifications*

222.94 *Impact Aid; district responsibilities*

300.300 *Parent consent for special education evaluation*

300.322 *Parent participation in IEP team meetings*

300.502 *Independent educational evaluation of student with disability*

300.503 *Prior written notice regarding identification, evaluation, or placement of student with disability*

300.504 *Procedural safeguards notice for students with disabilities*

300.508 *Due process complaint*

300.530 *Discipline procedures*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 *Asbestos inspections, response actions and post-response actions*

763.93 *Asbestos management plans*

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

(11/12 3/18) 7/20

CSBA Sample Exhibit

Students

E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2018 (SB 840, Ch. 29, Statutes of 2018)~~ **2019 2020 (SB 74, Ch. 6, Statutes of 2020)** extends the suspension of these requirements through the ~~2018-19~~ **2020-21** fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom used for license-exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
In each classroom in each school	Education Code 8235.5 , 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

(3/18 3/19) 7/20

CSBA Sample Board Policy

Students

BP 5145.7(a)

SEXUAL HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Education Code 231.5 and 34 CFR 106.8 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. **As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.**

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex.

Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In Davis v. Monroe County Board of Education the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in Donovan v. Poway Unified School District based on Education Code 220. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with

SEXUAL HARASSMENT (continued)

the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice.

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: OCR's January 2001 Revised Sexual Harassment Guidance notes that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age.

SEXUAL HARASSMENT (continued)

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

It is **also** important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages **any** students who feels that **he/she is they are** being or **has have** been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who **has have** experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact **his/her their** teacher, the principal, **the district's Title IX Coordinator**, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the **principal or a district compliance officer Title IX Coordinator**.

Once notified, the **principal or compliance officer Title IX Coordinator** shall **take the steps to investigate and address the allegation, ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant as specified in the accompanying administrative regulation.**

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: **Government Code 12950.1** requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. **Education Code 234.6**, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

SEXUAL HARASSMENT (continued)

Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Pursuant to 34 CFR 106.8, the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall ~~take appropriate actions to reinforce~~ **inform students and parents/guardians of** the district's sexual harassment policy **by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.**

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even **where when** the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while **he/she is** away from school without permission may be reluctant to file a complaint if **he/she the student** believes ~~that he/she may be~~ disciplined **will be imposed** for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

SEXUAL HARASSMENT (continued)

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and **prompt** action shall be taken to **stop any respond to** harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will **take interim implement supportive** measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation **and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment**

Complaint Process and Disciplinary Actions

Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedures for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 Uniform Complaint Procedures)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to

SEXUAL HARASSMENT (continued)

participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon **completion of an** investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall ~~have his/her employment terminated~~ **be subject to disciplinary action, up to and including dismissal,** in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

~~*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*~~

Record-Keeping

In accordance with law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

48985 Notices, report, statements and records in primary languageCIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20**1092 Definition of sexual assault**

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, ~~discrimination~~ **of the Education Amendments of 1972****UNITED STATES CODE, TITLE 34****12291 Definition of dating violence, domestic violence, and stalking**UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-~~106.71~~ **106.82** Nondiscrimination on the basis of sex in education programsCOURT DECISIONSDonovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130Reese v. Jefferson School District, (~~2001~~ **2000**, 9th Cir.) 208 F.3d 736Davis v. Monroe County Board of Education, (1999) 526 U.S. 629Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447*Management Resources continued: (see next page)*

SEXUAL HARASSMENT (continued)

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample Administrative Regulation

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

Note: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the district adopt and publish complaint procedures. Also see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are **mandated** to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under that **the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions; the district should modify the following paragraph accordingly.**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 **and California Education Code 234.1**, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The **coordinator/compliance officer(s) Title IX Coordinator(s)** may be contacted at:

(title or position)

(address)

(telephone number)

(email)

SEXUAL HARASSMENT (continued)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. **Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

Under the U.S. Department of Education's Office for Civil Rights (OCR) 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

SEXUAL HARASSMENT (continued)

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. ~~5137 - Positive School Climate~~)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: The following list contains common examples of sexual harassment from the OCR January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

SEXUAL HARASSMENT (continued)

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR 106.8 also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)

SEXUAL HARASSMENT (continued)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

3.5. Be provided as part of any orientation program conducted for new **and continuing** students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4.6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 #7-8 below are optional.

5.7. Be included in the student **any** handbook **provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)**

6. Be provided to employees and employee organizations

Reporting Complaints Process and Complaint Investigation and Resolution

Note: The following reporting process details site level steps to be taken by students and others for reporting sexual harassment incidents. In its January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

Any student **or parent/guardian** who believes that **he/she the student** has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to **his/her a** teacher, the principal, **the district's Title IX Coordinator**, or any other available school employee. Within one school day of receiving such a report, the **principal or other** school employee shall forward the report to the **principal or the district's compliance officer identified in AR 1312.3 Title IX Coordinator**. In addition, **any Any** school employee who observes an

SEXUAL HARASSMENT (continued)

incident of sexual harassment involving a student shall, within one school day, report ~~his/her~~ **the** observation to the principal or ~~a district compliance officer~~ **Title IX Coordinator, regardless of**. ~~The employee shall take these actions,~~ whether ~~or not~~ the alleged victim files a **formal** complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the ~~principal~~ **Title IX Coordinator** shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If ~~he/she~~ **the Title IX Coordinator** determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the ~~principal or compliance officer~~ **Title IX Coordinator** shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with ~~the applicable~~ district's **uniform** complaint procedures. ~~Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.~~

Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

~~If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.~~

~~In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.~~

~~In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be~~

SEXUAL HARASSMENT (continued)

submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(*cf. 5141.4 – Child Abuse Prevention and Reporting*)

Confidentiality

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1 99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

SEXUAL HARASSMENT (continued)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 – Student Records)

Response Pending Investigation

Note: The following reporting process may be revised to reflect district practice. In its Q&A on Campus Sexual Misconduct, OCR cautions that schools are responsible for redressing a hostile environment that occurs on campus even if it relates to off-campus activities.

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

SEXUAL HARASSMENT (continued)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 – Parental Notifications)

Note: In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate the contact information for current compliance officer(s) to students, parents/guardians, and employees. Item #2 below may be modified to reflect the means used by the district to disseminate its sexual harassment policy and regulation.

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 below are **optional**.

5. Be included in the student handbook

6. Be provided to employees and employee organizations

(7/15 9/16) 7/20

CSBA Sample Administrative Regulation

Students

AR 5145.71(a)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

<p>Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.</p>

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process**
- 4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence**
- 5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process**

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence**
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence**
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney**
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties**
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate**
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report**
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness**
- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 45-day period so that, in

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

the event it is determined that the alleged conduct does not meet the definition of sexual harassment pursuant to Title IX regulations, there will be time for the district to complete the resolution of the complaint through uniform complaint procedures within the required 60-day period for that process. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

- 1. Transfer from a class or school as permitted by law**
- 2. Parent/guardian conference**
- 3. Education of the student regarding the impact of the conduct on others**
- 4. Positive behavior support**
- 5. Referral of the student to a student success team**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

Legal Reference: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

O&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample Board Policy

Instruction

BP 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Note: The following ~~optional~~ policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also ~~may~~ incorporate goals for physical activity.

Education Code 33352 requires ~~the~~ CDE, as part of the Federal Program Monitoring (FPM) process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation. **During the FPM process, CDE will request a link to this policy as evidence of specified components of compliance.**

The Governing Board recognizes the positive benefits of physical activity on student health, **well-being**, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: During the FPM monitoring process, CDE will check the district's compliance with laws requiring that physical education classes be conducted in a coeducational, inclusive manner.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. ~~The CDE's 2009 Physical Education Framework for California Public Schools~~ **The state curriculum framework** describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

PHYSICAL EDUCATION AND ACTIVITY (continued)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) **Healthy People 2020-Physical Activity Guidelines for Americans** recommends that children and adolescents participate in at least 60 minutes of **age-appropriate** moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. **To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. It is recommended that the majority of the 60 minutes or more of daily physical activity be aerobic exercise, which includes vigorous physical activity at least three days a week, and that muscle and bone strengthening exercise be included at least three days a week. To help students reach these goals, the state curriculum framework recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time.** See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on **Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.**

The district's physical education program shall engage students in **age-appropriate** moderate to vigorous physical activity, as defined in the accompanying administrative regulation, **for at least 50 percent of class or session time including aerobic, muscle-strengthening, and bone-strengthening activities.** The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the **CDE's Physical Education Framework for California Public Schools state curriculum framework**, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. **The CDE's Physical Education FAQs** add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - *High School Graduation Requirements*)
(cf. 6146.11 - *Alternative Credits Toward Graduation*)

Note: The following paragraph is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - *Joint Use Agreements*)
(cf. 5142.2 - *Safe Routes to School Program*)
(cf. 5148 - *Child Care and Development Program*)
(cf. 5148.2 - *Before/After School Programs*)
(cf. 6145 - *Extracurricular and Cocurricular Activities*)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of 'moderate physical activity' and 'vigorous physical activity.' Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

(cf. 0410 - *Nondiscrimination in District Programs and Activities*)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - *Individualized Education Program*)
(cf. 6164.6 - *Identification and Education Under Section 504*)

PHYSICAL EDUCATION AND ACTIVITY (continued)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

(cf. 5141.23 - Asthma Management)

(cf. 6145.2 - Athletic Competition)

~~The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.~~

~~*(cf. 1330.1 - Joint Use Agreements)*~~

~~*(cf. 5142.2 - Safe Routes to School Program)*~~

~~*(cf. 5148 - Child Care and Development Program)*~~

~~*(cf. 5148.2 - Before/After School Programs)*~~

~~*(cf. 6145 - Extracurricular and Coextracurricular Activities)*~~

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. Pursuant to Education Code 44256, ~~the~~ holder of a multiple subject credential may teach a departmentalized class in grades K-9 **if the credential holder has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework** in the subject of his/her major or minor pursuant to 5-CCR-80020 ~~to be taught~~. In addition, Education Code 44256 ~~authorizes~~ **allows** the Board **by resolution** to assign ~~authorize~~ a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if ~~he/she~~ **the credential holder** has ~~20 hours~~ **completed at least 12 semester units or six upper division or graduate units** of coursework ~~or 10 hours of upper division coursework~~ in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if ~~he/she~~ **the teacher** has adequate knowledge of the subject to be taught based on **criteria specified in Education Code 44258.3 and specific** district-adopted ~~criteria and standards~~ **policies and procedures**. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

CDE's Physical Education FAQs clarify that a teacher credentialed in a subject other than physical education may teach physical education if approved by the committee on assignments.

~~The~~ CDE's Physical Education FAQs **also** clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 1240 - Volunteer Assistance)
 (cf. 4112.2 - Certification)
 (cf. 4112.21 - Interns)
 (cf. 4113 - Assignment)
 (cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)
 (cf. 5121 - Grades/Evaluation of Student Achievement)

Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

Note: ~~The following section is optional and should be revised to reflect district practice.~~

Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below. **During the FPM process, the district may provide a link to the district's policy as evidence of any physical education exemptions offered by the district. The following section is optional and should be revised to reflect district practice.**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet ~~his/her~~ **the student's** needs cannot be provided.
2. The student is enrolled for one-half time or less.

PHYSICAL EDUCATION AND ACTIVITY (continued)**Two-Year Exemptions**

Note: The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to satisfactorily meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

PHYSICAL EDUCATION AND ACTIVITY (continued)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than ~~he/she~~ **the student** would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

Note: The following **optional** section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Program Evaluation

Note: The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. ~~He/she~~ **The Superintendent or designee** shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity **and student well-being**.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

221.5 Sex equity in education

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; **regional occupational center/program**

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

~~1040-1048~~ **1044** Physical performance test

1047-1048 Testing variations and accommodations

3051.5 Adapted physical education for individuals with exceptional needs

4600-~~4687~~ **4670** Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

CODE OF FEDERAL REGULATIONS, TITLE 34

106.33 Nondiscrimination on the basis of sex; comparable facilities

106.34 Nondiscrimination on the basis of sex; access to classes and schools

300.108 Assistance to states for the education of children with disabilities; physical education

ATTORNEY GENERAL OPINIONS

53 *Ops. Cal. Atty. Gen.* 230 (1970)

COURT DECISIONS

Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668

Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court,

Case No. CGC-13-534975

Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959

Management Resources: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)*Management Resources:***CSBA PUBLICATIONS**

Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2014-2017

School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2007 2019

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, 2nd Edition, October 2008 2018

WEB SITES

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

California Department of Education *Physical Fitness Testing*: <http://www.cde.ca.gov/ta/tg/pf>
<http://www.cde.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/epf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

<https://www.pgpedia.com/n/national-association-sport-and-physical-education>

President's Council on *Physical Fitness and Sports Sports, Fitness and Nutrition*:

<http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Definitions

Note: The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity **for that assists in** developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 **must is required to** provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

PHYSICAL EDUCATION AND ACTIVITY (continued)

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. ~~In addition, a number of recent legal actions (e.g., Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.~~

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following **optional** paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see ~~the CDE's FPM instrument, and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement~~ **Physical Education Guidelines Elementary Schools, and Physical Education Guidelines Middle and High School.**

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, **bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar,** teacher roster, or log for staff or students to record the number of physical education minutes completed.

PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: ~~The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687 4670) for any complaint that an elementary school has not complied with the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12.~~ See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement ~~for elementary schools~~ may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or ~~the~~ CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, **51222**, 51223; 5 CCR 4600-~~4687~~ **4670**)

(cf. 1312.3 - Uniform Complaint Procedures)

Monitoring Moderate to Vigorous Physical Activity

Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing ~~an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time~~ **goals for moderate to vigorous physical activity in physical education classes.**

To monitor ~~whether~~ **the amount of time** students are engaged in moderate to vigorous physical activity ~~for at least 50 percent of physical education class or session time~~, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity ~~or the number of students who~~ **and the amount of time students** are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

PHYSICAL EDUCATION AND ACTIVITY (continued)

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

(*cf. 6162.5 - Student Assessment*)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, **his/her the** duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and **California Department of Education CDE** for all matters related to the physical fitness test. **His/her The** duties shall be those specified in 5 CCR 1043.4, including, but not limited to, **overseeing the administration of the test and the collection and return of all test data to the test contractor.:** (5 CCR 1043.4)

- 1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions**
- 2. Determining district and school site test and test material needs**
- 3. Overseeing the administration of the physical fitness test to students**
- 4. Overseeing the collection and return of all test data to the contractor**
- 5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements**
- 6. Ensuring that all test data are sent to the test contractor by June 30 of each year**

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in **his/her the student's** cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 5125 - Student Records)

Note: The following paragraph is optional .
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Each student's test results shall also be provided to **his/her the student's** parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that **they the student(s)** are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital

PHYSICAL EDUCATION AND ACTIVITY (continued)

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that **they the student(s)** are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

Note: The following **optional** section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, **and** lunch, **and before- and after-school** supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)

(cf. 4231 - Staff Development)

(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, **community service**, special events, and competitions

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

*(cf. 5148 - Child Care and Development **Program**)*

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 5148.2 - Before/After School Programs)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 - Safe Routes to School Program)

CSBA Sample Board Policy

Instruction

BP 6159(a)

INDIVIDUALIZED EDUCATION PROGRAM

Note: ~~This~~ **The following Board** policy and the accompanying administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area (~~SELPA~~) in which the district participates.

The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities **to all students with disabilities**. Students with disabilities shall receive a free appropriate public education (**FAPE**) and, **to the maximum extent possible, shall be placed—educated** in the least restrictive environment **with nondisabled students** ~~which meets their needs to the extent provided by law.~~

(cf. 0430 - Comprehensive Local Plan for Special Education)

~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the ~~appointment of the individualized education program membership of the (IEP) team, the team's responsibility to develop and regularly review the IEP,~~ the contents of the IEP, and the development, review, and revision ~~of the IEP processes.~~

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

- 1. Students who have been suspended or expelled from school**
- 2. Students who are placed by the district in a nonpublic, nonsectarian school**
- 3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement**

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the Individuals with Disabilities Education Act (IDEA) are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

*Legal Reference:*EDUCATION CODE**46392 Emergencies**

51225.3 Requirements for high school graduation and diploma

56040.3 Assistive technology

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56347 Instructional planning and individualized education program

56350-~~56352~~ **56354** IEP for visually impaired students

56380 IEP reviews; notice of right to request

56390-56392 Certificate of completion, special education

56500-56509 Procedural safeguards

60640-60649 California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 State assessments, accommodations

1215.5 1218 High School Exit Examination, accommodations for students with disabilities

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

3051-3053 Implementation of the individualized education programUNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

Legal Reference continued: (see next page)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

COURT DECISIONS

Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072

Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Andrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 157 (2002)

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osep>

(11/03 3/06) 7/20

CSBA Sample Administrative Regulation

Instruction

AR 6159(a)

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement **designed that is developed, reviewed, and revised** by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, **56345**; 34 CFR 300.**320, 300.323**)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414**(d)(1)**; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to ~~his/her~~ **the** foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on **the student's** behalf of ~~his/her child and the child~~ **and the student** has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the ~~Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482)~~ are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the ~~regular~~ **general** education program, at least one of the student's ~~regular~~ **general** education teachers designated by the Superintendent or designee to represent the student's **general education** teachers

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The **regular general** education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general education curriculum
 - c. Knowledgeable about the availability of district **and/or special education local plan area (SELPA)** resources

(cf. 0430 - Comprehensive Local Plan for Special Education)

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

Note: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, explains that a person who does not have knowledge and special expertise regarding the student, and who is not requested to be present at the IEP team meeting by the parent/guardian or district, would not be permitted to be a member of the team or attend the meeting as an observer. This comment is consistent with an **An** Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)) **which stated concluded** that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability

In the development, review, or revision of **his/her the** IEP, the student shall be allowed to provide confidential input to any representative of **his/her the** IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's **regular general** education teacher shall observe the student's academic performance and behavior in the areas of difficulty in **his/her the student's** learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

~~Note: The requirement for a district to request the participation of a county mental health agency in the IEP team before it refers a student to the county mental health agency has been eliminated due to the repeal of Education Code 56331 by AB 114 (Ch. 43, Statutes of 2011), effective January 1, 2012.~~

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist **him/her the student** in reaching the goals ~~as stated in Education Code 56345(a)(8)~~, the following individuals shall be invited to attend: (34 CFR 300.321)
 - a. The student, regardless of **his/her the student's** age

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian **or adult student**, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(C); 34 CFR 300.321)

Contents of the IEP

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the **student's** disability affects **his/her the student's** involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
 - b. For a preschool **child student**, as appropriate, the manner in which the disability affects **his/her the student's** participation in appropriate activities

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

Note: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with disabilities may not meet the growth projected in the annual goals and objectives, districts must make a good faith effort to assist them in achieving the goals in their IEP.

- 2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from **his/her the** disability in order to enable the student to be involved in and **make** progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from **his/her the** disability
- 3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
- 4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

(cf. 3541.2 - Transportation for Students with Disabilities)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP

Note: Pursuant to 20 USC 1412(a), students with disabilities must be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with ~~his/her~~ **the student's** IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

~~Education Code 56345 and~~ 34 CFR 300.320 ~~and Education Code 56345~~ require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that ~~he/she~~ **the student** cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate ~~for him/her~~.

(cf. 6146.4 - *Differential Graduation and Competency Standards for Students with Disabilities*)
(cf. 6162.51 - *State Academic Achievement Tests*)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
 - The transition services, including courses of study, needed to assist the student in reaching those goals

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

9.10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of ~~his/her~~ **the** rights, if any, that will transfer to ~~him/her~~ **the student** upon reaching age 18, pursuant to Education Code 56041.5

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

~~1.11.~~ For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

~~2.12.~~ For a student whose native language is not English, ~~L~~linguistically appropriate goals, objectives, programs, and services ~~for a student whose native language is not English~~

(cf. 6174 - Education for English Learners)

~~3.13.~~ Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer Learning Programs)

~~4.14.~~ ~~Provision for transition into the regular education program~~ ~~if~~ the student is to be transferred from a special class ~~or center~~ or nonpublic, nonsectarian school into a ~~regular~~ **general** education program in a public school for any part of the school day, ~~provision for transition into the regular~~ **general** education program including descriptions of activities intended to:

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- a. Integrate the student into the **regular general** education program, including **indications of** the nature of each activity and the time spent on the activity each day or week
- b. Support the transition of the student from the special education program into the **regular general** education program

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6178 - Career Technical Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

5-15. For a student with low incidence disabilities, ~~ss~~ specialized services, materials, and equipment ~~for a student with low incidence disabilities,~~ consistent with the guidelines pursuant to Education Code 56136

Note: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (**Education Code 56043**; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code **56043**, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral

INDIVIDUALIZED EDUCATION PROGRAM (continued)

has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes **his/her the student's** learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, **needs, and appropriate reading and writing media, including an assessment of his/her** future needs for instruction in Braille or the use of Braille, ~~and other appropriate reading and writing media.~~

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

Note: Effective January 1, 2012, AB 114 (Ch. 43, Statutes of 2011) repealed Education Code 56331 which required county mental health agencies to be responsible for providing mental health services (AB 3632 services) if required in a student's IEP. Thus, districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs. The CDE web site clarifies that districts may contract with county mental health agencies for the provision of some services and/or may employ their own professionals or contract with organizations or professionals in the community.

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each regular general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Note: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Pursuant to Education Code 56041.1, an IEP team must consider whether a student with disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019), Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive FAPE, consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

Note: Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
 - b. The results of any reassessment conducted pursuant to Education Code 56381
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305(a)(2) and Education Code 56381(b)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- d. The student's anticipated needs
 - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP;" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

Note: Education Code 56195.8 **mandates** that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a disability when so requested by a **regular general education** or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. **The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."**

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6173.1 - Education for Foster Youth)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (**Education Code 56380.1**; 20 USC 1414(d)(3)(D); 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Note: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings

INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
 - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)
2. An indication that the student is invited to the IEP team meeting

INDIVIDUALIZED EDUCATION PROGRAM (continued)**3. Identification of any other agency that will be invited to send a representative**

(cf. 5145.6 - Parental Notifications)

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

The parent/guardian shall have the right and opportunity to examine all of **his/her child's the student's** school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting **his/her child the student**, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

(cf. 5125 - Student Records)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(f); 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian **that he/she should to** attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of ~~his/her child's~~ **the** IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student **pursuant to 20 USC 1414(a)(1)**, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian ~~pursuant to 20 USC 1414(a)(1)~~. **(Education Code 56346)**

~~The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if~~ **If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)**

If the parent/guardian **consents in writing to the receipt of special education and related services for the student but** does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. ~~(Education Code 56346)~~ If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

Note: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, ~~his/her~~ consent for the continued provision of special education and related services to ~~his/her child~~ **the student**. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the ~~child~~ **student**. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Note: The following paragraph is **optional** and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. ~~In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.~~

Note: Pursuant to 34 CFR 300.9, when a parent/guardian revokes ~~his/her~~ consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, districts with questions should consult legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

Note: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in Marshall v. Monrovia Unified School District, the Ninth Circuit Court of Appeals ruled in favor of defendant school district on the question of whether the district denied FAPE to a student with a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including ~~his/her~~ **the** IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same **Special**

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless **his/her the student's** parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP **in consultation with the student's parent/guardian, for a period not to exceed 30 days. Within 30 days, By the end of that period, the district** ~~the Superintendent or designee~~ shall **either**, ~~in consultation with the student's parents/guardians,~~ adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

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CSBA Sample Board Policy

Instruction

BP 6159.1(a)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** policy ~~and mandated administrative regulation~~ reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 **and 20 USC 1415** **mandates** all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the **sSpecial eEducation lLocal pPlan aArea (SELPA)** in which the district participates.

The Governing Board ~~desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law.~~ **recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child.** Parents/guardians **of students with disabilities** shall receive written notice of their rights **under the federal Individuals with Disabilities Education Act.** ~~in accordance with law, Board policy, and administrative regulation.~~

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education **Students**)*

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

Note: Education Code 56195.8 authorizes the ~~policy to include provisions~~ **Governing Board to adopt policy** for ~~involving district~~ **the involvement of** Board members in any due process hearing procedure activities. **However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing.** The following **optional** paragraph ~~designates the Superintendent or designee as the district representative at the hearing.~~ **may be revised to reflect district practice.**

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Note: A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing. **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging a violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.**

~~The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.~~ **Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.**

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

Legal Reference: (see next page)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, **especially:**

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

~~4600-4670 Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6159.1(a)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (**IDEA**) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Both federal and state law give parents/guardians **of students with disabilities** the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends these rights to the student only if **he/she the student** is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. See AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below.

Prior Written Notice

Note: Pursuant to 20 USC 1415(b)(1), districts are **mandated** to adopt procedures **relative to the prior written notice as specified in 20 USC 1415(e)(1) and listed below, that include prior written notice to parents/guardians of students with disabilities under the circumstances described below.**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice **within a reasonable time**: (Education Code 56346, 56500.4, 56500.5; 20 USC 1415(e); 34 CFR 300.102, 300.300, 300.503; ~~Education Code 56500.4, 56500.5~~)

1. Before the district initially refers the student for assessment
2. **Within a reasonable time bB**efore the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. **Within a reasonable time bB**efore the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. **Within a reasonable time bB**efore the student graduates from high school with a regular diploma thus resulting in a change in placement

Note: ~~As amended by 73 Fed. Reg. 231~~, 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services **to his/her child** at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to ~~his/her child~~ **the student**

This **prior written** notice shall include: (**Education Code 56500.4**; 20 USC 1415~~(e)~~; 34 CFR 300.503; ~~Education Code 56500.4~~)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of each assessment procedure, ~~test,~~ **assessment,** record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

(cf. 6159 - Individualized Education Program)

7. A description of any other factors relevant to the district's proposal or refusal

(cf. 5145.6 - Parental Notifications)

Procedural Safeguards Notice

Note: ~~Education Code 56301, 20 USC 1415(d)(1), 34 CFR 300.504, and Education Code 56501 specify that the procedural safeguards notice must be given to parents/guardians once per school year and upon the occurrence of any of the events specified below. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.~~

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (**Education Code 56301**; 20 USC 1415~~(d)(1)~~; 34 CFR 300.504; ~~Education Code 56301~~)

1. Upon initial referral or parent/guardian request for assessment

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Note: Pursuant to 34 CFR 300.504, the procedural safeguards notice must be provided upon receipt of the first state complaint filed against the district in a school year pursuant to 34 CFR 300.151-300.153. For complaint procedures addressing alleged violation of federal or state law or regulation related to the provision of a free appropriate public education (FAPE), see the section "State Compliance Complaints" below.

2. Upon receipt of the first state compliance complaint in a school year, **filed in accordance with the section "State Compliance Complaints" below**

(cf. 1312.3 - Uniform Complaint Procedures)

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when **a decision is made to remove removal of** a student because of a violation of a code of conduct **constituting constitutes** a change of placement

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

5. Upon request by a parent/guardian

~~Note: 34 CFR 300.504 requires the procedural safeguards notice to include a full explanation of the safeguards available to parents/guardians under the laws listed below, including 34 CFR 300.300 regarding parent/guardian consent. 73 Fed. Reg. 231 amended 34 CFR 300.300 to authorize a parent/guardian to revoke consent to his/her child's continued receipt of special education and related services; thus, the procedural safeguards notice must include a full explanation of that right to revocation.~~

Note: 34 CFR 300.504 lists the required content of the procedural safeguards notice. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: **(Education Code 56301; 20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)**

1. Independent educational evaluation

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

2. Prior written notice

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to ~~his/her child's~~ **the student's** continued receipt of special education and related services

4. Access to educational records

(cf. 5125 - Student Records)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. ~~Attorney's fees~~ **Availability of attorneys' fees pursuant to 34 CFR 300.517**

~~Note: In addition to the requirements of federal law listed in items #1-13 above, Education Code 56321 requires that the procedural safeguards notice contain the additional information specified below. Education Code 56321 also requires that the notice be attached to any assessment plan which is developed whenever an assessment is to be conducted for the development or revision of the IEP.~~

~~As added by AB 2555 (Ch. 245, Statutes of 2008), Education Code 56321.6 requires that the procedural safeguards notice also include information regarding the state special schools for students who are deaf or blind, as specified below.~~

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
2. The timelines for completing each process;
3. Whether the process is optional;
4. The type of representative who may be invited to participate;
5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1; and
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind: (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56321.5, 56500.1)

Format of Parent/Guardian Notices

Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified below. Districts that subscribe to CSBA's GAMUT Policy Plus may use the program's web-based translator to translate policy documents uploaded into the district's GAMUT web site.

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

1. ~~The notice is translated orally or by other means to the parent/guardian in his/her the parent/guardian's native language or other mode of communication, and that~~
2. ~~The parent/guardian understands the contents of the notice. (34 CFR 300.503)~~
3. ~~There is written evidence that items #1 and #2 have been satisfied.~~

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

Note: The following **optional** paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

Filing Due Process Complaints

Note: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law. ~~Education Code 56505 and 20 USC 1415(f)(3)(C) and Education Code 56505, effective October 9, 2006, specify that a due process complaint must be filed within two years of the date that the parent/guardian or district knew or should have known about the situation that forms the basis of the complaint. Both federal law (34 CFR 300.507 and 300.511) and state law (Education Code 56505) provide exceptions to that filing timeline and allow parents/guardians to file a complaint past the two year deadline if the district has made specific misrepresentations or withheld information.~~

When a parent/guardian has revoked consent for the continued provision of special education services to ~~his/her child the student~~, 34 CFR 300.300, as amended by 73 Fed. Reg. 231, specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided. ~~In the Analysis of Comments and Changes, 73 Fed. Reg. 231, page 73016, the U.S. Department of Education clarifies that this revocation of consent to discontinue services is different from a discontinuation of services based on the determination that the student is no longer a child with a disability. If a district believes that a student is no longer a child with a disability, then 34 CFR 300.305 requires the district to evaluate the child before making such a determination. If the parent/guardian disagrees with the eligibility determination, then he/she may challenge the decision using the due process procedures.~~

20 USC 1415(b) **mandates** that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415(b); Education Code 56501)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of ~~his/her child~~ **the student**.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Note: Pursuant to 20 USC 1415(b) and 34 CFR 300.508, the district is **mandated** to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. **The** CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (**Education Code 56502; 20 USC 1415(b); 34 CFR 300.508; Education Code 56502**)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

(cf. 6173 - Education for Homeless Children)

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Note: Although Education Code 56502 states that all requests for a due process hearing must be filed with the Superintendent of Public Instruction, according to CDE's web site, due process hearing requests should be filed with the Special Education Division of the Office of Administrative Hearings.

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Parties filing a due process complaint shall file their request with the **state Office of Administrative Hearings, Special Education Division, Superintendent of Public Instruction** or designated contracted agency. (Education Code 56502)

Note: 20 USC 1415 mandates that the district's procedures include an opportunity to file a complaint about an alleged violation that occurred not more than two years before the parent/guardian or district knew or should have known about the alleged violation, unless an exception specified in law applies.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

District's Response to Due Process Complaints

Note: 20 USC 1415(e)(1), 34 CFR 300.508, and Education Code 56502 require the district to provide the following notice upon receipt of the due process complaint.

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415(e)(1); 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415(e)(1); 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each **evaluation-assessment** procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

Note: **20 USC 1415 mandates that the district's due process procedures include an opportunity for mediation.** ~~As an alternative to a due process hearing, Education Code 56500.3 provides that the parties may voluntarily participate in a mediation process conducted by a person under contract with the CDE~~ **establishes a state-level mediation process.** In addition, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). ~~In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education.~~ (Education Code 56502)

In addition, either party may file a request with the ~~Superintendent of Public Instruction~~ **state Office of Administrative Hearings** for a mediation conference ~~to be conducted by a person under contract with the California Department of Education.~~ **(Education Code 56500.3)**

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

State Compliance Complaints

Note: **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to CDE rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. State compliance complaints differ from the due process complaints described above and are investigated and resolved by CDE.**

Pursuant to 34 CFR 300.152, if a written complaint is the subject of both a state compliance complaint and a due process complaint, or contains multiple issues which include one or more issues that are a

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

part of a due process hearing, CDE must set aside any part of the state compliance complaint that is being addressed in the due process hearing until the conclusion of the hearing.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).
2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.
3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.
4. The district failed or refused to implement a due process hearing order to which the district is subject.
5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201
2. The facts on which the statement is based
3. The signature and contact information for the complainant
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Note: Pursuant to 5 CCR 3203 and 34 CFR 300.152, CDE must complete its investigation of the state compliance complaint within 60 calendar days. This time limit may be extended only if (1) exceptional circumstances exist with respect to the particular complaint or (2) the complainant and the district agree to extend the time to engage in mediation. Within 30 days of the issuance of the investigation report, either the district or the complainant may request reconsideration of the decision. Within 60 days of receiving the request for reconsideration, CDE must respond in writing to the parties by either denying the request for reconsideration or modifying the investigative report.

Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)

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CSBA Sample Board Policy

Instruction

BP 6159.2(a)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: Education Code 56195.8 mandates any entity providing special education districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided a policy related to its authority to enter into a contract with a nonpublic, nonsectarian school or agency for the provision of education and/or special services to students with disabilities when no appropriate public education program is available to meet the students' their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet the students' student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Note: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

complies with staff training requirements in accordance with Education Code 56366 **and 56366.1**. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any ~~nonpublic, nonsectarian school~~ **NPS/A** with which the district has a contract to ensure that the ~~school or agency's~~ certification has not expired.

Note: ~~Education Code 56195.8 mandates that the policy adopted by the entity providing special education include the following paragraph. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.~~

No district student shall be placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. ~~In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP.~~ (Education Code ~~56195.8, 56342.1~~)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, as amended by AB 1172, the agency fees for participating students.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, ~~the~~ procedural safeguards, due process rights, and periodic review of ~~his/her~~ **the student's IEP.**

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

During the period when any student with disabilities is placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A**, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in ~~his/her~~ **the** IEP.

Note: The following **optional** paragraph may be modified to reflect district practice.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

~~In accordance with Education Code 56366.2, †~~The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, ~~56366.3,~~ and 56366.6. **(Education Code 56366.2)**

(cf. 1431 - Waivers)

Legal Reference: (see next page)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*
56042 *Placement not to be recommended by attorney with conflict of interest*
56101 *Waivers*
56163 *Certification*
56168 *Responsibility for education of student in hospital or health facility school*
56195.8 *Adoption of policies*
56342.1 *Individualized education program; placement*
56360-56369 *Implementation of special education*
56711 *Computation of state aid*
56740-56743 *Apportionments and reports*
56760 *Annual budget plan; service proportions*
56775.5 *Reimbursement of assessment and identification costs*
56836.20-56836.21 *Special education funding; SELPA contracts with nonpublic nonsectarian schools*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

GOVERNMENT CODE

7570-7587 *Interagency responsibilities for providing services to disabled children; especially:*
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*
3051-3051.24 *Special education; standards for related services and staff qualifications*
3060-3070 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/about/offices/list/osers>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6159.2(a)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: The following administrative regulation is **optional** and may be revised to reflect district practice **and the procedures of the Special Education Local Plan Area in which the district participates**. It contains procedures for implementing policy mandated for entities that contract with nonpublic, nonsectarian schools or agencies for the provision of special education services to students with disabilities when no appropriate public education program is available to meet those students' special education needs.

Master Contract

Note: Education Code 56366 ~~and 56366.3~~ details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies **(NPS/As)** for the purpose of special education services.

Every master contract **with between the district and** a nonpublic, nonsectarian school or agency **(NPS/A)** shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, **including** **The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)**

- 1. Student-teacher ratios, as well as**
- 2. Transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include**

(cf. 3541.2 - Transportation for Students with Disabilities)

The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

- 3. Procedures for recordkeeping and documentation, and**
- 4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student.**

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

- 5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP**
- 6. A description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include the NPS/A, including a method for evaluating whether each student is making appropriate educational progress.**
- 7. Procedures and responsibilities for attendance and unexcused absences**
- 8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements**
- 9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions**

The contract may allow for partial or full-time attendance at the ~~nonpublic, nonsectarian school~~ **NPS/A**. (Education Code 56366)

~~(cf. 3541.2 - Transportation for Students with Disabilities)~~
~~(cf. 3580 - District Records)~~
~~(cf. 5125 - Student Records)~~
~~(cf. 6146.1 - High School Graduation Requirements)~~

~~Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.~~

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

With mutual agreement of the district and ~~a nonpublic, nonsectarian school or agency~~ **NPS/A**, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in ~~his/her~~ **the student's** individual services agreement. (Education Code 56366)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

Note: In addition to the master contract with a nonpublic, nonsectarian school or agency, Education Code 56366 requires that an individual services agreement as specified in the following section be in place for any student with a disability to be served by any such nonpublic school or agency. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

For each any student to be placed in an NPS/A, tThe Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)

At least once each year, the district shall: (Education Code 56366)

Note: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's alternative accountability system (Dashboard Alternative School Status). See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Note: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A**. (5 CCR 3069)

When a special education student meets the district requirements for completion of **the** prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A** outside California, the Superintendent or designee shall document the district's efforts to **use public schools and/or to** find an appropriate program offered by a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A** within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the ~~related~~ costs **of the special education and related services provided**, and the district's efforts to locate an appropriate public school or ~~nonpublic, nonsectarian school or agency~~ **NPS/A** within California. (Education Code 56365)

If the district decides to place a student with a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A** outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

On-Site Visits

Note: Beginning with the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to CDE using criteria published by CDE.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

- 1. A review of services provided to the student through the individual services agreement**
- 2. A review of progress the student is making toward the goals set forth in the student's IEP**
- 3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable**
- 4. An observation of the student during instruction**
- 5. A walkthrough of the facility**

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)



August 3, 2020

Notice of Public Hearing & Action

Hamilton Unified School District Governing Board

Posted at Hamilton High School, Hamilton Elementary School, Sacramento Valley Mirror and on
www.husdschools.org

The Governing Board of the Hamilton Unified School District, in order to comply with the requirements of Education Code Section 60119, will hold a public hearing at its regular board meeting on August 26, 2020 at 6:00 p.m. in regards to the following matter:

**Sufficiency of Instructional Materials
For 2020-21 School Year
Resolution No: 20-21-101**

A resolution will be adopted stating whether each pupil in the Hamilton Unified District has sufficient textbooks or instructional materials or both in specified subjects that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks adopted by the state board.

Meeting Time and Location:

Time: Aug 26, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/85613734267?pwd=b1VET0FhY294VmdtaUVVWVU4MWILZz09>

Meeting ID: 856 1373 4267

Passcode: 4GQvda

Or Phone In: +1 929 436 2866

Meeting ID: 856 1373 4267

Passcode: 160800

BOARD OF TRUSTEES

Gabriel Leal, President | Hubert "Wendall" Lower, Clerk
Rod Boone, Trustee | Ray Odom, Trustee | Genaro Reyes, Trustee

RESOLUTION NO. 20-21-101
August 26, 2020 Regular Meeting

**A RESOLUTION OF THE GOVERNING BOARD
OF HAMILTON UNIFIED SCHOOL DISTRICT**

**REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS
FOR 2020-21 SCHOOL YEAR**

Whereas, the Governing Board of the Hamilton Unified School District, in order to comply with the requirements of *Education Code* Section 60119 held a public hearing on August 26, 2020 at 6:00 p.m., which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Governing Board provided at least 10 days' notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

Whereas the Governing Board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders (if the district of county office has a bargaining unit) in the public hearing, and;

Whereas, information provided at the public hearing and to the Governing Board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all student, including English learners, in the district, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas, sufficient textbooks and instructional material were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics
- Science
- History-Social Science
- English/language arts, including the English language development component of an adopted program

Whereas, sufficient textbooks or instructional material were provided to each pupil enrolled in foreign language or health classes, and;

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that for the 2020-21 school year, the Hamilton Unified School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

APPROVED, PASSED, and ADOPTED by the Governing Board of the Hamilton Unified School District this 26th day of August 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Wendell Lower, Clerk Governing Board
Hamilton Unified School District

Jeremy Powell, Ed.D., Superintendent
Hamilton Unified School District



August 10, 2020

Notice of Public Hearing & Action

Hamilton Unified School District Governing Board

Posted at Hamilton High School, Hamilton Elementary School, Sacramento Valley Mirror and on
www.husdschools.org

The Governing Board of the Hamilton Unified School District will hold a public hearing at its regular board meeting on August 26, 2020 at 6:00 p.m. in regards to the following matter:

**Public Comments on Certification of an Initial Study/Mitigated Negative Declaration (IS/MND),
Adoption of a Mitigation Monitoring Reporting Program under CEQA & Approving the existing
Hamilton High School Site Expansion Project
Resolution No: 20-21-102**

Meeting Time and Location:

Time: Aug 26, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/85613734267?pwd=b1VET0FhY294VmdtaUVVWVU4MWILZz09>

Meeting ID: 856 1373 4267

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Meeting ID: 856 1373 4267

Passcode: 160800

BOARD OF TRUSTEES

Gabriel Leal, President | Hubert "Wendall" Lower, Clerk
Rod Boone, Trustee | Ray Odom, Trustee | Genaro Reyes, Trustee

**HAMILTON UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 20-21-102**

**A RESOLUTION OF THE BOARD OF TRUSTEES (BOARD)
OF THE HAMILTON UNIFIED SCHOOL DISTRICT CERTIFYING AN INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION, ADOPTING A MITIGATION
MONITORING AND REPORTING PROGRAM UNDER CEQA FOR THE HAMILTON
HIGH SCHOOL SITE EXPANSION PROJECT (APN 032-230-002 AND APN 032-230-
015) AND APPROVING THE PROJECT**

WHEREAS, the Board proposed to expand the footprint and upgrade facilities of Hamilton High School, at 620 Canal Road in Hamilton City (Assessor Parcel Number [APN] 032-230-002), via the acquisition of 48-acres of property (APN 032-230-015) immediately north of the school. The acquisition would accommodate the development of new playing fields, parking and circulation improvements, a gymnasium, and utilities upgrades in an initial, 2- to 5-year development phase. The acquisition would support the development of approximately 68,500 square feet of new teaching, multipurpose and administration space; and 75,000 square feet of additional circulation space, in a second 10- to 12-year development phase. The proposed two-phase expansion would accommodate approximately 500 new students;

WHEREAS, the California Environmental Quality Act (CEQA), together with the State guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared;

WHEREAS, the proposed project site is located at 620 Canal Road, APN 032-230-002 and APN 032-230-015 in Hamilton City, Glenn County, California. The site encompasses a total area of approximately 69 acres. The 21-acre property at 620 Canal Road is occupied by Hamilton High School and is zoned R-1 Single Family Residential; the 48 acres at APN 032-230-015 are undeveloped agricultural land zoned AP-80, Agricultural Preserve Zone, Intensive Agriculture;

WHEREAS, per Government Code section 65962.5, the proposed project is not considered a project of statewide, regional, or area wide significance;

WHEREAS, in April 2019, the District, assisted by consultant PlaceWorks initiated the environmental review process required by the California Environmental Quality Act (CEQA) in the form of an Initial Study/Mitigated Negative Declaration (IS/MND), to analyze the potential environmental impacts of the proposed project;

WHEREAS, on March 27, 2020, the District approved a Public Review Draft IS/MND of the Hamilton High School Site Expansion project;

WHEREAS, on April 1, 2020, in accordance with CEQA, a formal Notice of Intent (NOI) to adopt an IS/MND was published in the Sacramento Valley Recorder describing the project, environmental findings, and availability of the document; and identifying start and end dates of a 20-day public review period. The review period was from April 20, 2020 through May 20, 2020;

WHEREAS, on August 11, 2020, in accordance with CEQA, the NOI was recorded at the Glenn County Clerk Recorder;

WHEREAS, on August 26, 2020, the Board held a duly noticed public hearing on, among other items, adoption of this Resolution certifying the IS/MND and approving the proposed project. After considering all verbal and written testimony, the Board closed the public hearing;

WHEREAS, the IS/MND reflects the District's independent judgement and analysis on the potential for environmental impacts from the proposed project;

WHEREAS, the IS/MND identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the proposed project will require adoption of a Mitigation Monitoring and Reporting Program (MMRP), as required by CEQA. The MMRP is attached as Exhibit B;

WHEREAS, the IS/MND and all the documents relating to the proposed project are available for review in the District's Administrative Offices, during normal business hours. The location and custodian of the IS/MND and other documents that constitute the record of proceedings for the proposed project is the Hamilton Unified School District Administrative Offices, 620 Canal St, Hamilton City, CA 95951.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Trustees certifies the following:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The IS/MND, attached as Exhibit A, has been completed in compliance with CEQA, and the CEQA Guidelines.
3. The District Board of Trustees has independently reviewed and considered the information contained in the IS/MND, prior to acting on the proposed project.
4. The IS/MND reflects the District's independent judgment and analysis on the potential environmental impacts of the proposed project. The IS/MND provides information to the decision makers and the public on the environmental consequences of the proposed project.
5. The IS/MND adequately describes the proposed project, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Project.

BE IT FURTHER RESOLVED that the Board of Trustees of the Hamilton Unified School District hereby:

1. Certifies the IS/MND was prepared and completed in compliance with CEQA;
2. Adopts the Mitigation Monitoring and Reporting Program set forth in exhibit B;
3. Finds and incorporates herein by reference that Exhibits A and B are in compliance with the requirements of CEQA.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Hamilton Unified School District hereby elects to support the development of the Hamilton High School Site Expansion Project.

PASSED AND ADOPTED by the following vote this 26th day of August 2020.

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

ATTEST:

Clerk of the Board

E X H I B I T A

FINAL INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION

August 2020 | Initial Study and Mitigated Negative Declaration

HAMILTON HIGH SCHOOL EXPANSION

Hamilton Unified School District

Final Draft

Prepared for:

Hamilton Unified School District

Contact: Michael Cannon

EFPM/LLC

916.825.0000

Prepared by:

PlaceWorks

1625 Shattuck Avenue, Suite 300

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www.placeworks.com

In Association with:

Tom Origer & Associates

And

Environmental Collaborative



MEMORANDUM

DATE August 12, 2020

TO Michael Cannon, EFPM/LLC and Jeremy Powell, Superintendent, Hamilton Unified School District

FROM Greg Goodfellow, Senior Planner, PlaceWorks

SUBJECT Hamilton High School Site Expansion Final IS/MND

The 30-day public comment period for the Hamilton High School Site Expansion Project IS/MND closed on May 20, 2020. No written comments on the IS/MND were submitted to the District during the review period. In addition, no comments from state agencies were submitted on the document.

As a result, no text revisions, including typographical corrections, insignificant modifications, amplifications or clarifications to the Public Review Draft IS/MND are required.

No “substantial revisions”, as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15073.5, are required. No new, avoidable significant impacts have been identified and no mitigation measures or project revisions must be added to reduce the effect to insignificance. Accordingly, no recirculation of the IS/MND is required.

This Memorandum, together with the IS/MND dated March 2020 constitutes the Final IS/MND for the proposed project.

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Acronyms and Abbreviations

AAQS	ambient air quality standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
amsl	above mean sea level
AQMP	air quality management plan
AST	aboveground storage tank
BAU	business as usual
bgs	below ground surface
BMP	best management practices
CAA	Clean Air Act
CAFE	corporate average fuel economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
cfs	cubic feet per second

Acronyms and Abbreviations

CGS	California Geologic Survey
CMP	congestion management program
CNDDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
Corps	US Army Corps of Engineers
CSO	combined sewer overflows
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHG	greenhouse gases
GWP	global warming potential
HCM	Highway Capacity Manual
HQTA	high quality transit area
HVAC	heating, ventilating, and air conditioning system
IPCC	Intergovernmental Panel on Climate Change
L _{dn}	day-night noise level
L _{eq}	equivalent continuous noise level
LBP	lead-based paint

Acronyms and Abbreviations

LCFS	low-carbon fuel standard
LOS	level of service
LST	localized significance thresholds
M _w	moment magnitude
MCL	maximum contaminant level
MEP	maximum extent practicable
mgd	million gallons per day
MMT	million metric tons
MPO	metropolitan planning organization
MT	metric ton
MWD	Metropolitan Water District of Southern California
NAHC	Native American Heritage Commission
NO _x	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O ₃	ozone
OES	California Office of Emergency Services
PM	particulate matter
POTW	publicly owned treatment works
ppm	parts per million
PPV	peak particle velocity
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
RMP	risk management plan
RMS	root mean square
RPS	renewable portfolio standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District

Acronyms and Abbreviations

SIP	state implementation plan
SLM	sound level meter
SoCAB	South Coast Air Basin
SO _x	sulfur oxides
SQMP	stormwater quality management plan
SRA	source receptor area [or state responsibility area]
SUSMP	standard urban stormwater mitigation plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TNM	transportation noise model
tpd	tons per day
TRI	toxic release inventory
TTCP	traditional tribal cultural places
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	urban water management plan
V/C	volume-to-capacity ratio
VdB	velocity decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	water quality management plan
WSA	water supply assessment

1. Project Description

Hamilton Unified School District (“District” or “HUSD”) is proposing to expand the footprint of Hamilton High School at 620 Canal Road in Hamilton City, Glenn County, California via the acquisition of 48-acres of a property adjacent to the school. The Hamilton High School Site Expansion Project (“proposed project” or “project”) would construct new playing fields, a gymnasium, classrooms and circulation areas in two phases over 10-12 years. It would accommodate an additional 250 students in that time.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code [PRC], Section 21000 et seq.). CEQA was enacted in 1970 by the California Legislature to disclose to decision makers and the public, potential significant environmental effects of proposed activities and ways to avoid or reduce potential environmental effects by implementing feasible alternatives and mitigation measures. CEQA applies to government agencies at all levels in California. This includes local agencies, regional agencies, State agencies, boards, commissions, and special districts.

1.1 LEAD AGENCY

In accordance with Section 15367 of the CEQA Guidelines, the Hamilton Unified School District is the Lead Agency for the proposed project, since it will serve as “the public agency which has the principal responsibility for carrying out or approving the project.”

1.2 PROJECT LOCATION

The project site includes the existing Hamilton High School, located at 620 Canal Road in Hamilton City, California, identified by Glenn County Assessor Parcel Number (APN) 032-230-002, and a 48-acre portion of a parcel directly north of the school (APN 032-230-015). The additional 48 acres would be acquired and developed as part of the project (see Figures 1-1 and 1-2). The project site is in southwest Glenn County.

The site is accessed from the south via State Route (SR) 32/Sixth Street and from the west via SR 45.

1.3 EXISTING SETTING

1.3.1 Project Site

The project site includes the existing Hamilton High School and an adjacent 48-acre property. As shown in Figure 1-3, the high school currently contains eight buildings, including 2 multipurpose buildings, a classroom & administration building, a classroom & library building, 3 portable structures and a classroom & woodshop building. A small parking area with 25 parking stalls is located between the existing buildings. A large area of turfed playing fields dominates the northeastern portion of the school. The school has a student body of approximately 280.

1. Project Description

The property that the District would acquire as part of the project is currently dedicated to drip-irrigated agriculture uses. It contains a single agricultural water well and minimal electric service infrastructure, including a pole-mounted transformer.

1.3.2 Surrounding Conditions

The project site is in a predominantly agricultural community. Active farmland borders the site to the north. As shown in Figure 1-2, State Route 45/Canal Road and the Glenn-Colusa Canal border the site to the west, with active farmland beyond those features. The Southern Pacific Railroad and additional farmland lie east of the site. A primarily residential neighborhood that includes Hamilton Elementary/Middle School and few commercial/light industrial properties is located across West 6th Street to the south.

The District's Ella Barkley High School, a 10th through 12th grade alternative education high school, is located immediately southeast of Hamilton High School.

1.3.3 Land Use Regulation

1.3.3.1 GENERAL PLAN

The existing high school property is designated Single Family Residential in the County of Glenn General Plan. The parcel that is proposed to be acquired is designated Intensive Agriculture.

1.3.3.2 ZONING

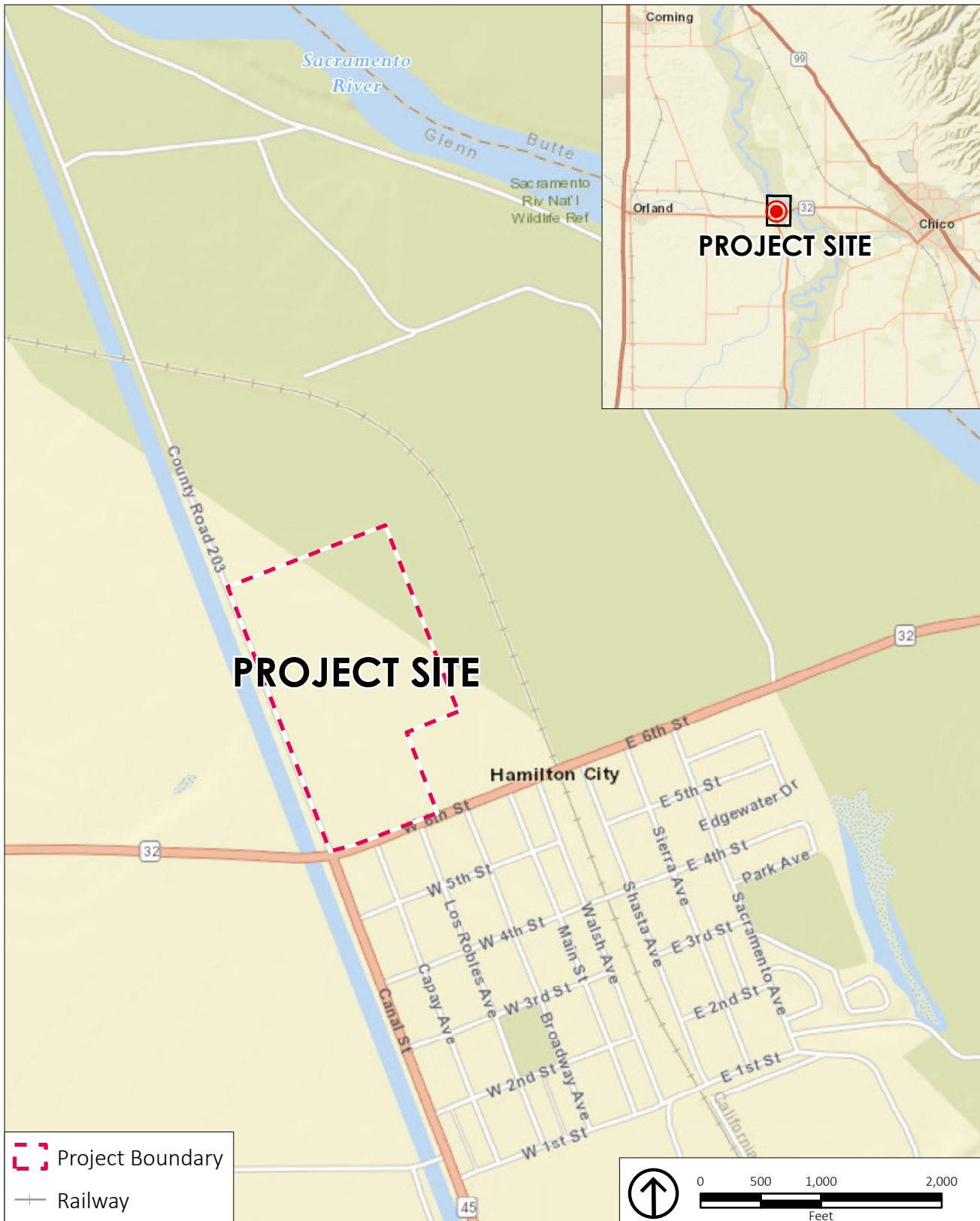
The existing high school property is zoned R-1, Single Family Residential in the Glenn County Municipal Code. One purpose of this District is "...to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment."¹

The parcel that is proposed to be acquired is zoned AP-80, Agricultural Preserve Zone, Intensive Agriculture. The AP zone "...is to be applied to lands which are covered by a California Land Conservation Act (Williamson Act) contract."²

¹ Glenn County Code, Title 15, Unified Development Code, Chapter 15.370.

² Glenn County Code, Title 15, Unified Development Code, Chapter 15.370.

PROJECT DESCRIPTION



Source: ESRI, 2019; 2019; County of Glenn, 2019; PlaceWorks, 2019.

Figure 1-1
Regional and Vicinity Map
Page 239

PROJECT DESCRIPTION



Source: ESRI, 2019; 2019; County of Glenn, 2019; PlaceWorks, 2019.

Figure 1-2
Local Setting
Page 240

PROJECT DESCRIPTION



Source: Nichols, Melburg & Rossetto Architects.



Figure 1-3
Existing Site
Page 241

1. Project Description

1.4 PROJECT COMPONENTS

Following acquisition of the 48-acre portion of the neighboring parcel, the District would expand and modernize Hamilton High School in two phases. As outlined below, the project would include utilities, facilities, classroom, and site circulation improvements.

1.4.1 Phase I

The first phase of development following acquisition of the 48-acre parcel would span 2 to 5 years. During this phase, the District would develop new playing fields and a new parking area and construct a 20,000 SF Gymnasium (see Figure 1-4). Utilities infrastructure would be upgraded to accommodate the expansion as well.

1.4.1.1 UTILITIES IMPROVEMENTS

Phase I would begin with the required expansion and upgrade of existing gas and electric, digital, communications, stormwater, and water infrastructure on the site to support new facilities proposed in Phases I and II (see Section 1.4.2, below).

The project would include annexation of the site to the Hamilton City Community Services District (CSD) which would provide wastewater services. Water would be provided by California Water Services-Chico District, via the CSD. Storm drain connections would be provided by Glenn County Planning and Public Works Agency. Electrical and gas utilities would be provided by Pacific Gas & Electric Company (PG&E). New utility Points of Connection (POCs) along SR 45 would be used to accommodate new facilities in the newly acquired property.

1.4.1.2 NEW FACILITIES

Parking Area

A 90-stall parking lot and student drop-off lane on the western boundary of the site, north of the existing campus, would be developed in Phase I. The lot would be accessed via Canal Road/SR 45.

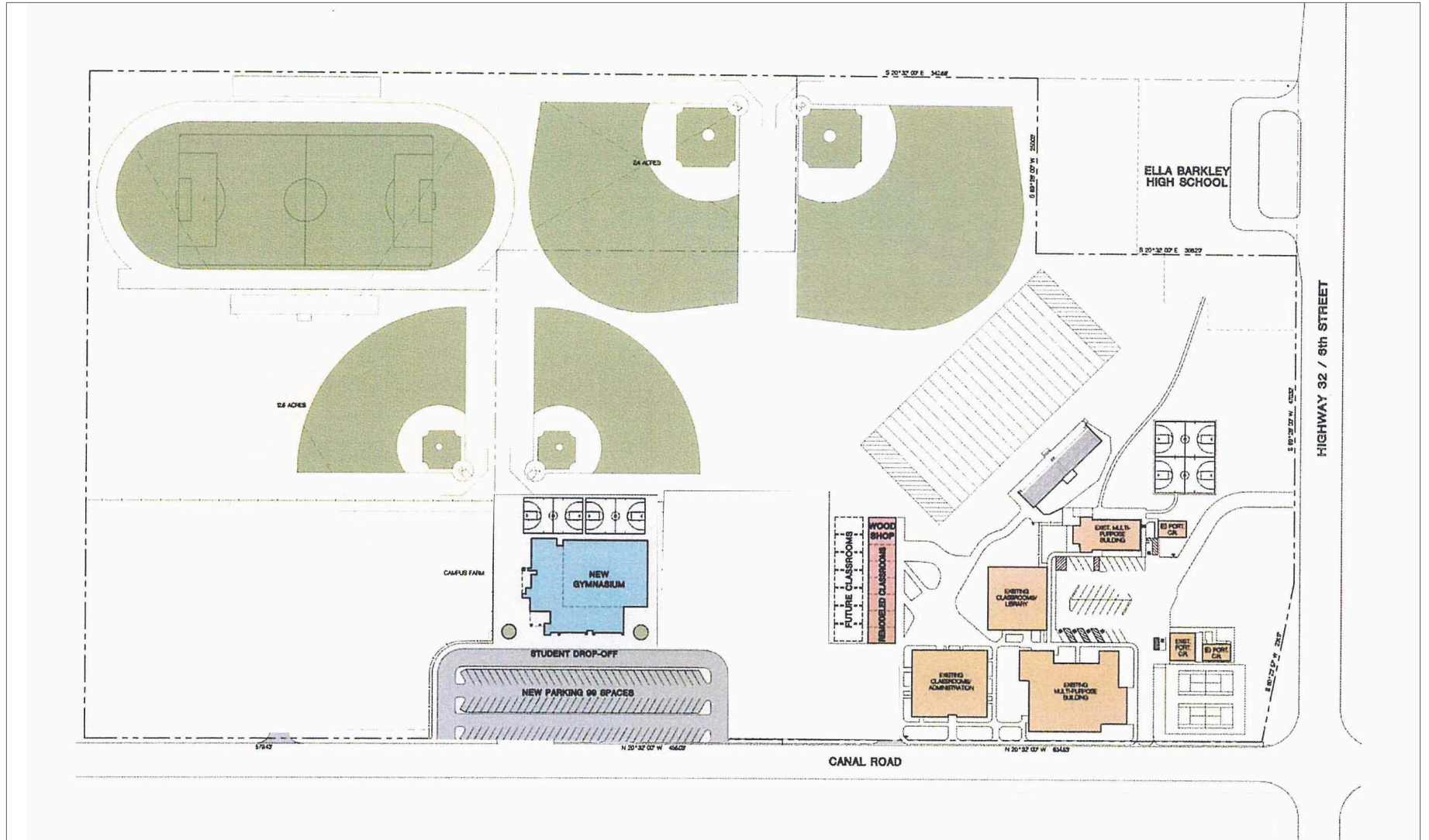
Gymnasium

A 20,000 SF, approximately 45-foot tall gymnasium would be built on the western portion of the newly acquired parcel, behind the new parking lot. Most of the building would be composed of a central gym and associated dressing room. It would contain boys' and girls' locker rooms, restrooms and interior corridor/circulation space. The gymnasium would also include 20 new bicycle parking spaces.

Playing Fields

The project would include new outdoor recreational facilities on the east side of the newly acquired parcel. A combined track and soccer field would be located in the northeast corner of the parcel, 2 full-size baseball diamonds would be located south of the soccer field, and 2 junior baseball diamonds would be located toward the center of the parcel (see Figure 1-4).

PROJECT DESCRIPTION



Source: Nichols, Melburg & Rossetto Architects.

- | | | | |
|---|--|---|------------------------------|
|  | ADDITIONAL PROPERTY ACQUISITION |  | NEW CONSTRUCTION |
|  | EXISTING BUILDINGS TO BE REMODELED/RELOCATED |  | EXISTING BUILDINGS TO REMAIN |



Figure 1-4
 Phase I Conceptual Site Plan
 Page 243

1. Project Description

1.4.2 Phase II

Within ten to twelve years of site acquisition, the District would construct additional improvements at Hamilton High School to accommodate approximately 250 additional students. This would result in a future capacity of approximately 500 students. Phase II components would total 68,500 SF of new facilities and 75,000 SF of new circulation and parking areas. The new facilities would be built in three to seven building clusters surrounding a central outdoor gathering area. All proposed Phase II buildings would be single-story structures.

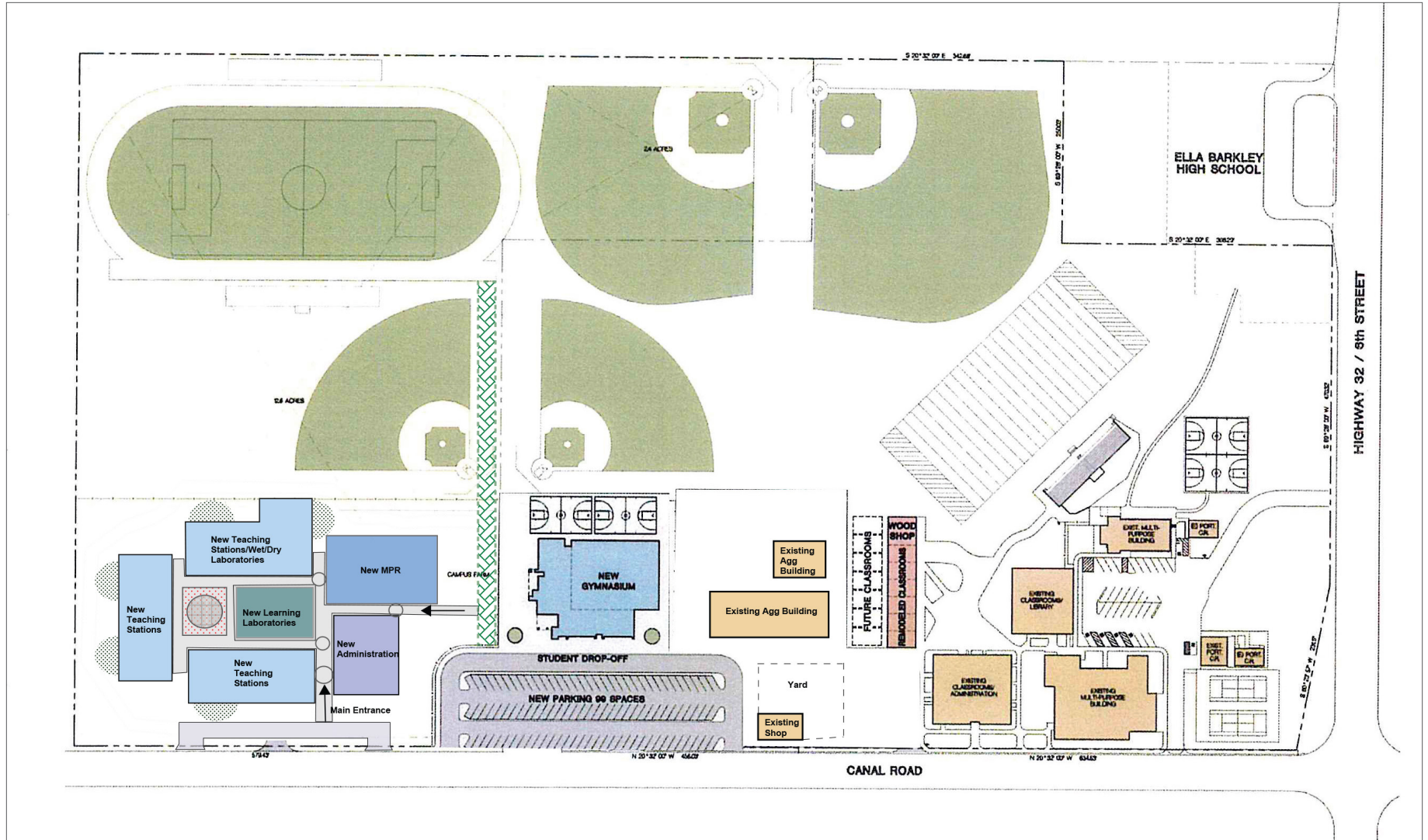
These type and size of the proposed facilities are summarized in Table 1-1, below. A conceptual site plan of Phase II is illustrated in Figure 1-5.

Table 1-1 Proposed Phase II Facilities

Facility Name/Type	Components/Characteristics	Square Feet (SF)
Buildings and Facilities		
Teaching Stations	Twenty (20) stations with six (6) wet/dry laboratories	31,000
Multipurpose Building	Performance, assembly and food service space	9,500
Learning Laboratories	Individual library and learning spaces	7,000
Administration Building	Administrative Offices & Conference Spaces	8,000
Restrooms	Restrooms	7,000
Storage	New storage areas	6,000
TOTAL		68,500
Outdoor and Circulation		
Parking and Circulation	100 new parking stalls and circulation areas	75,000
TOTAL		75,000

Source: Hamilton Unified School District, 2019

PROJECT DESCRIPTION



Source: Nichols, Melburg & Rossetto Architects.

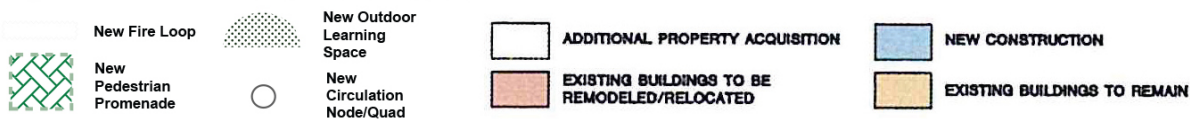


Figure 1-5
 Phase II Conceptual Site Plan
 Page 245

1. Project Description

1.4.3 Access and Circulation

1.4.3.1 VEHICULAR

As shown in Figure 1-5, primary vehicular access to the future main entrance of the school would from Canal Road/SR 45 to drop-off loop on the northwest corner of the site. Access to the proposed parking areas would be further south on Canal Road/SR 45. The project would also include secondary vehicular and emergency access through the existing campus to proposed facilities from the existing vehicular access point on Highway 32/6th Street (see Figure 1-3).

1.4.3.2 PEDESTRIAN

Pedestrians would access the school via proposed Glenn County and Caltrans standard-compliant sidewalks along Canal Road/SR 45. Additional pedestrian access to site would be provided from the southern area of the school through the existing Hamilton High School site.

1.4.3.3 BICYCLE

The proposed project would include bicycle lanes along the western perimeter of the site. As noted in Section 1.4.1.2, 20 new bicycle parking spaces would be provided as part of the Phase I gymnasium.

1.4.4 Lighting

The proposed project would include LED-based lighting systems in all interior and exterior spaces. This would include indirect and direct luminaires for classrooms, flat-panel low-glare luminaires for workshops and labs. Interior lighting would have energy efficient motion sensors and daylight-responsive lighting controls. Low-level wall-mounted exterior lighting would be located near door entrances and beneath metal roof eaves of new Phase II classroom buildings. All wall-mounted and pedestal exterior luminaires would conform to current backlight, upright and glare (BUG) ratings in order to reduce glare, light trespass, and skyglow. All project lighting plans would comply with code requirements for egress pathway lighting.

The proposed track/soccer field and existing Football Stadium would both be lit with exterior LED lighting.

1.4.5 Programming

The proposed high school would operate seven days a week for 365 days a year. Classroom & instructional time would be limited to existing Hamilton High School hours of 7:00 AM to 4:30 PM, with operation after those times for academic, sporting and other events, and for public use as permitted by the District.

1. Project Description

1.5 CONSTRUCTION

As explained above, construction of the project would occur in 2 phases, with Phase I completed 2 to 5 years following proposed acquisition of the neighboring property and Phase II completed 10 to 12 years following acquisition.

All construction would occur during times allowed by the County of Glenn (7:00 AM to 7:00 PM). A construction worksite traffic control plan would be prepared and implemented by the District. The plan would identify haul routes, hours of construction, protective devices, warning signs, and access. The active construction and staging areas would be located on the project site.

The project would include approximately 30,000 SF of hardscape/paving and 20 acres (87,120 SF) of level landscaping.

1.6 REQUIRED APPROVALS

The proposed project would require approval and IS/MND certification by the Hamilton Unified School District Board of Trustees.

In addition, because the proposed project would be part of an existing school and proposes to extend existing school district property, the California Division of State Architects (DSA) is responsible for plan review and construction oversight for structural safety of school facilities pursuant to the Field Act contained in the California Education Code Sections 17280, et. seq. for K-12 schools. Upon completion of plan review and approval by the DSA, the DSA would be responsible for construction oversight, which may include scheduled site visits by field staff to report on the construction and performance of the project and to verify compliance with the California Building Code.

The project may also require an encroachment permit from Glenn County for potential work within the public right-of-way, and approvals from the Central Valley Regional Water Quality Control Board and Hamilton City Community Services District for permits related to water and utilities.

1. Project Description

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2. Environmental Checklist

2.1 BACKGROUND

1. **Project Title:** Hamilton High School Site Expansion
2. **Lead Agency Name and Address:**
Hamilton Unified School District
P.O. Box 488
Hamilton City, California 95951
3. **Contact Person and Phone Number:**
Michael Cannon
EFPM/LLC
(916) 825-0000
4. **Project Location:** 620 Canal Road in Hamilton City, Glenn County, California and portion of neighboring parcel to the north.
5. **Project Sponsor's Name and Address:**
Hamilton Unified School District
P.O. Box 488
Hamilton City, California 95951
6. **General Plan Designation:** Single Family Residential and Intensive Agriculture.
7. **Zoning:** R-1, Single Family Residential and AP-80, Agricultural Preserve Zone, Intensive Agriculture.
8. **Description of Project:** Hamilton Unified School District (“District” or “HUSD”) would expand Hamilton High School and construct new facilities following the acquisition of approximately 48-acres of agricultural property.
9. **Surrounding Land Uses and Setting:** The project site is in a rural/agricultural community, primarily surrounded by drip-irrigated agricultural uses and single-family residential development.
10. **Other Public Agencies Whose Approval Is Required:** California Division of State Architects (DSA), Glenn County, Central Valley Regional Water Quality Control Board, Hamilton City Community Services District.

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

2.3 DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analyses Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

2. Environmental Checklist

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

3. Environmental Analysis

3.1 INTRODUCTION

This section describes the existing environmental conditions in the project area and environmental impacts that could occur with development of the proposed project pursuant to the Appendix G, Environmental Checklist, of the 2019 CEQA Guidelines.

In each of the following environmental checklist categories, pursuant to CEQA Guidelines Section 15370 required “Mitigation Measures” are identified to lessen or avoid a potentially significant impact. Measures which are required by the City as normal requirements for a project are identified as “Standard Project Conditions.” All impacts were found to have no impact or to be either less than significant or less than significant with mitigation.

3. Environmental Analysis

3.2 ENVIRONMENTAL ANALYSIS AND FINDINGS

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. A scenic vista can be defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. There are no locally or State-designated scenic vistas on or adjacent to the project site. The surrounding topography is generally flat, and the site is surrounded by agricultural and rural residential uses. The project site itself is composed of an existing high school and active farmland. It is surrounded by visually similar active farmland. As such it is not a notably visible landscape or element of a scenic vista within rural Glenn County.

The proposed project would expand the physical footprint of an existing high school with improvements similar to current school facilities. Moreover, as shown in Figure 1-5, all the proposed buildings and circulation improvements associated with the project are located along the western boundary of the site, along State Route 45. This layout is consistent with the existing school layout, which also borders SR 45. As explained in Chapter 3, Project Description, the tallest building would be the 45-foot gymnasium built in Phase I, with all remaining structures limited to a single story. Recreational fields and turf areas would assume most of the project site, maintaining the low-profile of current conditions.

3. Environmental Analysis

Given these proposed project components and lack of vistas or scenic viewpoints in the area, it is concluded that there would be a *less than significant* impact to scenic vistas.

Criterion b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact. Scenic resources are defined as those landscape patterns and features that are visually or aesthetically pleasing and contribute to the definition of a distinct community or region. Scenic areas, open spaces, rural landscapes, vistas, country roads, and other factors interact to produce a net visual benefit upon individuals or communities. Those visual resources that uniquely contribute to that public benefit are scenic resources under CEQA. The proposed project would not remove scenic resources such as buildings (historic or otherwise), rock outcroppings, or trees. There are no officially designated State Scenic Highways near the project site.³ The nearest Eligible State Scenic Highway is State Route 70, approximately 24 miles east of the project site.⁴ There are no designated historic structures or landmarks on or near the project site. As a result of these conditions, combined with the fact that the proposed project would be restricted to the expansion of an existing high school currently located on a portion of the site, it can be concluded that there would be a *less-than-significant* impact related to scenic resources.

Criterion c. In nonurbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The proposed project would be in a nonurbanized area. As noted in Chapter 3, Project Description, the project site is in a predominantly agricultural community, with active farmland to the north, west and east and a small residential community with an elementary school to the south.

The project would transform a portion of a single parcel from active farmland to high school uses. This would change the character of the majority of the site to viewers on State Route 45 to the west and State Route 32/West 6th Street to the south. However, this change in character would not represent a degradation of character. The proposed layout, scale and building heights of the expanded school would be consistent with both existing Hamilton High School on the project site, Ella Barkley High School located immediately southeast of the site, and residential Hamilton City with Hamilton Elementary/Middle School to the south. As noted under Criterion a, above, proposed buildings and circulation improvements associated with the project would be located along the western boundary of the site along State Route 45, consistent with the existing school layout. Recreational fields and turf areas would assume the remaining majority of the site, maintaining the existing low-profile of current conditions.

³ California Department of Transportation, State Scenic Highway web page, “List of eligible and officially designated State Scenic Highways (XLSX)”, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed August 1, 2019.

⁴ ArcGIS website, California Scenic Highway mapping tool, <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a>. Accessed August 1, 2019.

3. Environmental Analysis

The proposed project would not degrade the quality of public views or character of the site. The expanded high school would be consistent with what is currently a rural residential high school in a farming community, immediately surrounded by additional farmland, other public schools and a local neighborhood. The impact would be *less than significant*.

Criterion d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The project would introduce new light sources to the portion of the site that is currently unlit active farmland. However, the character of land uses surrounding the project site and light-reducing technologies integrated into the project would reduce the potential of those light sources to adversely impact day or nighttime views.

Non-sports field related exterior lighting would be limited to safety and comfort levels only, with cut-off fixtures and hoods that limit direct light to areas within the site. As noted in Chapter 3, Project Description, the proposed soccer field and existing football field would be fitted with nighttime lighting systems, specifically 40-inch MUSCO 12 Lamp LED *Total Light Control System*.⁵ Per the proposed school program, sports games and events would occur year-round until 10:00 PM.

Areas to the north, west and east of the project site are restricted to active farmland. These areas do have permanent dwellings or habitants prone to daytime or evening view disruptions. State Route 32/West 6th Street and the residential area to the south of the site is approximately 1,120 feet from the northern boundary of existing Hamilton High School, 1,450 feet from the proposed soccer field and about 610 feet from the existing football field. State Route 45 to the west would border the news school buildings and would be about 1,150 feet from the proposed lighting systems.

These distances would significantly reduce the potential for proposed lighting to disrupt views. Moreover, the design of proposed lighting system would be customized to direct uniform light directly onto fields. This would eliminate light and glare spillover and preserve darkness directly surrounding fields. This, combined with the distance of recreational facilities to sensitive viewsheds, would reduce nighttime view impacts associated with sports field lighting.

Finally, the exteriors of all school buildings would be surfaced with non-reflective paints or materials. All wall-mounted and pedestal exterior luminaires would conform to backlight, uplight and glare (BUG) ratings as outlined in IESNA TM-15-11, in order to reduce glare, light trespass, and skyglow.

As a result of these conditions, the propose project would have a *less-than-significant* impact with respect to light and glare.

⁵ MUSCO Lighting, Total Light Control webpage, <http://www.musco.com/project-showcase/tlced/>, accessed August 3, 2019.

3. Environmental Analysis

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Less than Significant Impact. As noted in Chapter 3, Project Description, and illustrated in Figure 1-2, Hamilton Unified School District would acquire a single, 48-acre parcel (APN 032-230-015) adjacent to the existing high school as part of Phase I of the proposed project. This parcel is currently used for irrigated (drip) agricultural production. Per Phase II of the proposed project, the District would expand the footprint of Hamilton High School into that parcel over the following 10 to 12 years. Therefore, the project would convert the current agricultural use of the property to that of a public high school.

3. Environmental Analysis

Per the California Resources Agency Farmland Mapping and Monitoring Program, the parcel to be acquired is categorized as Prime Farmland.⁶ As such, the project would ultimately result in the conversion of 48-acres of Prime Farmland.

According to Section 6.3 of the 1993 Glenn County General Plan, “Conversion of agricultural or grazing lands should occur only after careful consideration and deliberation, recognizing, however, that in order to realistically provide for the necessary diversity and growth required in the local economy, some lands presently committed to agriculture may be may consumed by other development activities.”⁷ Consistent with this statement, the following discussion is an assessment of existing Prime Farmland in Glenn County against the acreage proposed for conversion, combined with the local significance of the resulting public educational resource.

As shown in Table 3.1, below, Glenn County contained about 151,000 acres of Prime Farmland as of 2016.

Table 3-1 Prime Farmland in Glenn County

Farmland Category	Acreage
Land Conservation (Williamson) Act	63,518
Farmland Security Zone	
Urban	14,112
Non-Urban	73,541
TOTAL	151,171

Source: California Department of Conservation, The California Land Conservation Act of 1965 2016 Status Report, December 2016

Given the total acreage, the 48 acres of Prime Farmland that would be converted as part of the project represents about 0.03 percent of available prime farmland resources in Glenn County.

The proposed project would improve a vital educational resource in Hamilton City, in the form of Hamilton Unified School District’s only high school. As documented in a February 2019 demographic study commissioned by the District,⁸ enrollment across the entire District is projected to increase over 15 percent in the next six (6) years, from 713 to 823 students in the 2024/25 school year. The rate of increase at Hamilton High School is projected at 12 percent in the same time period, with enrollment growing from 298 to 335 students. According to the study, enrollment projections are driven largely by 250 housing units⁹ planned within District boundaries. A yield rate of 0.68 students per unit¹⁰ was used to calculate future students in the District.

⁶ California Department of Conservation, California Important Farmland Finder webpage, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed August 3, 2019.

⁷ Glenn County, 1993 Glenn County General Plan, page 6.5.

⁸ SchoolWorks, Inc., Hamilton Unified School District Demographic Study 2018/19, February 2019.

⁹ SchoolWorks, Inc., Hamilton Unified School District Demographic Study 2018/19, February 2019.

¹⁰ Lower than the State of California yield rate of 0.70.

3. Environmental Analysis

Classroom space at Hamilton High School is currently limited to three buildings that also accommodate other uses. Proposed new classrooms would improve the educational experience and accommodate future students. Proposed circulation and parking improvements have been designed to improve student safety and emergency access. The school is currently without a dedicated gymnasium, and sports fields overlap and are in states of disrepair. New facilities and classrooms proposed as part of the project would improve the quality of learning, diversity of facilities, student safety and physical conditions of the City's only high school.

Given the availability of existing Prime Farmland and the importance of an appropriately sized educational facility to the local quality of life of a small community and economy, the proposed project is consistent with Section 6.3 of the County General Plan. Although the project would result in the conversion of 48 acres of Prime Farmland to public school use, the benefits of the project to Hamilton City would outweigh the potential adverse effects on local agricultural production. The project would result in a *less-than-significant* impact as related to farmland conversion.

Criterion b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact. As explained in Chapter 3, Project Description, the agricultural parcel to be acquired and converted to a public school is zoned AP-80, Agricultural Preserve Zone, Intensive Agriculture. The AP zone applies to lands "...covered by a California Land Conservation Act (Williamson Act) contract."¹¹ As such, the proposed school expansion project would be inconsistent with existing zoning and result in the loss of lands under Williamson Act contract.

The Williamson Act was designed to protect farmers from the economic pressures of encroaching development. Per the Act, a landowner may enter into a 10-year contract with the city or county restricting the property to agricultural uses; in exchange the landowner is taxed on the agricultural value of the land, rather than the fair market value. One additional year is automatically added every year unless one of the parties gives notice the contract will not be renewed.

Williamson Act contracts may be cancelled at any time. Per California Government Code Section 51282 (b), contracts may be cancelled if:¹²

1. That cancellation is in the public interest. This requires the finding that (1) other public concerns substantially outweigh the objectives of the Williamson Act and (2) there is no proximate noncontracted land that is available and suitable for the proposed use, or development of the contracted land would provide more contiguous patterns of urban development.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use;

¹¹ Glenn County Code, Title 15, Unified Development Code, Chapter 15.370.

¹² California Legislative Information website, California Government Code, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=5.&part=1.&chapter=7.&article=5, accessed August 8, 2019.

3. Environmental Analysis

3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

An assessment of these conditions shows that the contract cancellation for the acreage in question would not conflict with Williamson Act policy, and such, existing zoning.

Public Interest

As noted under Criterion a, above, Hamilton High School is facing enrollment projections equal to a 12 percent increase. The proposed expansion is necessary to ensure the quality of the only public high school in Hamilton City. For the reasons established under Criterion a, this concern outweighs the need for 48 acres of Williamson Act-contracted land in a County with, as shown in Table 3.1, 63,518 acres under Williamson Contract. The phased expansion and improvement of the city's only public high school is core to public interest. The project would be a school expansion over 10-12 years and would not result in a new land use to Hamilton City and, as such, would not increase economic or development pressure on existing local farmland.

Moreover, a high school campus cannot be fragmented by rights-of-way or infrastructure. There is no more proximate noncontracted land that is more suitable or that would provide a more contiguous pattern of development as the parcel in question. As shown in Figure 1-2 the property onto which the school would expand is immediately adjacent to the existing high school, to the north and east. The result would be a fully contained high school that is not intersected by the bordering Glenn-Colusa Irrigation District Main Canal to the west, West 6th Street to the south, or the Southern Pacific Railroad tracks further east. Any location of the project beyond these infrastructure boundaries would result in an unsafe, inefficient school campus. The cancellation of the Williamson Act contract in question represents the most ideal location and would not result in a discontinuous or checkered pattern of development.

Removal of Adjacent Lands

The Williamson Act cancellation associated with the proposed project would not result in the removal of adjacent lands from agricultural use. The expansion of Hamilton High School would not introduce new land uses to the community that could influence the local economy or place new development pressure on adjacent land. It is characterized by an extended time horizon that limits its influence beyond the project site to 10-12 years. Moreover, as noted above, the footprint of the project site is restricted by existing infrastructure that physically separates it from surrounding property on three sides. Given the requirement that a high school campus be contiguous and contained, future expansion of the school beyond the boundaries of the proposed project is limited.

Consistency with General Plan

The Glenn County General Plan prioritizes the preservation of agricultural land through such policies as the AP-80, Agricultural Preserve Zone. As noted under Criteria a, however, it also recognizes that some local diversity and growth require the conversion of agriculture lands to other activities. In addition, the General Plan recognizes that the County must coordinate development with public service providers such as the school

3. Environmental Analysis

district, and that “the availability of adequate public services is critical to the County’s economic development.”¹³ An improved, expanded Hamilton High School is consistent with the goal of coordinating public services toward the public interest, per the County General Plan.

Given the interest of the proposed project to the public, the fact that it would not influence Williamson Act cancellations on adjacent properties and its consistency with provisions of the general plan, the impact of the project would be *less than significant*.

Criterion c. Would the project conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project would not conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned Timberland Production. The project site consists of a developed school campus and active farmland. There is no timberland, forestland or timberland-related zoning. There would be *no impact*.

Criterion d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. There would be no loss of forest land or conversion of forest land to non-forest use. The project site consists of a developed school campus and active farmland. There is no timberland, forestland or timberland-related zoning. There would be *no impact*.

Criterion e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use land. While the project site is surrounded by farmland, the proposed project would be limited to physical changes to the existing school footprint and the additional agricultural land discussed under thresholds a through d, above. There would be a *less-than-significant* impact.

¹³ Glenn County, 1993 Glenn County General Plan, page 5-130.

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III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section analyzes the types and quantities of air pollutant emissions that would be generated by construction and operation of the proposed project. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling is included in Appendix A, Air Quality and Greenhouse Gas Emissions, of this IS/MND.

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O₃), carbon monoxide (CO), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead (Pb). Areas are classified under the federal and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The project site is in the Northern Sacramento Valley Air Basin (NSVAB or Air Basin) and is within the jurisdiction of the Glenn County Air Pollution Control District (GCAPCD), which is designated nonattainment for PM₁₀ under the California AAQS. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. Federal, State, and local air districts have adopted laws and regulations intended to control and improve air quality. Air pollutants of concern are criteria air pollutants and toxic air contaminants (TACs).

The following analyses have been prepared in accordance with Shasta County Air Quality Management District's (Shasta County AQMD) CEQA "Protocol for Review" and "Environmental Review Guidelines" as the GCAPCD has not yet developed CEQA guidelines and significance thresholds of their own. Emission modeling used the latest version of the California Estimator Emissions Model (CalEEMod).

3. Environmental Analysis

The Shasta County AQMD has identified regional thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including VOC, NO_x, and PM₁₀. Development projects below the regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Where available, the significance criteria established by the Shasta County AQMD may be relied upon to make the following determinations

Discussion

Criterion a. **Would the project conflict with or obstruct implementation of the applicable air quality plan?**

Less Than Significant Impact. Along with other Air Pollution Control Districts and Air Quality Management Districts in the northern Sacramento Valley, GCAPCD is a part of the Northern Sacramento Valley Planning Area (NSVPA). The adopted NSVPA 2018 Air Quality Attainment Plan (AQAP) is the latest air quality planning document for Glenn County. Regional growth projections are derived from reports from the California Department of Finance, Demographic Research Unit. The NSVPA 2018 Air Quality Attainment Plan forecasts emissions for ROG_s and NO_x for the entire NSVPA region through 2025. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. In addition, the consistency analysis is generally only required in connection with the adoption of General Plans, specific plans, and significant projects.

The proposed project is anticipated to involve the acquisition of the lot adjacent to the existing school. Furthermore, site preparation, grading, and utility trenching activities are anticipated to occur on the 48-acre project site. The proposed project would also involve construction of new school buildings, architectural coating, paving of asphalt and concrete surfaces, and landscaping onsite. In addition, the AQAP also forecasts population growth through 2025. While the proposed project has a buildout year of 2032, it would be consistent with the AQAP as an increase in student capacity for a school would not directly contribute to population growth in an area. Rather, the increase in capacity would be in response to population growth in the area and would address the projected growth in the local population. Therefore, the project would not have the potential to substantially affect NSVPA population growth projections. Furthermore, as the existing campus facilities would be upgraded to include new facilities to serve the increase in student capacity, the project is not considered a project of statewide, regional, or areawide significance that would require intergovernmental review under Section 15206 of the CEQA Guidelines. Additionally, as demonstrated below in Section 4.3, Criterion B, the regional emissions that would be generated by operation of the proposed project would be less than the Shasta County AQMD emissions thresholds and would not be considered by GCAPCD to be a substantial source of air pollutant emissions that would have the potential to affect the attainment designations in the NSVAB. Therefore, the proposed project would not affect the regional emissions inventory or conflict with strategies in the AQAP. Impacts would be *less than significant*.

3. Environmental Analysis

Criterion b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact with Mitigation. This section analyzes potential impacts related to air quality that could occur from a combination of the proposed project with other past, present, and reasonably foreseeable projects within the NSVAB. The project site is within NSVAB, under the jurisdiction of the GCAPCD, which is currently designated a nonattainment area for California PM₁₀ AAQS. Any project that produces a significant project-level regional air quality impact in an area that is in nonattainment adds to the cumulative impact. As the GCAPCD has not yet developed significance thresholds for criteria pollutant emissions and criteria air pollutant precursors, thresholds developed by Shasta County AQMD were used instead. The Shasta County AQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, and PM₁₀.

Due to the extent of the area potentially impacted from cumulative project emissions (the NSVAB), a project is cumulatively significant when project-related emissions exceed the Shasta County AQMD emissions thresholds. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The following describes changes in regional impacts from short-term construction activities and long-term operation of the proposed project.

Construction Impacts

The proposed project would result in the expansion of Hamilton High School that would take approximately 27 months for Phase 1 and 27 months for Phase 2. Construction of the proposed project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from site preparation, grading and trenching, building construction, architectural coating, and pavement of asphalt and non-asphalt surfaces, and finishing and landscaping of the site. The proposed project construction-related emissions shown in Table 3-2 are quantified using California Emissions Estimator Model, Version 2016.3.2 (CalEEMod), and are based on the CalEEMod default construction equipment and schedule, which was normalized to fit the construction duration provided by the District. As shown in the table, air pollutant emissions from construction-related activities would be less than their respective Shasta County AQMD significance threshold values, except for Phase 1 rough grading, fine grading, and architectural coating activities and Phase 2 building construction and architectural coating activities. The activities would result in construction emissions that exceed the Level A significance threshold for VOC and NO_x.

3. Environmental Analysis

Table 3-2 Construction-Related Criteria Air Pollutant Emissions Estimates

Construction Activity	Criteria Air Pollutants (pounds per day) ^a					
	ROG	NO _x	CO	SO ₂	Total PM ₁₀	Total PM _{2.5}
Phase 1						
Rough Grading	3	28	27	<1	10	5
Utility Trenching	<1	1	3	<1	<1	<1
Fine Grading	3	28	27	<1	10	5
Building Construction 2025	3	20	26	<1	4	1
Building Construction 2026	3	20	25	<1	4	1
Building Construction 2027	3	20	24	<1	4	1
Building Construction 2027 and Woodshop Modernization	3	20	24	<1	4	1
Paving	1	9	15	<1	1	<1
Architectural Coating	33	1	3	<1	1	<1
Finishing and Landscaping	<1	1	3	<1	<1	<1
Phase 2						
Site Preparation	3	14	17	<1	19	10
Fine Grading	3	14	24	<1	9	4
Utility Trenching	<1	1	3	<1	<1	<1
Building Construction 2030	4	26	34	<1	9	3
Building Construction 2031	4	26	33	<1	9	3
Building Construction 2032	3	25	32	<1	9	3
Paving	1	7	16	<1	1	<1
Architectural Coating	56	1	4	<1	2	<1
Finishing and Landscaping	<1	1	4	<1	<1	<1
Max Daily Emissions	56	28	34	<1	19	10
Shasta County AQMD Level A Thresholds	25	25	NA	NA	80	NA
Exceeds Threshold?	Yes	Yes	NA	NA	No	NA
Shasta County AQMD Level B Thresholds	137	137	NA	NA	137	NA
Exceeds Threshold?	No	No	NA	NA	No	NA

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25

Notes: Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM₁₀; Fine Inhalable Particulate Matter = PM_{2.5}

^a Construction phasing and equipment mix are based on the preliminary information provided by the District. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.

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However, per the Shasta County AQMD guidelines, exceedance of the Level A significance thresholds would require implementation of mitigation. Implementation of Mitigation Measure AQ-1, which requires use of grading construction equipment during Phase 1 that meets the EPA's Tier 4 (Interim) emissions standards for school construction activities; Mitigation Measure AQ-2, which requires use of building construction equipment during Phase 2 that meets the EPA's Tier 4 (Final) emissions standards for school construction activities; and Mitigation Measure AQ-3, which requires use of paints with a maximum VOC-content of 25 g/L for the interior coating of proposed school buildings, would limit construction-related emissions. As shown in Table 3-3, with the implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3, construction-related NO_x and VOC emissions would be reduced to below their respective Level A and Level B significance thresholds. project and cumulative construction-related air quality impacts under Impact AQ-1 would be reduced to *less than significant with mitigation*.

Impact AQ-1. Construction activities associated with the proposed project would result in pollutant emissions that exceed Shasta County AQMD significance threshold values.

Mitigation Measure AQ-1. Hamilton Unified School District shall make the following specifications in the formal project construction bid:

- The Hamilton Unified School District (District) shall specify in the construction bid that the construction contractor(s) shall, at minimum, use equipment that meets the EPA's Tier 4 interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for all grading activities during Phase 1, unless it can be demonstrated to District that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 interim emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations.

Prior to construction, the project engineer shall ensure that all building demolition plans clearly show the requirement for EPA Tier 4 interim emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the District. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

- The Hamilton Unified School District (District) shall specify in the construction bid that the construction contractor(s) shall, at minimum, use equipment that meets the EPA's Tier 4 Final emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for all building construction activities during Phase 2, unless it can be demonstrated to District that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier

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4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations.

Prior to construction, the project engineer shall ensure that all building demolition plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the District. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

- The Hamilton Unified School District (District) shall specify in the construction bid that the construction contractor(s) shall only use interior paints with a maximum VOC (volatile organic compound) content of 25 grams per liter (g/L) for architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC content of 25 g/L for interior coatings. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the District's Director of Facilities and Maintenance, or designee, clearly show the requirement for use on interior paint with a maximum VOC content of 25 g/L for the specified buildings, herein.

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Table 3-3 Mitigated Construction-Related Criteria Air Pollutant Emissions Estimates

Construction Activity	Criteria Air Pollutants (pounds per day) ^a					
	ROG	NO _x	CO	SO ₂	Total PM ₁₀	Total PM _{2.5}
Phase 1						
Rough Grading	1	19	37	<1	9	4
Utility Trenching	<1	1	3	<1	<1	<1
Fine Grading	<1	19	37	<1	9	4
Building Construction 2025	3	20	26	<1	4	1
Building Construction 2026	3	20	25	<1	4	1
Building Construction 2027	3	20	25	<1	4	1
Building Construction 2027 and Woodshop Modernization	3	20	24	<1	4	1
Paving	1	9	15	<1	1	<1
Architectural Coating	12	1	3	<1	1	<1
Finishing and Landscaping	<1	1	3	<1	<1	<1
Phase 2						
Site Preparation	3	14	17	<1	19	10
Fine Grading	3	14	24	<1	9	4
Utility Trenching	<1	1	4	<1	<1	<1
Building Construction 2030	3	20	36	<1	9	2
Building Construction 2031	3	20	36	<1	9	2
Building Construction 2032	3	20	36	<1	9	2
Paving	1	7	16	<1	1	<1
Architectural Coating	18	1	4	<1	2	<1
Finishing and Landscaping	<1	1	4	<1	<1	<1
Max Daily Emissions	18	20	37	<1	19	10
Shasta County AQMD Level A Thresholds	25	25	NA	NA	80	NA
Exceeds Threshold?	Yes	Yes	NA	NA	No	NA
Shasta County AQMD Level B Thresholds	137	137	NA	NA	137	NA
Exceeds Threshold?	No	No	NA	NA	No	NA

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25

Notes: Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM₁₀; Fine Inhalable Particulate Matter = PM_{2.5}
^a Construction phasing and equipment mix are based on the preliminary information provided by the District. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects. Includes incorporation of Mitigation Measures AQ-1, AQ-2, and AQ-3.

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Significance after Mitigation. Less than Significant.

Operational Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use (natural gas), and mobile sources (i.e., on-road vehicles). The proposed project would result in additional school buildings as well as paved and landscaped surfaces. The proposed buildings would, at minimum, be designed and built to meet the LEED Gold certification, which would increase building energy efficiency by 35 percent over the 2019 Building Energy Efficiency Standards. As shown in Table 3-4, it is anticipated that operation of the proposed project would result in overall minimal emissions and would not exceed the Shasta County AQMD significance thresholds. Therefore, impacts to the regional air quality associated with operation of the project would be *less than significant*.

Table 3-4 Operational Criteria Air Pollutant Emissions Estimates

Category	Criteria Air Pollutants (pounds per day)					
	ROG	NO _x	CO	SO ₂	Total PM ₁₀	Total PM _{2.5}
Proposed Operations (Summer)						
Area	4	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
On-Road Mobile	1	1	8	<1	4	1
TOTAL	5	1	8	<1	4	1
Proposed Operations (Winter)						
Area	4	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
On-Road Mobile	<1	1	7	<1	4	1
TOTAL	4	1	7	<1	4	1
Max Daily Emissions						
Area	4	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
On-Road Mobile	1	1	8	<1	4	1
Total	5	1	8	<1	4	1
Shasta County AQMD Level A Thresholds	25	25	NA	NA	80	NA
Exceeds Threshold?	Yes	Yes	NA	NA	No	NA
Shasta County AQMD Level B Thresholds	137	137	NA	NA	137	NA
Exceeds Threshold?	No	No	NA	NA	No	NA

Notes: Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM₁₀; Fine Inhalable Particulate Matter = PM_{2.5}

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

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Criterion c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Development of the proposed project could expose sensitive receptors to elevated pollutant concentrations. Unlike the construction emissions shown above in Table 3-3, under Criterion (b), described in pounds per day (PPD), localized concentrations refer to an amount of pollutant in a volume of air (ppm or $\mu\text{g}/\text{m}^3$) and can be correlated to potential health effects.

Construction Off-Site Community Risk and Hazards

The GCAPCD currently does not require health risk assessments to be conducted for short-term emissions from construction equipment. Emissions from construction equipment primarily consist of diesel particulate matter (DPM). The Office of Environmental Health Hazard Assessment (OEHHA) adopted new guidance for the preparation of health risk assessments in March 2015.¹⁴ It has also developed a cancer risk factor and noncancer chronic reference exposure level for DPM, but these factors are based on continuous exposure over a 30-year time frame. No short-term acute exposure levels have been developed for DPM. The GCAPCD currently does not require the evaluation of long-term excess cancer risk or chronic health impacts for a short-term project. The proposed project would be developed in two phases, each lasting approximately 27 months. The relatively short duration when compared to a 30-year time frame would limit exposures to on-site and off-site receptors. In addition, exhaust emissions from off-road vehicles associated with overall project-related construction activities would not exceed the significance thresholds with mitigation. For these reasons, it is anticipated that construction emissions would not pose a threat to off-site receptors near the proposed project, and project-related construction health impacts would be *less than significant*.

Operation On-Site Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not included as part of the proposed school expansion project. The proposed project would not include stationary sources that emit TACs and would not generate a significant amount of heavy-duty truck trips (a source of diesel particulate matter [DPM]). Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during operation, and impacts would be *less than significant*.

Carbon Monoxide (CO) Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9.0 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an

¹⁴ Office of Environmental Health Hazard Assessment (OEHHA). 2015, February. Air Toxics Hot Spots Program Risk Assessment Guidelines. Guidance Manual for Preparation of Health Risk Assessments. http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf.

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analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

The NSVAB has been designated attainment under both the national and California AAQS for CO. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact.¹⁵ While the proposed project would result in an increase in student capacity by 250 students, the anticipated 87 new AM peak hour vehicle trips generated would be minimal compared to the aforementioned screening levels. Thus, implementation of the proposed project would not produce the volume of traffic required to generate a CO hotspot and would not have the potential to substantially increase CO hotspots at intersections near the project site. Impacts would be *less than significant*.

Criterion d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Odors are also regulated under Section 78 of the GCAPCD Regulations, Public Nuisance, which states that “no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property.”¹⁶ The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The proposed project does not fall within the aforementioned land uses and therefore, no operational odors are anticipated.

During the development of the proposed project, emissions from construction equipment, such as diesel exhaust, may generate odors. However, these odors would be low in concentration, temporary, disperse rapidly, and are not expected to affect a substantial number of people. Any odors produced during the installation phase are not expected to be significant or highly objectionable and would be in compliance with Section 78 of the GCAPCD Regulations. Therefore, overall, project-related odor impacts would be *less than significant*.

¹⁵ Bay Area Air Quality Management District (BAAQMD). 2017, May. California Environmental Quality Act Air Quality Guidelines.

¹⁶ Glenn County Air Pollution Control District (GCAPCD). 2010, October (amended). Regulations of the Air Pollution control District of Glenn County.
<https://www.countyofglenn.net/sites/default/files/Agriculture/AP%20Regs%20Book%201%202010update.pdf>

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Information regarding biological and wetland resources for the project site is based on the review of available information, including project designs and the occurrence records of the California Natural Diversity Data Base (CNDDB) of the California Department of Fish and Wildlife (CDFW). A field reconnaissance survey was conducted by the Initial Study biologist on November 4, 2019, to inspect existing conditions and assess the potential impacts of the proposed project.

Criterion a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

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Less than Significant Impact with Mitigation Incorporated. Special-status species are plants and animals that are legally protected under the State of California and/or federal Endangered Species Acts¹⁷ or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. Species with legal protection under the Endangered Species Acts often represent major constraints to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take"¹⁸ of these species.

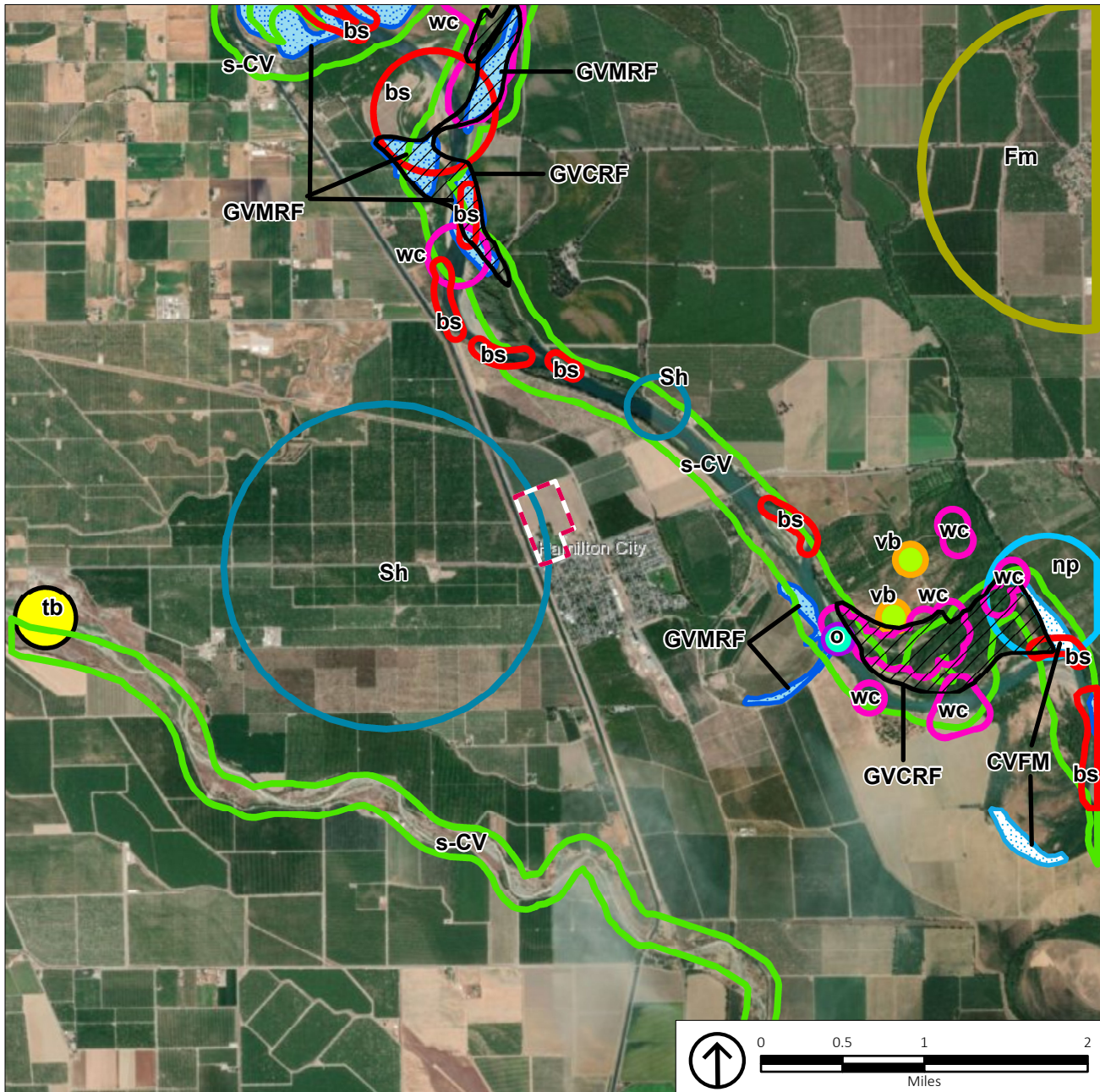
Figure 3-1 shows the known occurrences of special-status plant and special-status animal species in the Hamilton City vicinity as mapped by the CNDDDB. A general occurrence of Swainson's hawk (*Buteo swainsoni*) occurs to the west of the site, and numerous occurrences occur along the Sacramento River corridor to the east. This general occurrence of Swainson's hawk is from an observation made in 1979 of a single bird observed in a field about 0.9 miles west of Highway 45, but no nests were observed. The other Swainson's hawk occurrence shown in Figure 3-1 is about three quarters of a mile to the northeast of the site is from a record in 1990 of a nest observed in the dense riparian woodland along the Sacramento River corridor. No specific occurrences of any special-status species have been reported from the CNDDDB within a half mile of the project site.

Due to the extent of past and on-going disturbance and lack of essential habitat features, no special-status plant or animal species are suspected to occur on the site. These include several species known from this part of the Central Valley, such as Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), burrowing owl (*Athene cunicularia*), and Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). Information on these four species and determination that the site does not provide suitable habitat is summarized below.

¹⁷ The federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of the FESA and pertains to native California species.

¹⁸ "Take" as defined by the FESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" a threatened or endangered species. "Harm" is further defined by the United States Fish and Wildlife Service (USFWS) to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation. The California Department of Fish and Wildlife (CDFW) also considers the loss of listed species habitat as take, although this policy lacks statutory authority and case law support under the CESA.

BIOLOGICAL RESOURCES



Source: ESRI, 2019; California Department of Fish and Wildlife, 2019; County of Glenn, 2019; PlaceWorks, 2019.

- | | | |
|-------------------------------|--|---|
| Project Boundary | s-CV - steelhead - Central Valley DPS | Special Status Habitats |
| Special Status Animals | tb - tricolored blackbird | CVFM - Coastal and Valley Freshwater Marsh |
| bs - bank swallow | vb - valley elderberry longhorn beetle | GVCRF - Great Valley Cottonwood Riparian Forest |
| Np - North American porcupine | wc - western yellow-billed cuckoo | GVMRF - Great Valley Mixed Riparian Forest |
| o - osprey | Special Status Plant | |
| Sh - Swainson's hawk | Fm - Ferris' milk-vetch | |

Figure 3-1
Special Status Species
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- Swainson's hawk is a state-listed threatened species. It nests in trees and forages in grasslands and suitable agricultural fields where prey is available. The preferred breeding habitat of this raptor consists of large trees along riparian corridors or in open grasslands and agricultural fields, proximate to foraging habitat. Foraging habitats in the Central Valley include alfalfa, disked and fallow fields, and dryland pasture. The closest known nest occurrence for Swainson's hawk is from riparian woodlands along the Sacramento River, about three quarters of a mile to the northeast of the site and separated by walnut orchards and other unsuitable foraging habitat types. No active nests have been reported by the CNDDB in the immediate site vicinity or were detected during field reconnaissance survey. It is highly unlikely that a Swainson's hawk nest would be established on the site or the existing high school campus in the future due to the intensity of human activity and absence of foraging habitat in the immediate vicinity. The site had been tilled and was largely devoid of vegetative cover at the time of the field reconnaissance survey but was planted in irrigated watermelon row crops this past growing season. The adjacent fields to the north are planted in irrigated walnut orchards and the tilled field to the east was planted in watermelons this past growing season. Orchard and irrigated row crops are not considered suitable foraging habitat for Swainson's hawk by CDFW.
- Burrowing owl has no legal protective status under the federal or California Endangered Species Acts but is considered a Species of Special Concern by the CDFW and is protected under the federal Migratory Bird Treaty Act and State Fish and Game code. Burrowing owls favor flat, open grassland or gentle slopes and sparse shrubland ecosystems, typically with sparse or nonexistent tree or shrub canopies. This owl species uses burrows of California ground squirrel for nesting and retreat, and forages in open grasslands and pastureland typical of the site. No individual or signs of burrowing owl were observed during the field reconnaissance survey, and the site is not considered to provide high quality habitat due to the intensity of agricultural activity, absence of vegetative cover, and lack of ground squirrel or other nesting conditions.
- Tricolored blackbird has no federal status but is considered a Species of Special Concern by the CDFW and is a Candidate for State-listing as Endangered. Tricolored blackbirds are found almost exclusively in the Central Valley, and central and southern coastal areas of California. This species typically nests in tall, dense, stands of cattails or tules, but also nests in blackberry, thickets of wild rose, and tall herbs. Nesting colonies are typically located near standing or flowing freshwater. Tricolored blackbirds form large, often multi-species, flocks during the non-reproductive period and range more widely than during the reproductive season. A colony was reported from 2014 along Stoney Creek about two miles to the west of the site. Suitable nesting habitat for tricolored blackbird is absent from the site, and no nesting colonies have been reported from the immediate vicinity of Hamilton City.
- Valley elderberry longhorn (VELB) is a federally listed threatened species and has a patchy distribution throughout the Central Valley and associated foothills up to an elevation of approximately 3,000 feet from Shasta County to Kern County. VELB is completely dependent on its host plant, elderberry (*Sambucus* spp.), which occurs in riparian and other woodland and scrub communities. Elderberry plants, located within the range of the taxon, with one or more stems measuring 1.0 inch or greater in diameter at ground level, are typically considered to be suitable habitat for VELB by the U.S. Fish and Wildlife Service. Occurrences of VELB have been reported

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by the CNDDDB from locations along the Sacramento River to the east of Hamilton City, but no elderberry shrubs were observed on the site which precludes the potential presence of VELB.

No evidence of any bird nests was observed during the field reconnaissance survey or have been reported from the site by the CNDDDB for species monitored by CDFW. As noted above, the likelihood of Swainson's hawk, burrowing owl, and tricolored blackbird establishing nests on the site is considered highly unlikely given the extent of development and intensity of agricultural activities on the site. However, there remains a remote potential that new nests of other bird species protected under the federal Migratory Bird Treaty Act or State Fish and Game code could be established in the future in advance of construction. Tree removal or construction in the immediate vicinity of an active nest could result in the inadvertent destruction or abandonment of an active nest and loss of eggs or young, which would be a significant impact and a violation State Fish and Game Code. Restricting the timing of initial tree removal and grubbing to outside the bird nesting season (from March through August) or conducting pre-construction surveys during the nesting season and implementing appropriate nest buffer measures if a nest is encountered would ensure avoidance of any adverse impacts on nesting birds. The following measure would mitigate the *potentially significant* impacts of the project on special-status species.

Impact BIO-1: Removal of trees and other vegetation during project construction may result in the inadvertent destruction of active nests unless appropriate precautions are followed. (PS)

Mitigation Measure BIO-1. Any active bird nests in the vicinity of proposed vegetation removal and grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading and vegetation removal during the non-nesting period (September through February), or if this is not feasible, by conducting a pre-construction survey for active nests. A pre-construction survey report verifying that no active nests are present, or that nesting has been completed as detailed below, shall be submitted to the District for review and approval prior to initiation of grading or vegetation removal during the nesting season. Provisions of the pre-construction survey and nest avoidance measures, if necessary, shall include the following:

- If initial grubbing and grading is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall be retained by the applicant to conduct a pre-construction nesting survey no more than 7 days prior to initiation of grading or vegetation removal to provide confirmation on presence or absence of active nests in the vicinity.
- If active nests are encountered, species-specific measures shall be prepared by a qualified biologist through informal consultation with the California Department of Fish and Wildlife (CDFW) and implemented to prevent nest abandonment. At a minimum, vegetation removal and grading in the vicinity of the nest shall be deferred until the young birds have fledged. A nest setback zone of at least 100 feet for raptors and 50 feet for passerine birds shall be established, and all construction-related disturbances shall be prohibited within the nest setback zone. The perimeter of the nest setback zone shall be fenced or adequately demarcated, and construction personnel restricted from the area.

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- If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest setback zone until a qualified biologist verifies either that a) the birds have not begun egg-laying and incubation, or b) the juveniles from the nest are foraging independently and capable of independent survival at an earlier date.
- A survey report of findings verifying that any young have fledged shall be submitted for review and approval by the District prior to initiation of grading or vegetation removal in the nest setback zone. Following approval by the District, grading, vegetation removal, and construction in the nest setback zone may proceed as proposed.

Significance after Mitigation. Less than Significant.

Criterion b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. Sensitive natural communities are community types recognized by CDFW and other agencies because of their rarity. In the Hamilton City vicinity, sensitive natural community types include riparian woodlands along the Sacramento River. However, sensitive natural community types are absent from the site and vicinity of proposed construction, and no adverse impacts are anticipated. The project would have *no impact* and no mitigation is required.

Criterion c. Would the project Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

No Impact. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water recharge, filtration, and purification functions.

The CDFW, U.S. Army Corps of Engineers (Corps), and California Regional Water Quality Control Board (RWQCB) have jurisdiction over modifications to wetlands and other "waters of the United States." Jurisdiction of the Corps is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material without a permit. The RWQCB jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality, and the State Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Game Code, which pertain to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream.

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A preliminary wetland assessment was conducted during the field reconnaissance, and no indication of jurisdictional waters was observed on the site. Appropriate best management practices would be implemented during construction to prevent erosion and sedimentation that could enter the storm drain system and eventually be discharged downstream into the Sacramento River. Jurisdictional waters are absent from the site and vicinity of proposed construction. The project would have *no impact* and no mitigation is required.

Criterion d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant. The proposed project would not have any significant adverse impacts on wildlife movement opportunities or adversely affect native wildlife nursery sites. Wildlife in the vicinity of the site are already acclimated to human activity, and construction-related disturbance would not cause any significant impacts on common wildlife species found in the area. Some common species could be eliminated or displaced from the site during construction, but these are not special-status species and their loss or displacement would not be considered a significant impact. Wildlife species commonly associated with agricultural fields and suburban habitat would eventually frequent the site again following construction, using the remaining trees, ornamental landscaping, and even structures for foraging, roosting, and other activities. No substantial disruption of movement corridors or access to native wildlife nursery sites is anticipated. Potential impacts on wildlife movement opportunities would be *less than significant* and no mitigation is required.

Criterion e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project would not conflict with the Biological Resources chapter of the 1993 Policy Plan of the Glenn County General Plan. No sensitive biological resources are present on the site. No tree removal is proposed as part of the project and no conflicts with local ordinances protecting biological resources are anticipated as a result of project implementation. There would be *no impact* and no mitigation would be required.

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V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The following discussion is based primarily on Cultural Resources Study for the Hamilton Union High School Expansion project Hamilton City, Glenn County, California performed in November 2019. The study is attached to this IS/MND as Appendix B.

Criterion a. **Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**

Less than Significant Impact. The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations.

Generally, a resource is considered by the lead agency to be a “historical resource” if it is: 1) Listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4850 et seq.); 2) included in a local register of historical resources, or is identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC; or 3) is a building or structure determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Cultural resources are protected by federal and State regulations and standards, including but not limited to, the National Historic Preservation Act, the California Public Resources Code, and CEQA. In addition, the California Office of Historic Preservation (OHP) has determined that structures in excess of 45 years of age should be considered potentially important historical resources, and former buildings and structure locations could be potentially important archaeological sites. Typically, if the project site or adjacent properties are found to be eligible for listing on the California Register, the development would be required to conform to the current Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving,

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Rehabilitating, and Restoring Historic Buildings, which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.

As explained in Chapter 3, the proposed project would include modernization and new facilities on the existing Hamilton High School campus, as well as future expansion onto the adjacent 48-acre agricultural parcel.

Hamilton City is within the Capay Rancho, granted to Josefa Soto in 1844. The grant consisted of 44,388 acres that extended along the west side of the Sacramento River from Thomas Creek and Rancho Saucos on the north to Stony Creek on the south and encompassed Hamilton City and Monroeville (Cowan 1977:23). Hamilton City was founded in 1905 as a result of the construction of James Hamilton's Holly Sugar Beet factory.¹⁹ Hamilton High School was constructed in 1962. As such, it is over 45 years old.

The school site is not listed on the California Register of Historical Resources or identified as significant in any local context statement.²⁰ In addition it is not associated with any significant events or persons in local or regional history and does not exhibit any architectural elements meeting the minimum requirements for architectural or design recognition. Therefore, potential impacts associated with the existing school site would be *less than significant*, and no mitigation is required.

The cultural resources study completed for the proposed project included archival research of previous studies and a field survey of the agricultural site onto which the school would be expanded as part of the project. According to the study, 19th and 20th century maps shows no buildings within the study area or on the site itself. The new parcel contains a well and a power line to the well which, according the study, are too new to be considered eligible for inclusion on the California Register. The study concluded that no recommendations are warranted. The impact would be *less than significant*, and no mitigation would be required.

Criterion b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant with Mitigation Incorporated. Archaeological deposits that meet the definition of unique archaeological resources under CEQA could be damaged or destroyed by ground-disturbing activities associated with construction permitted under the proposed project, such as grading and/or filling. Should this occur, the ability of the deposits to convey their significance, either as containing information important in prehistory or history, or as possessing traditional or cultural significance, could be materially impaired.

The proposed project would include ground-disturbing activities including grading, excavation and filling, as part of construction of the proposed project. The cultural resources study completed for the proposed project (Appendix B) included a field survey consisting of a detailed site survey and auger borings. No archaeological site indicators were observed during the survey, and no archaeological site indicators were found within the auger borings. Soils in all five auger holes were consistent with the soil survey description for the study area.

¹⁹ Ashluth, Taylor and Barrow, Eileen, Tom Origer & Associates for Hamilton Unified School District, November 20, 2019, Cultural Resources Study for the Hamilton Union High School Expansion project, page 7.

²⁰ California Historical Resources in Glenn County, https://ohp.parks.ca.gov/?page_id=21419, accessed October 22, 2019

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However, the cultural resources study applied what is known as the buried sites model to assess the potential for archaeological resources. The study concluded that there is a high potential for buried sites based on landform age, analysis of the environmental and historic setting, and the results of previous studies conducted throughout the state. Disturbance of these resources represents a *potentially significant* impact that would be mitigated by Mitigation Measure CULT-1.

Impact CULT-1: Implementation of the proposed project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-1: If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the District and a licensed archeologist shall be contacted to evaluate the situation. A licensed archeologist shall be retained to inspect the discovery and make any necessary recommendations to evaluate the find under current CEQA Guidelines prior to the submittal of a resource mitigation plan and monitoring program to the District for review and approval prior to the continuation of any on-site construction activity.

Significance after Mitigation. Less than Significant.

Criterion c. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. There are no known human remains on the project site. However, the potential to unearth unknown remains during ground disturbing activities associated with implementation of the project exists. Any human remains encountered during ground-disturbing activities associated with the proposed project would be subject to federal, State, and local regulations to ensure no adverse impacts to human remains would occur in the unlikely event human remains are found.

California Health and Safety Code Section 7052 states that the disinterment of remains known to be human, without the authority of law, is a felony. Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15064.5(e) identify the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery must cease and necessary steps to ensure the integrity of the immediate area must be taken. The Glenn County Coroner must be notified immediately. The Coroner must then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person NAHC identifies as the Most Likely Descendants (MLD) of any human remains. Further actions must be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner must, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by NAHC. Adherence to these existing regulations and processes would result in a *less-than-significant* impact.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Criterion a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. The following discusses the potential energy demands from construction activities associated with the development of the proposed project and its operation.

Project Construction

The construction phase ends once the proposed project is built and construction activities are completed. Construction activities would use energy in the form of fuel from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. The majority of construction equipment during demolition and grading would be gas or diesel powered, and later construction phases would require electricity-powered equipment for interior construction and architectural coatings. Construction activities would be subject to applicable regulations such as anti-idling measures (Shasta County AQMD), limits on duration of activities (county municipal code), and the use of alternative fuels if possible (Shasta County AQMD), thereby reducing energy consumption.

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and gasoline. Impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Impacts would be *less-than-significant*.

Project Operation

Although the proposed project would result in a larger school with a larger student body, the project would modernize a nearly 60-year-old facility. During operation, energy would be used for heating, cooling, and ventilation of the buildings; water heating; onsite equipment; appliances; indoor, outdoor, and perimeter

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lighting; and security systems. While the proposed school expansion would result in 38,405 net square feet of new building space, the new buildings would be required to comply with the 2019 Building Energy Efficiency Standards, which are 30 percent more energy efficient for nonresidential buildings than 2016 Standards²¹, and California Green Building Standards Code (CALGreen). Thus, the new buildings would be more energy efficient than the existing buildings that would be replaced. Additionally, because the proposed project would be consistent with the requirements of these energy-related regulations, it would not result in wasteful or unnecessary electricity or natural gas demands.

The proposed project would generate new VMT (see Section XVII, Transportation) which would use additional regular gasoline and diesel fuels. Table 3-5 includes total net electricity increases associated with the operation of new buildings and project VMT (see Appendix A for additional detail).

Table 3-5 Net Operational Energy Use

Use Type	Natural Gas (kBTU/yr)	Electricity (kWh/yr)	Gasoline Fuel	Diesel Fuel
New Buildings and Facilities	510,758	180,327	N/A	N/A
New VMT	N/A	7,441	27,162	3,588
TOTAL	510,758	187,768	27,162	3,588

Note: Assumes and average electricity efficiency of 0.40 Kwh/Mile.

Source: EMFAC, 2017; USDOT, 2017; PlaceWorks.

A net increase of 187,768 kWh/yr of electrical use and 510,758 kBTU/yr of natural gas are not considered wasteful, inefficient or unnecessary uses of energy. It should also be noted that VMT increase associated with proposed new students would be partially offset by VMT decreases at the elementary schools from which those students would transfer.

New buildings constructed in accordance with the standards identified above would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, impacts would be *less than significant*.

Criterion b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The state’s electricity grid is transitioning to renewable energy under California’s Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state’s renewable portfolios standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. Senate Bill 350 also set a new goal to double the energy

²¹ California Energy Commission, 2018.

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efficiency savings in electricity and natural gas through energy efficiency and conservation measures. On September 10, 2018, Senate Bill 100 (SB 100) was signed and raised California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers such as Pacific Gas & Electric Company (PG&E), which is the utility that would provide all of electricity needs for the proposed project. Compliance of PG&E in meeting the RPS goals would ensure the State in meeting its objective in transitioning to renewable energy. Additionally, the proposed project would comply with the Building Energy Efficiency Standards and CALGreen. Therefore, implementation of the proposed project would have *no impact* related in terms of conflicting with or obstructing plans for renewable energy and energy efficiency.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Discussion

Criterion a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Criterion a.i Rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42

Less Than Significant Impact. Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Ground rupture is considered more likely along active faults.

No Alquist-Priolo Fault Rupture Hazard Zone, as designated through the Alquist-Priolo Earthquake Fault Zoning Act, intersects the project site. Nor is the project site within an Earthquake fault Zone.²² Moreover, the proposed improvements would be required to adhere to the current safety standards established in the 2019 California Building Code (CBC) and Title V of the California Code of Regulations (CCR). As such, project construction and modernization would be an improvement over original site construction and would reduce the already low potential for direct or indirect bodily harm involving fault rupture. As such, the impact would be *less-than-significant*.

Criterion a.ii Strong Seismic Groundshaking

Less Than Significant Impact. Due to lack of proximate active faults, the project site is not in what is considered a seismically active region. Per the California Geological Survey's 2003 *Earthquake Shaking Potential for California* map, the entire eastern portion of Glenn County is within a region "distant from known, active faults and [that] will experience lower levels of shaking less frequently. In most cases only weaker, masonry buildings would be damaged."²³

Moreover, as noted under Criteria a.i, above, proposed improvements would be required to adhere to the current safety standards established in the 2019 CBC and Title V of the CCR. The proposed project would be characterized as stick-built wood construction. As such, project construction and modernization would be an improvement over original site construction and would reduce the potential for direct or indirect bodily harm involving fault rupture. As such, the impact would be *less-than-significant*.

²² California Department of Conservation. California Geological Survey, Earthquake Zones of Required Investigation interactive map, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed July 23, 2019.

²³ State of California Geologic Survey, Spring 2003, Earthquake Potential for California, https://ssc.ca.gov/forms_pubs/shaking_18x23.pdf, accessed January 7, 2020.

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Criterion a.iii Seismic Related Ground Failure/Liquefaction

Less Than Significant Impact. Liquefaction is the sudden loss of soil strength resulting from shaking during an earthquake. The effect on structures and buildings can be significant. Liquefaction and is a major contributor to urban seismic risk. Areas most susceptible to liquefaction are underlain by non-cohesive soils, such as sand and silt, that are saturated by groundwater typically between 0 and 30 feet below the surface.

The project site is in area for which no liquefaction hazard maps have been issued by the State of California. The presence of site-specific liquefiable soils can only be determined through analysis of onsite soils during a targeted geotechnical investigation, as required by the CBC. All structures would be built to adhere to the 2019 CBC which provides minimum standards to protect property and public welfare by regulating design and construction to mitigate the effects of adverse soil conditions. In the event that potentially liquefiable soils are identified on site, adherence to these building code requirements, including industry standard measures of minimizing the potential for liquefaction through foundation design, treatment of site soils and/or replacement of liquefiable soils with engineered fills, would ensure that seismically induced ground failure is a *less than significant* impact.

Criterion a.iv Landslides

Less Than Significant Impact. The project site is in area for which no landslide hazard maps have been issued by the State of California. The county is divided into two geographically distinct areas--the western portion in the Coast Ranges and the eastern portion in the Sacramento Valley. Elevations range from 7,450 feet in the western part of the county to a low of 65 feet in the Sacramento Valley.

The project site and surrounding areas are within the flat agricultural area of eastern Glenn County. As noted in the technical papers submitted as part of the County's General Plan, this level, low relief eastern area has nearly no potential for landslides, while the mountainous western portion has a higher landslide potential.²⁴ The project site is nearly level, and proposed project components do not include grading of any slopes that would exacerbate landslide conditions. Furthermore, all structures on the site would comply with the 2019 CBC which provides minimum standards to protect property and public welfare by regulating design and construction to mitigate the effects of adverse soil conditions.

As such, the impact would be *less than significant*.

Criterion b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Erosion is a normal and inevitable geologic process whereby earthen materials are loosened, worn away, decomposed or dissolved, and removed from one place and transported to another. Precipitation, running water, waves, and wind are all agents of erosion. Ordinarily, erosion proceeds so slowly as to be imperceptible, but when the natural equilibrium of the environment is changed, the rate of erosion can be greatly accelerated. Accelerated erosion within an urban area can cause damage by undermining structures, blocking storm sewers, and depositing silt, sand, or mud in roads and tunnels. Eroded materials are

²⁴ Glenn County, 1993, Environmental Setting Technical Paper, Glenn County General Plan, Volume II, page 37, June.

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eventually deposited into coastal and local waters where the carried silt remains suspended in the water for some time, constituting a pollutant and altering the normal balance of plant and animal life.

The project would include trenching for installation and connection of underground utilities, and other subsurface disturbances. These site preparation activities would result in the disruption of on-site soils and exposure of uncovered soils to potential erosion impacts. However, site preparation activities would be short-term, occurring for only a brief period during the preliminary stages of project development.

Although minimal erosion would result from grading and construction operations, the proposed project would not result in significant soil erosion or loss of topsoil. Soils of the project site are identified in Table 3-6, below, alongside their key characteristics. The soils composition is typical of former flood basin soils of the Sacramento River Valley.

Table 3-6 Project Site Soils Characteristics

Soil	Percent of Site	Drainage	Flooding Frequency Class	Erosion Hazard	Runoff Potential	Linear Extensibility (Shrink-Swell)	Frost Action
Wyo Loam, deep over gravel	86%	Well Drained	None	Slight	B (low)	1.5%	None
Orland Loam	10%	Well Drained	Occasional	Slight	A (low)	1.5%	None
Cortina, loamy	4%	Somewhat Excessively Drained	Occasional	Slight	B (low)	1.5%	None

Source: United States Department of Agriculture, Natural Resources Conservation Service

As identified in Table 3-6, 86 percent of site soils are classified as Wg—Wyo loam, deep over gravel. Per the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), this soil classification has an erosion potential rating of “slight”, indicating that erosion is unlikely under normal climatic conditions. The two other soils of the overall site composition are also rated “slight”. The flat topography of the site would further reduce the potential for substantial erosion.

Finally, because the site encompasses an area of more than 1 acre, the proposed project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. As part of the permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program would be prepared. The SWPPP would serve to help identify the sources of pollution that may affect the quality of stormwater discharges and to describe and ensure implementation of practices to reduce the pollutants in construction stormwater discharges. The SWPPP would specify, along with permanent or post-construction measures, BMPs for temporary erosion control. The BMPs typically include the use of vegetation and mulch to stabilize disturbed areas, and sandbags and temporary catch basins to direct runoff away from disturbed areas and trap sediments on-site. Mandatory compliance with the requirements set forth by the NPDES permit, combined with soils that are not susceptible to erosion, would ensure that erosion impacts resulting from the project would be *less than significant*.

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Criterion c. We the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Unstable geologic units are not known to be present on the project site. As noted under Criteria a.iv, potential for landslide is low to the flat topography of the site.

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other “free” face, such as an excavation boundary. Lateral spreading can result from either the slump of low cohesion and unconsolidated material or liquefaction of either the soil layer or a subsurface layer underlying soil material on a slope. One indicator of potential lateral expansion is frost action, defined as the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing (NRCS 2018). As indicated in Table 3-6, all project site soils are rated as having have no frost action potential. As such, the potential for impacts due to lateral spreading would be *less than significant*.

Ground subsidence often results from the withdrawal of large amounts of oil and/or groundwater from a region. Oil withdrawal has occurred in an around Hamilton City. According to the California division of Oil, Gas & Geothermal Resources (DOGGR),²⁵ there is a single, inactive oil well on the project site. It is a plugged, dry-hole well, meaning it has been permanently sealed with cement to isolate the oil- and gas-bearing geologic formation from water. The well has not been in production since at least 1979 and would not significantly impact the stability of site geology.

There is also a single water well at the approximate center of the project site, drilled in 1973.²⁶ The well is currently active and less than 1 foot in diameter. This is not a high-volume extraction well would not result in compromised site stability.

Soil collapse occurs when water is introduced to poorly cemented soils, resulting in the dissolution of the soil cementation and volumetric collapse. In most cases, the soils are cemented with weak clay sediments or soluble precipitates. This phenomenon generally occurs in granular sediments situated within arid environments. Collapsible soils will settle without any additional applied pressure when enough water becomes available to the soil. Water weakens or destroys bonding material between particles that can severely reduce the bearing capacity of the original soil resulting in damage to buildings and foundations.

The 2019 CBC may require detailed soils and/or geotechnical studies in areas of suspected geological hazards such as unstable geologic units that may be subject to collapse, subsidence, landsliding, or lateral spreading. The required geotechnical investigation, in accordance with county and state requirements, would also determine the susceptibility of the project site to settlement, and prescribe appropriate engineering techniques for reducing any potential settlement related effects. Where settlement and/or differential settlement is predicted,

²⁵ California Division of Oil, Gas & Geothermal Resources – Well Finder, <https://maps.conservation.ca.gov/doggr/wellfinder/#close/-122.01644/39.74939/15>, accessed August 3, 2019.

²⁶ Hamilton Unified School District, September 13, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 14.

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site preparation measures—such as use of engineered fill, surcharging, wick drains, deep foundations, structural slabs, hinged slabs, flexible utility connections, and utility hangers—would be deployed as warranted. Upon submission to the Division of the State Architect (DSA), the project would be reviewed for compliance with these standards.

Implementation of standard geotechnical engineering practices, including completion and adherence to a geotechnical investigation containing recommendations that would be specific to the project site, as well as adherence to building code requirements, would reduce potential impacts from unstable soils and other adverse soil properties to less-than-significant levels. Therefore, the project would result in *less-than-significant* impacts related to potential lateral spreading, settlement, collapse, subsidence, and liquefaction.

Criterion d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial director indirect risks to life or property?

Less Than Significant Impact. Expansive soils are characterized by a high clay content, which swell with increased moisture content and contracts during dry periods. This change in volume, usually associated with seasonal changes, can damage building foundations, roads, and concrete pavement. Expansive soils can be determined by a soil's linear extensibility, or "shrink-swell" potential. There is a direct relationship between linear extensibility of a soil and the potential for expansive behavior, with expansive soil generally having a high linear extensibility. Thus, granular soils typically have a low potential to be expansive, whereas clay-rich soils can have a low to high potential to be expansive.

According to the NRCS, the linear extensibility value of all soils of the project site is 1.5 percent (see Table 3-6, above). Linear extensibility values below 3 percent correlate to low expansion and shrink-swell potential. The potential of this hazard is moderate if values are 3 to 6 percent, high if values are 6 to 9 percent, and very high if values are more than 9 percent. If the linear extensibility value is more than 3 percent, shrinking and swelling can cause damage to buildings, roads, and other structures and to plant roots. Given the linear extensibility of the project site soils, this would be a *less-than-significant* impact.

Criterion e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project includes modernization and new construction at an existing high school campus that is fully supported by an existing sewer system. As explained in Chapter 3, Project Description, the project would include annexation of the site to the Hamilton City Community Services District (CSD) which would provide wastewater services. No septic tanks or alternative wastewater disposal systems would be required. There would be *no impact*.

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Criterion f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation. Paleontological resources have not been identified on the project site, a previously disturbed urban area. However, because the proposed project requires ground disturbing activities, there could be fossils of potential scientific significance and other unique geologic features that are not recorded. Such ground-disturbing construction associated with development permitted under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. Adherence to Mitigation Measure GEO-1, would reduce potential impacts from expansive soils to a *less-than-significant* level.

Impact GEO-1 Ground disturbing activities associated with construction of the proposed project could disturb paleontological resources or unique geological features.

Mitigation Measure GEO-1. In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery, as needed, in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the District for review and approval prior to implementation.

Significance after Mitigation. Less than Significant.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.^{27, 28}

This section analyzes the project’s contribution to global climate change impacts in California through an analysis of project-related GHG emissions. Information on manufacture of cement, steel, and other “life cycle” emissions that would occur as a result of the project are not applicable and are not included in the analysis.²⁹ Black carbon emissions are not included in the GHG analysis because the California Air Resources Board (CARB) does not include this pollutant in the state’s AB 32 inventory and treats this short-lived climate pollutant

²⁷ Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

²⁸ Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities. However, state and national GHG inventories do not yet include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon. California Air Resources Board (CARB). 2017, March 14. Final Proposed Short-Lived Climate Pollutant Reduction Strategy. <https://www.arb.ca.gov/cc/shortlived/shortlived.htm>.

²⁹ Life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analyses was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (see Final Statement of Reasons for Regulatory Action, December 2009). Because the amount of materials consumed during the operation or construction of the proposed project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials are also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted. Governor’s Office of Planning and Research (OPR). 2008, June. CEQA and Climate Change: Addressing Climate Change through CEQA Review. Technical Advisory. <http://opr.ca.gov/docs/june08-ccqa.pdf>.

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separately.^{30,31} A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A to this Initial Study.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Discussion

Criterion a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

project-related construction and operation-phase GHG emissions are shown in Table 3-7. As shown in the table, the proposed project would generate GHG emissions from vehicle trips generated by the project (e.g., customers and deliveries) energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating), area sources (e.g., landscaping equipment used on-site, consumer products, coatings), water/wastewater generation, and waste disposal. Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction phase of the project. Overall, development and operation of the proposed project would not generate annual emissions that exceed the proposed CAPCOA bright-line threshold of 900 metric tons of carbon dioxide equivalent (MTCO₂e) per year.³² Therefore, the proposed project's cumulative contribution to GHG emissions would be *less than significant*.

³⁰ Particulate matter emissions, which include black carbon, are analyzed in Section III, *Air Quality*. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years. California Air Resources Board (CARB). 2017, March 14. Final Proposed Short-Lived Climate Pollutant Reduction Strategy. <https://www.arb.ca.gov/cc/shortlived/shortlived.htm>.

³¹ California Air Resources Board (CARB). 2017, March 14. Final Proposed Short-Lived Climate Pollutant Reduction Strategy. <https://www.arb.ca.gov/cc/shortlived/shortlived.htm>.

³² California Air Pollution Control Officers Association (CAPCOA). 2008, January. CEQA and Climate Change. <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>.

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Table 3-7 Project GHG Emissions

Category	GHG Emissions (MTCO ₂ e/Year)	
	project Emissions	Percent of Total
Area	<1	<1%
Energy ^a	180	26%
On-Road Mobile Sources	316	46%
Waste	23	3%
Water/Wastewater	10	1%
Amortized Construction Emissions ^b	156	23%
TOTAL	684	100%
CAPCOA GHG Emissions Threshold (MTCO₂e)		900
Exceeds CAPCOA Thresholds?		No

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

Note: Emissions may not total to 100 percent due to rounding. New buildings, at minimum, would be constructed to the 2019 Building & Energy Efficiency Standards (effective January 1, 2020); MTCO₂e/year = metric tons of carbon dioxide equivalent per year.

a. The proposed buildings would, at minimum, be designed and built to meet the LEED Gold certification, which would increase building energy efficiency by 35 percent over the 2019 Building Energy Efficiency Standards. Additionally, a solar photovoltaic system would be installed that would provide up to 50 percent of the electricity demands of the proposed buildings.

b. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building, which is assumed to be 30 years.

Criterion b. Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. Applicable plans adopted for the purpose of reducing GHG emissions include the CARB Scoping Plan. A consistency analysis with this plan is presented below.

CARB’s Scoping Plan

In accordance with Assembly Bill 32 and Senate Bill 32 the CARB 2017 *Climate Change Scoping Plan*³³ (Scoping Plan) contains the State’s strategy to achieve 1990 level emissions by year 2020 and a 40 percent reduction from 1990 emissions by year 2030. The Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nevertheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the latest Scoping Plan (2017) include implementing Senate Bill 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the *Mobile Source Strategy*

³³ Note that the 2017 Climate Change Scoping Plan is an update to the 2008 and 2014 Scoping Plans.

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to deploy zero-electric vehicle buses and trucks; implementation of the *Sustainable Freight Action Plan*; implementation of the *Short-Lived Climate Pollutant Reduction Strategy*, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; continuing to implement Senate Bill 375; creation of a post-2020 Cap-and-Trade Program; and development of an *Integrated Natural and Working Lands Action Plan* to secure California's land base as a net carbon sink. Statewide GHG emissions reduction measures that are being implemented as a result of the Scoping Plan would reduce the proposed project's GHG emissions.

The proposed project would be constructed to achieve the standards in effect at the time of development and would not conflict with statewide programs adopted for the purpose of reducing GHG emissions. As stated above, while the measures in the State's Scoping Plan are not directly applicable to individual development projects, the project's GHG emissions would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, the impact would be *less than significant*.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The analysis in this section is based in part on the Phase I Environmental Site Assessment, Hamilton Union High School Expansion, September 13, 2018 (Phase I ESA). This document is included as Appendix C of this IS/MND.

Criterion a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The proposed project would not create a significant hazard through the transport, disposal, or use of hazardous materials. Construction and operation of the school would not require extensive or ongoing use of acutely hazardous materials or substances. While grading and construction activities may involve the transport, storage, use, or disposal of some hazardous materials, such as on-site fueling/servicing of construction equipment, the activities would be short-term and would be subject to federal and State safety requirements.

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State-level agencies, in conjunction with the United States Environmental Protection Agency (U.S. EPA) and the Occupational Safety and Health Administration (OSHA), regulate removal, abatement, and transport procedures for Asbestos-Containing Materials (ACMs). Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk of asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

The inclusion of polychlorinated biphenyls (PCBs) in electrical equipment and the handling of those PCBs are regulated by the provisions of the California Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed of accordingly. At lower concentrations for non-liquids, Regional Water Quality Control Boards (RWQCBs) may exercise discretion over the classification of such wastes.

The State of California's Division of Occupational Safety and Health (DOSH or Cal/OSHA) Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification. Implementation of these regulations would ensure a less-than-significant impact in this respect during the construction phase of the project.

Long-term operation of expanded school would be similar to existing conditions at the school and would continue to involve little transport, storage, use, or disposal of hazardous materials. The types of hazardous materials associated with operation of the expanded school would generally be limited to those associated with janitorial, maintenance, and repair activities, such as commercial cleansers, lubricants, and paints. These hazardous materials would be used in limited amounts for school operations; and transport, storage, use, and disposal of these materials would be subject to federal and State safety requirements. The storage, handling, and disposal of hazardous materials are regulated by the U.S. EPA and OSHA. The requirements of these agencies would be incorporated into the design and operation of the school. This would include providing for and maintaining appropriate storage areas for potentially hazardous materials and installing or affixing appropriate warning signs and labels. Therefore, operation of the proposed project would result in a *less-than-significant* impact in this respect and no mitigation is required.

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Criterion b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. As described in Chapter 3, Project Description, the proposed project would not include the full demolition of any existing structures, only renovation of one classroom building. As a result, the likelihood of encountering or upsetting existing ACMs and/or lead is minimal. Moreover, as discussed below, the existing regulatory framework would preclude a significant impact resulting from ACMs.

Construction projects typically maintain supplies onsite for containing and cleaning small spills of hazardous materials. However, construction activities would not involve a significant amount of hazardous materials, and their use would be temporary. Furthermore, project construction workers would be trained on the proper use, storage, and disposal of hazardous materials. Operation of the site would continue as existing conditions and would not warrant use of hazardous materials in quantities that could result in conditions.

Asbestos

Asbestos is the name of a group of silicate minerals that are heat resistant, and thus were commonly used as insulation and fire retardant. Inhaling asbestos fibers has been shown to cause lung disease (asbestosis) and lung cancer (mesothelioma). Per the SCAQMD, the demolition, renovation, or removal of asbestos-containing materials is subject to the limitations of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations as listed in the Code of Federal Regulations requiring notification and inspection. The Environmental Protection Agency (EPA) Region IX office has authority to implement the asbestos NESHAP in Shasta County, and notification of the District and EPA Region IX is required for all projects involving the handling of asbestos-containing materials. In addition to new construction, the proposed project would renovate one classroom structure. No external demolition activities would occur at the project site. In addition, as concluded in the Phase I Environmental Site Assessment (ESA) performed for the proposed project, the site is not in an area mapped as likely to contain naturally occurring asbestos.³⁴ The presence of ultramafic rock outcrops (typically associated with the occurrence of NOA) was not detected during field visits performed a part of the Phase I ESA.³⁵

Regardless, removal of any structural or naturally-occurring asbestos would comply with State and federal regulations, including adherence to EPA Region IX. Asbestos waste would be transported to a facility permitted for direct land filling of asbestos-containing waste, both friable and nonfriable, into a fully lined, Resource Conservation and Recovery Act (RCRA) Subpart D landfill unit. Additionally, soils contaminated by asbestos would be removed, if warranted. Compliance with existing regulations is sufficient to reduce potential impacts associated with ACM to a *less-than-significant* level, and no mitigation is necessary.

³⁴ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 10.

³⁵ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 10.

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Lead

Lead was formerly used as an ingredient in paint and as a gasoline additive; both of these uses have been banned. Lead is listed as a reproductive toxin and a cancer-causing substance; it also impairs the development of the nervous system and blood cells in children.

The determination of the presence of lead-based paint and its removal would comply with state and federal regulations, including OSHA rule 29, Code of Federal Regulations Part 1926, which establishes standards for occupational health and environmental controls for lead exposure. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation of monitoring. Title 17, California Code of Regulations, Section 36100 specifically sets forth requirements for lead-based paint abatement in public and residential buildings.

If any building materials containing lead-based paint were to be found, the removal of lead-based paint would also need to comply with Title 22, Division 4.5 of the California Code of Regulations. Title 22 sets forth the requirements with which hazardous-waste generators, transporters, and owners or operators of treatment, storage, or disposal facilities must comply. These regulations include the requirements for packaging, storage, labeling, reporting, and general management of hazardous waste prior to shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation.

Soils contaminated by lead-based paint would be removed, as needed. Removed lead waste would be transported to a Comprehensive Environmental Response, Compensation, and Liability Act approved, Toxic Substances Control Act and RCRA permitted, Class I, II, and III landfill. Compliance with existing regulations would reduce hazards related to lead-based paint to less than significant, and no mitigation is needed.

Overall, compliance with State and federal regulations would reduce construction-related impacts associated with the accidental release of hazardous materials into the environment. Impacts would be *less than significant*, and no mitigation is necessary.

Pesticides and Polychlorinated Biphenyls

The Phase I ESA concluded that there is evidence of known Recognized Environmental Conditions (RECs) at the project site, in the form of past agricultural uses that may have left residual pesticides and herbicides in site soils. The Phase I ESA includes documentation of pesticide treatment at the site, and reveals that pesticides have been used at the site since at least 2011, when the County permitting program began.³⁶ Groundwater may also contain residual agricultural chemicals, and therefore is also considered a REC at the site.

³⁶ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 9, September.

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The pole-mounted electrical transformer in the parcel to be acquired was also identified as an REC in the Phase I ESA, due to concern that leakage from the transformer could contaminate surrounding soils with Polychlorinated biphenyls (PCBs).³⁷ PCBs are a group of man-made organic chemicals known to cause cancer and impact the immune, reproductive, nervous, and endocrine systems.

The above results of the Phase I ESA resulted in the required completion of a State-approved Preliminary Endangerment Assessment (PEA). The PEA included a detailed soil sampling workplan developed per DTSC guidelines and requiring approval by the DTSC. The PEA was also subject to a required 30-public review process and final DTSC report approval. The PEA determined that soils at the site are safe and that no further action is necessary. The conclusion of the PEA was approved by the DTSC on April 29, 2020. Based on these analyses, the site of the proposed project would result in a *less-than-significant* impact regarding upset of hazardous materials.

Criterion c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant. As noted in Chapter 3, Project Description, the project site is adjacent Ella Barkley High School, a 10th through 12th grade alternative education facility. The next nearest school is Hamilton Elementary/Middle School located approximately 0.6 miles to the south.

The Phase I ESA identified Recognized Environmental Conditions (RECs) on of the subject property in connection with past agricultural land use and the existing electrical transformer. These RECs prompted the completion of a PEA, As noted above, the PEA concluded that no further action on the site was required previous to project implementation. Construction of the proposed project would not emit hazardous emissions that would impact the health of students and staff at Ella Barkley High School.

Furthermore, operation of the proposed high school would not emit hazardous emissions or handle hazardous materials or substances. The impact would be *less than significant*.

³⁷ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 15, September.

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Criterion d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The project site contains no known hazardous materials sites according to the Department of Toxic Substances Control Envirostor database³⁸ or California State Water Resources Control Board GeoTracker database.³⁹ According to the Phase I ESA, Hamilton Union High School is located on the Certified Unified Program Agency (CUPA), the Statewide Environmental Evaluation and Planning System (SWEEPS) Underground Storage Tank (UST), and Historic (HIST) UST databases. The Phase I indicates that there were two 1,000-gallon capacity diesel and leaded gasoline tanks associated with Hamilton Union High School installed circa 1969 (gasoline) and 1975 (diesel). No releases or violations were noted in the Phase I. Therefore, the historical storage/use of petroleum hydrocarbons on the existing school property is considered a Historical Recognized Condition HREC rather than an active REC. Because there are no active RECs associated with hazardous materials sites on the project site, impacts from the proposed project regarding hazardous materials sites would be *less than significant*.

Criterion e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The project site is not within an airport land use plan or within 2 miles of a public use airport. Thus, there would be *no impact* related to public airport hazards.

Criterion f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The City of Hamilton Fire Protection District, including a mutual aid agreement with Butte County Fire, the Capay Volunteer Fire Department, and Ord Bend Volunteer Fire Department, provides fire services within the City of Hamilton as well as the surrounding area. The Glenn County Office of Emergency Services established the Glenn County Operational Area Emergency Operations Plan (OA EOP) which is the overall emergency response framework providing guidance for an integrated response within the County of Glenn. The OA EOP consists of a Basic Plan and functional annexes that provide guidance for specific functions and hazards common in response to community needs.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. Emergency vehicle access would be provided at two points located on the intersection of 6th Street and Canal Street. The proposed circulation plan will improve access due to new parking lot on Canal Road which will alleviate congestion at main intersection of Highway 32/6th Street and Canal

³⁸ California Department of Toxic Substances Control, Envirostor website, https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60002814, accessed August 2019.

³⁹ California State Water Resources Control Board, GeoTracker web page, <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento>, accessed August 2019.

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Road. During demolition and construction, vehicles, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur in the public right-of-way. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction.

Moreover, as part of the Division of the State Architect (DSA) approval process, a Fire and Life Safety Review would be conducted. DSA would review building construction and how occupants can safely exit the buildings in case of a fire. The proposed project would not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, impacts would be *less than significant*.

Criterion g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. The project site is not located within or near an area that is considered wildland. It is not located in a Glenn County Wildland Urban Interface Fire Hazard Area, per the Glenn County Multi-Jurisdictional Hazard Mitigation Plan.⁴⁰

However, the site is located within a Very High Fire Hazard Severity Zone (VHFHSZ), as shown on the most recent map produced by the California Department of Forestry and Fire Protection (Cal Fire).⁴¹ The proposed project would increase impervious surfaces onsite, and therefore, the project and site conditions would not contribute to an increase in exposure to wildfire risk. Additionally, because the project site is located within the VHFHSZ, development on the site would be subject to compliance with California Building Code (CBC) defensible space requirement. The buildings would be designed to meet the CBC's Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, standards; the roofing and exterior coverings would be constructed of Class A non-combustible materials; exterior glazing would be fire resistant; and fire hydrants would be provided around the site to meet current code. Moreover, the entire campus would be equipped with an automatic fire sprinkler system. By complying with the California Building and Fire Codes, as well as the defensible space requirements, impacts would be *less than significant*.

⁴⁰ County of Glenn, 2018. Glenn County, CA Multi-Jurisdiction Hazard Mitigation Plan, <https://www.countyofglenn.net/sites/default/files/Planning/Glenn%20County%20MJHMP%20100918.pdf>, accessed September 12, 2019.

⁴¹ California Department of Forestry and Fire Protection (CDFFP), 2007. Draft Fire Hazard Severity Zones in LRA, https://osfm.fire.ca.gov/media/6575/fhszl06_1_map11.jpg, accessed September 12, 2019.

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X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. Stormwater runoff can carry a variety of pollutants, such as oil and grease, metals, sediment, bacteria, and trash from roadways, parking lots, rooftops, and landscaped areas and deposit them into adjacent waterways. The proposed project involves the acquisition and conversion of a 48-acre parcel from active farmland to high school buildings, parking lots, and play fields with a net increase in impervious surfaces. Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants into receiving waters. Construction activities could also result in the degradation of water quality, releasing sediment, oil and grease, and other chemicals into nearby water bodies.

3. Environmental Analysis

The project would disturb one or more acres of land during construction. As such, the District will be required to comply with the requirements of the State Water Resources Control Board (SWRCB) Construction General Permit (2009-0009-DWQ) as amended by 2010-0014-DWQ and 2012-0006-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS) website. The SWPPP describes the incorporation of Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. With implementation of these measures that will reduce erosion and siltation, water quality impacts during construction would be *less than significant*.

The project site is not in an area covered by a Phase I or Phase 2 municipal separate storm sewer system (MS4) permit. As such, the post construction requirements in the Construction General Permit are applicable.⁴² This requires the project applicant to match post-construction runoff to the pre-project runoff for the 85th percentile storm event. This can be achieved through on-site storm water reuse, interception, evapotranspiration and infiltration through non-structural controls and conservation design measures (e.g., downspout disconnection, soil quality preservation/enhancement, interceptor trees). As part of the PRDs described above, the post-construction water balance calculations must be submitted to the SWRCB.

Although not required by State or County regulations, the District is planning to prepare a Storm Water Control Plan (SWCP) as part of the application package. The BMPs, site design features, and treatment control measures for the project are still in the preliminary design phase but will be described in detail once the civil engineering firm and design team for the school project have been selected. The BMPs and design features most likely will include bioswales, drainage management, and possibly storm water retention on one or more of the play fields. Compliance with the Construction General Permit post-construction standards will ensure that operation of the project will not result in water quality impacts.

Adherence to the requirements of the Construction General Permit combined with the proposed bioswales and retention strategies would ensure the project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality. Therefore, impacts are considered *less-than-significant impact*.

⁴² Based on conversation between representative at the Central Valley Regional Water Quality Control Board (RWQCB) and Steve Bush, PE, Senior Engineer, PlaceWorks on November 6, 2019.

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Criterion b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. Water to the site is provided by California Water Services Chico-Hamilton City District (CalWater CHCD). The sole source of water supply for the customers of the CalWater CHCD is groundwater, which is extracted from the aquifers of the Sacramento River Valley.⁴³ CalWater CHCD has a total of 65 wells throughout the service area. Three of the wells are located in Hamilton City and pump an average of 0.56 million gallons of groundwater per day.⁴⁴ The expansion property currently contains an agriculture water supply well. However, the agricultural water well will be abandoned prior to project completion and there will be no on-site extraction of groundwater.

The 2015 *Urban Water Management Plan* for the CalWater CHCD, which includes the area for the project site, states that there is sufficient water for its customers for normal, single-dry, and multiple-dry years until 2040. CalWater CHCD identifies actions within the water shortage contingency plan that would ensure water demand is met through 2040.⁴⁵ Therefore, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Water supply is discussed in further detail in Section XIV, Utilities and Service Systems.

The Glenn Groundwater Authority is the Groundwater Sustainability Agency (GSA) for the Glenn County portion of the Colusa Groundwater Basin. The Glenn Groundwater Authority is joining with the Colusa Groundwater Authority (CSA) to develop a groundwater sustainability plan for the Colusa Subbasin. According to the Department of Water Resources (DWR), the Colusa Groundwater Subbasin is not considered to be in a critical overdraft condition.⁴⁶ The proposed project would add 250 additional students over a 12-year buildout period, which would result in a 1.8 percent increase to the average groundwater pumping amount for the three wells in Hamilton City. Because the CalWater UWMP accounts for future population growth, including the addition of 250 students to the existing high school, and there is no shortage of water through 2040, the proposed project would not impede implementation of groundwater management for the basin.

In summary, the project would have a *less than significant* impact on groundwater supplies and groundwater recharge, and no mitigation measures are needed.

⁴³ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁴⁴ California Water Service (CalWater) Chico-Hamilton City District, 2019. District Information access on October 30, 2019 at <https://www.calwater.com/about/district-information/ch/>.

⁴⁵ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁴⁶ Department of Water Resources, 2019. Critically Overdrafted Basins. Accessed online at <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins> on November 4, 2019.

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Criterion c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

Criterion c.i. Result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The project site lies within the Upper Stony Creek Watershed,⁴⁷ and is located approximately 130 feet east of the Glenn-Colusa Canal, and approximately 0.55 mile southwest of the Sacramento River. In addition to the natural drainage system, a network of storm drains south of Highway 32 and natural drainage ditches north of Highway 32 collect runoff from city streets and convey it to the Glenn-Colusa Canal or the Sacramento River.

The proposed project does not involve the alteration of any watercourse, stream or river. The project site is located in a suburban-agricultural area with existing residential development to the south and agricultural land uses to the north, west, and east. The site is relatively flat, with a slight downward slope to the east. The existing high school site currently collects stormwater runoff from the site via a series of shallow drainage ditches, with eventual discharge to the adjacent streets.

Standard erosion and sediment control BMPs are required and would be implemented as part of the SWPPP for the proposed project to minimize the potential for erosion or siltation during construction. The SWPPP must include erosion control measures such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provisions for re-vegetation or mulching. The BMPs would also include treatment measures to trap sediment once it has been mobilized, including inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds.

Once constructed, the site design measures, source control measures, and stormwater treatment measures outlined in the SWCP will address stormwater runoff during operation of the high school expansion with the construction of bioswales and temporary on-site detention, which will slow the rate of stormwater runoff from the site and reduce the potential for erosion and siltation in the natural drainage ditches adjacent to the streets.

With implementation of these erosion and sediment control measures, the proposed project would not result in significant increases in erosion and siltation and impacts would be *less than significant*.

Criterion c.ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact. The proposed project would result in a decrease in pervious surfaces which could potentially increase the rate of surface runoff. However, for areas not covered by a MS4 permit or Phase II permit, the Construction General Permit requires that the post-construction runoff amounts equal the pre-construction runoff amounts for the 85th percentile storm event. The site design and treatment control

⁴⁷ County of Glenn and County of Colusa, prepared by Davids Engineering, Inc., 2017. Hydrogeologic Conceptual Model Report.

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measures to achieve this goal will be described in detail in the SWCP; however preliminary information indicates that the District will install a combination of bioswales and retention basins to ensure that the project would not substantially increase the rate of surface runoff in a manner which would result in flooding on- or offsite. Therefore, impacts would be *less than significant*.

Criterion c.iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. The proposed project would include site design and treatment control measures, including bioswales and retention basins, that would be sized to limit runoff from the site to not exceed pre-construction runoff amounts. The project would include preparation and implementation of an SWPPP, which would specify BMPs that would be implemented in the project during the construction stage, and a SWCP that would detail which BMPs would be implemented during project operation. The proposed bioswales and retention basins would facilitate natural drainage, control runoff associated with project hardscaping, and further reduce the potential for storm water pollution or an exceedance of existing drainage capacity. In addition, with the implementation of stormwater treatment measures, the project would not provide substantial additional sources of polluted runoff.

Adherence to the requirements of the General Permit and implementation of the SWCP would ensure runoff water would not exceed the capacity of the existing or planned drainage systems or result in additional sources of polluted runoff, and impacts would be *less than significant impact*.

Criterion c.iv. Impede or redirect flood flows?

Less Than Significant Impact. The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area.⁴⁸ Therefore, implementation of the project would not impede or redirect flood flows associated with flooding in a 100-year floodplain.

However, Hamilton City and Hamilton High School are located within the dam inundation zones of Black Butte Lake and Shasta Lake and Reservoir.⁴⁹ Black Butte Dam is located 17.4 miles to the west of the site in Tehama County and Shasta Dam is located 69.6 miles to the north of the site in Shasta County.

The probability of dam failure is very low, and Glenn County, Tehama County, and Shasta County have never been impacted by a dam failure. Dams are continually monitored by various government agencies, including the Department of Water Resources, Division of Safety of Dams.⁵⁰ In the unlikely event of a dam failure, the flood waters would reach the school site in 7 hours for Black Butte Dam and 22 hours for Shasta Dam, which would be sufficient time to implement evacuation procedures. Implementation of the project would not impede or alter flood waters within the dam inundation zone. Therefore, impacts would be *less than significant*.

⁴⁸ Federal Emergency Management Agency (FEMA), 2019. Firmette webpage accessed on June 27, 2019 at <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>.

⁴⁹ PlaceWorks, 2019. Dam Inundation Study for Hamilton High School Expansion, prepared for Hamilton Unified School District. Dated June 2019.

⁵⁰ Glenn County, 2016. Glenn County, CA Multi-Jurisdiction Hazard Mitigation Plan, dated February 2016.

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Criterion d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less Than Significant Impact. The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area but is located within the dam inundation zones of Black Butte Lake and Shasta Lake and Reservoir. However, the probability of dam failure is very low, and Glenn County, Tehama County, and Shasta County have never been impacted by a dam failure. In addition, public high school uses are not considered a use which would risk release of pollutants due to project inundation. A dam inundation study was prepared for this project in compliance with the California Code of Regulations, Title 5 requirements and provides additional details on evacuation procedures and flooding risks.⁵¹ It is highly unlikely that either the Black Butte Dam or Shasta Dam would experience a catastrophic failure, and impacts relating to the project release pollutants due to inundation are considered *less than significant*.

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. The project site is approximately 130 feet east of the Glenn-Colusa Canal and approximately 0.55 mile southwest of the Sacramento River. The Glenn-Colusa Canal is an open channel with non-pressurized (gravity) flow in this area, and there is no credible mechanism for catastrophic failure unless there is an external event, such as an earthquake.⁵² The maximum water elevation is 143.5 feet (National Geodetic Vertical Datum of 1929 or NGVD29) which is approximately 10 feet below the existing school site elevation of 153 feet above mean sea level (msl). As the water level within the canal is controlled to maintain a constant flow rate, there is minimal potential for a rise in water elevations or flooding to occur.

The project site also is located outside of the 100-year flood zone for the Sacramento River to the northeast and is beyond the river's setback levee.⁵³ Therefore, the project site would not be at risk from flooding due to seiches from either the Glenn-Colusa Canal or the Sacramento River due to distance from the school site and the school's higher elevation. Therefore, impacts due to a seiche are considered *less than significant*.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. As Hamilton City is located approximately 95 miles inland from the Pacific Ocean, the project site is not in an area subject to inundation by tsunamis and there would be no impact.

Therefore, *less than significant impacts* would occur with respect to the release of pollutants from these three potential types of natural hazard events.

⁵¹ PlaceWorks, 2019. Dam Inundation Study for Hamilton High School Expansion, prepared for Hamilton Unified School District. Dated June 2019.

⁵² PlaceWorks, 2019. Pipeline Safety Hazard Assessment for Hamilton High School Expansion, prepared for Hamilton Unified School District. Dated June 2019.

⁵³ Glenn Local Agency Formation Commission, 2014. Hamilton City Community Services District, Municipal Service Review and Sphere of Influence, adopted December 8, 2014.

3. Environmental Analysis

Criterion e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As discussed in Criterion b., the sole source of water supply for the customers of the CalWater CHCD, including the project site, is groundwater which is extracted from the aquifers of the Sacramento River Valley.⁵⁴ Hamilton City is located with the Sacramento Valley -Corning groundwater subbasin.⁵⁵ Although there currently is not a sustainable groundwater management plan for the region, the Glenn Groundwater Authority is joining with the Colusa Groundwater Authority (CSA) to develop a groundwater sustainability plan for the Colusa Subbasin. According to the Department of Water Resources (DWR), the Colusa Groundwater Subbasin is not considered to be in critical overdraft conditions.⁵⁶ The 2015 *Urban Water Management Plan* for the CalWater CHCD contains elements required by the Sustainable Groundwater Management Act (SMGA) and, thus, serves as a roadmap toward implementation of the SMGA and the basin's Groundwater Sustainability Plan.⁵⁷ Additionally, as discussed in Criterion b, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Therefore, the project would not conflict with or obstruct a sustainable groundwater management plan.

The Central Valley Regional Water Quality Control Board (RWQCB) monitors surface water quality through implementation of the Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin, also referred to as the "Basin Plan" and designates beneficial uses for surface water bodies and groundwater within the Central Valley. The Basin Plan also contains water quality criteria for groundwater.

As required by storm water management guidelines discussed under Criterion a, best management practices would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the drainage system. Implementation of BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational BMPs as outlined in the SWCP would be implemented for stormwater control. These BMPs will include bioswales and retention basins to treat and control runoff before it enters the regional drainage system. These BMPs would also improve water quality via infiltration and the settling out of silt particles.

With implementation of the BMPs, site design, and treatment control measures specified in the SWCP, the proposed project would not conflict with or obstruct the implementation of the Basin Plan, and potential impacts on water quality would be *less than significant*.

⁵⁴ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁵⁵ California Department of Water Resources, 2019. Sustainable Groundwater Management Act (SGMA) Portal accessed on October 30, 2019 at <https://sgma.water.ca.gov/portal/gsa/print/390>.

⁵⁶ Department of Water Resources, 2019. Critically Overdrafted Basins. Accessed online at <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins> on November 4, 2019.

⁵⁷ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The project site consists of two parcels in southwest Glenn County. The first parcel contains the existing Hamilton High School and the second parcel is a 48-acre agricultural property used for growing drip-irrigated crops. The Hamilton High School property has a General Plan land use designation of Single Family Residential and a zoning designation of Single Family Residential. School facilities are permitted in this Zoning District "...to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment."⁵⁸ The adjacent agricultural property has a General Plan land use designation of Intensive Agriculture and is zoned Agricultural Preserve Zone, Intensive Agriculture, which is intended "...to be applied to lands which are covered by a California Land Conservation Act (Williamson Act) contract."⁵⁹

Criterion a. Would the project physically divide an established community?

Less Than Significant Impact. Typically, projects with the potential to divide an established community include construction of major highways or roadways, construction of storm channels, closing bridges or roadways, or the construction of utility transmission lines. The proposed project would expand an existing high school onto an adjacent agricultural property. The project site includes a parcel already developed with a school facility and an adjacent property used for the cultivation of drip-irrigated crops. Surrounding land uses include agriculture to the west and north, commercial and light industrial to the east, and both residential and commercial to the south. However, due to the location of the proposed project just beyond the boundary of that neighborhood, it would not interrupt or divide an established community nor disrupt the physical arrangement of the surrounding built environment. A *less-than-significant impact* would occur.

⁵⁸ Glenn County Code, Title 15, Unified Development Code, Chapter 15.370.

⁵⁹ Glenn County Code, Title 15, Unified Development Code, Chapter 15.370.

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Criterion b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact The proposed project would convert Prime Farmland to a public facility. The Glenn County General Plan uses the Intensive Agriculture designation to protect the agricultural community from encroachment of unrelated agricultural uses which could have negative impacts on the physical and economic well-being of the agricultural community.⁶⁰ Permitted uses include growing and harvesting field crops, grain and hay crops, growing and harvesting fruit and nut trees, vines, and vegetables, pasture or grazing land, and animal raising operations.⁶¹ However, according to Section 6.3 of the 1993 Glenn County General Plan, “Conversion of agricultural or grazing lands should occur only after careful consideration and deliberation, recognizing, however, that in order to realistically provide for the necessary diversity and growth required in the local economy, some lands presently committed to agriculture may be may consumed by other development activities.”⁶² Further, Policy CDP-47 calls for reserving adequate sites for new and expanded public facilities, such as schools, needed to serve new growth and development.⁶³ As explained in Section II, Agriculture and Forestry Resources, the project is consistent with County policy to convert farmland to a needed public resource.

The proposed project meets the requirements of the Glenn County Code and General Plan. The project will not conflict with any existing habitat conservation plan or natural community conservation plan. The impact would be *less than significant*.

⁶⁰ County of Glenn General Plan, June 15, 1993, Intensive Agriculture, page 3-6.

⁶¹ County of Glenn General Plan, June 15, 1993, Intensive Agriculture, page 3-7.

⁶² Glenn County, 1993 Glenn County General Plan, page 6.5.

⁶³ County of Glenn General Plan, June 15, 1993, Land Use and Planning, page 5-84.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This discussion is based in part on the Hamilton High School Expansion Noise and Vibration Technical Report provided as Appendix D of this IS/MND.

Discussion

Existing Regulations

Glenn County Municipal Code

Hamilton City is an unincorporated area within Glenn County. Glenn County has adopted noise standards under Section 15.560.100, *Noise*, of the Municipal Code. Table 3-8 summarizes exterior noise standards by time of day and land use.

Table 3-8 Glenn County Exterior Noise Standards

Land Use	Time of Day	Leq (dBA)
Residential ¹	7:00 AM – 10:00 PM	55
	10:00 PM – 7:00 PM	45
Commercial	7:00 AM – 10:00 PM	60
	10:00 PM – 7:00 PM	55
Industrial	7:00 AM – 10:00 PM	65
	10:00 PM – 7:00 PM	60

Source: Glenn County Municipal Code, Section 15.560.100, *Noise*.

¹ Includes all resource zoning districts

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In the event that the receiving property receptor is a dwelling, hospital, school library, or nursing home, even if it is zoned commercial, industrial, or any other related use, the noise level received shall not be greater than 57 dBA L_{eq} during the hours of 7:00 AM to 10:00 PM and 50 dBA L_{eq} from 10:00 PM to 7:00 AM.

The following are exempt from the noise standards of the Municipal Code:

- Bells, chimes or carillons;
- Non-electronically amplified sounds at sporting, amusement and entertainment events;
- Construction site sounds between 7:00 AM and 7:00 PM; and
- Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7:00 AM and 8:00 PM.

Existing Conditions

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, State of California, and Glenn County have established criteria to protect public health and safety and to prevent disruption of certain human activities. Noise terminology and fundamentals, pertinent existing local regulations, and traffic noise level increase calculations can be found in Appendix D to this Initial Study.

Agricultural uses are located north, east and west of the site. To the south, across 6th Street, are residential and commercial uses. The Ella Barkley High School is adjacent to the project site to the east. The primary noise source affecting the project area is roadway traffic on Canal Street and 6th Street. Intermittent noises from the existing school, agricultural, residential and commercial uses also contribute to the existing noise environment.

Ambient Noise Monitoring Results

To determine baseline noise levels in the project vicinity, ambient noise monitoring was conducted by PlaceWorks in October 2019. Measurements were made during weekday periods when the project area is expected to be most active. Two long-term (24-hour) measurements were conducted within the project vicinity, and short-term (15 minute) measurements were conducted at three locations. All measurements were conducted from Tuesday, October 15 through Wednesday, October 16 of 2019.

The primary noise source during noise measurements was traffic. Secondary noise sources included rooftop mechanical equipment and distant agricultural equipment. Meteorological conditions during the measurement periods were favorable for outdoor sound measurements and were noted to be representative of the typical conditions for the season.

All sound level meters used for noise monitoring satisfy the American National Standards Institute (ANSI) standard for Type 1 instrumentation.⁶⁴ The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least five

⁶⁴ Monitoring of ambient noise was performed using Larson-Davis Model LxT and 820 sound level meters.

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feet above the ground and away from reflective surfaces. Noise measurement locations are described below and shown in Figure 3-2. A summary of the daily trend during long-term noise measurements are provided in Appendix D. The long-term and short-term noise measurement results are summarized in Tables 3-9 and 3-10, respectively.

The following describes the noise monitoring locations:

- **Long-Term Location 1 (LT-1)** was on 6th Street, approximately 20 feet north of the westbound travel lane centerline. A 24-hour noise measurement was conducted, beginning at the 3:00 PM hour Tuesday, October 15, 2019. The noise environment of this site is characterized primarily by traffic from 6th Street.
- **Long-Term Location 2 (LT-2)** was on Canal Street, approximately 20 feet west of the southbound travel lane centerline. A 24-hour noise measurement was conducted, beginning at the 3:00 PM hour Tuesday, October 15, 2019. The noise environment of this site is characterized primarily by traffic from Canal Street and distant agricultural equipment.
- **Short-Term Location 1 (ST-1)** was at the setback of a multi-story residential building on 6th Street just east of Canal Street. A 15-minute noise measurement was conducted, beginning at 7:15 PM on Tuesday, October 15, 2019. The noise environment of this site is characterized primarily by traffic on 6th Street.
- **Short-Term Location 2 (ST-2)** was on Broadway at the property line of the closest residence to 6th Street, adjacent to the Sinclair gas station and convenience market. A 15-minute noise measurement was conducted, beginning at 7:37 PM on Tuesday, October 15, 2019. The noise environment of this site is characterized primarily by traffic on 6th Street and rooftop mechanical equipment across Broadway. Very light traffic was noted on Broadway at this time.
- **Short-Term Location 3 (ST-3)** was on Canal Street at a residence across from LT-2, approximately 15 feet east of the northbound travel lane centerline. A 15-minute noise measurement was conducted, beginning at 3:19 PM on Wednesday, October 16, 2019. The noise environment of this site is characterized primarily by traffic on Canal Street. Heavy-duty truck pass-bys were as high as 82 dBA. Agricultural equipment noise to the west was noted to be about 60 dBA at times.

NOISE



Source: Google Earth, 2019; PlaceWorks, 2019.




-  Project Site
-  ST = Short-term Measurement Location
-  LT = Long-term Measurement Location

Figure 3-2
Approximate Noise Monitoring Locations
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Table 3-9 Long-Term Noise Measurements Summary (dBA)

Monitoring Location	Description	Highest Leq 1hr	Lowest Leq 1hr	CNEL
LT-1	6 th Street 20 feet north of westbound centerline 10/15/2019 – 10/16/2019	72.7	60.0	74
LT-2	Canal Street 20 feet west of southbound centerline 10/15/2019 – 10/16/2019	72.5	48.1	71

Table 3-10 Short-Term Noise Measurements Summary (dBA)

Monitoring Location	Description	15-minute Noise Level, dBA		
		Lmin	Leq	Lmax
ST-1	6 th Street 7:15 PM, 10/15/2019	52.1	66.8	82.1
ST-2	Broadway 7:37 PM, 10/15/2019	46.7	56.6	67.7
ST-3	Canal Street 3:19 PM, 10/16/2019	47.6	70.5	82.1

Criterion a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards?

Project Construction

Less than Significant with Mitigation. The transport of workers and materials to and from the construction site could incrementally increase noise levels along access road or roads. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA (Lmax) at 50 feet from the vehicle, but these occurrences would generally be infrequent and short lived.

Noise generated by on-site construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each phase of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest piece or pieces of equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

The noise produced at each construction phase is determined by combining the Leq contributions from each piece of equipment used at a given time, while accounting for the ongoing time variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably,

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depending on what specific activity is being performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and shielding effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements.

The specific mix of construction equipment is not known at this point, but pile driving and other unusually loud pieces of equipment are not anticipated. Construction noise between 7:00 AM and 7:00 PM is exempt from the provisions of the Municipal Code. However, construction activity would create a temporary increase in ambient noise levels surrounding the project and, if uncontrolled, could result in a potentially significant impact. Implementation of Mitigation Measure NOISE-1 would reduce this impact to *less than significant*.

Impact NOISE-1 Construction activity associated with the proposed project would create a temporary increase in ambient noise levels surrounding the project, resulting in a potentially significant impact.

Mitigation Measure NOISE-1. The project applicant shall incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor during the entire construction phase of the project:

- The project applicant and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan shall be included as part of the permit application drawing set and as part of the construction drawing set.
- Limit construction to the hours allowed by the County (7:00 AM to 7:00 PM) and prohibit construction on Sundays and holidays.
- At least 21 days prior to the start of construction activities, all off-site businesses and residents within 500' of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the County's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the County's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the County.

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- During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- Select haul routes that avoid the greatest amount of sensitive use areas.
- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

Significance with Mitigation. Less than Significant.

Project Operation

Traffic Noise

A project will normally have a significant effect on the environment related to noise if it will substantially increase the ambient noise levels for adjoining areas. Most people can detect changes in sound levels of approximately 3 dBA under normal, quiet conditions, and changes of 1 to 3 dBA are detectable under quiet, controlled conditions. Changes of less than 1 dBA are usually indiscernible. A change of 5 dBA is readily discernible to most people in an exterior environment. Based on this, the following thresholds of significance are used to assess traffic noise impacts at sensitive receptor locations:

- Up to 1.5 dBA increase for ambient noise environments of 65 dBA CNEL and higher;
- Up to 3 dBA increase for ambient noise environments of 60 -64 CNEL; and
- Up to 5 dBA increase for ambient noise environments of less than 60 dBA CNEL.

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The peak hour volumes along study roadway segments in the project area were used to analyze traffic noise increases due to the proposed project. This analysis compares Existing with project volumes to Existing No project volumes logarithmically to estimate the project noise increase along the study roadway segments. The additional trips generated by the proposed project would result in a permanent noise level increase of up to 1.2 dBA CNEL, which would not exceed 1.5 dBA CNEL. Therefore, this impact would be *less than significant*. Traffic noise increase calculations are contained in Appendix D.

Stationary Mechanical Equipment

Typical HVAC noise is 72 dBA at 3 feet. The nearest sensitive receptor to potential HVAC equipment on the proposed new gymnasium is Ella Barkley High School, approximately 775 feet southeast. At 775 feet, HVAC noise levels would attenuate to approximately 24 dBA, which would not be audible above existing ambient conditions. This would, therefore, be *less-than-significant* impact.

Recreational Activity

Currently, a large area of turfed playing fields dominates the northeastern portion of the school. The project would include new turfed playing fields that span the east side of the newly-acquired parcel. These would include a track and soccer field located in the northeast corner of the parcel, 2 full-size baseball diamonds south of the soccer field, and 2 junior baseball diamonds toward the center of the parcel. The soccer field and existing football stadium would both be lighted allowing for evening use.

Future operations of the football stadium would generate noise associated with football crowds and amplified music and speech from the proposed PA system. The closest sensitive receptors during evening games and events are residences across 6th Street, located approximately 1,500 south of the center of the proposed center of the football field. Based on noise measurements during high school football games, PA system noise could reach noise levels of up to 55 dBA L_{max} at this distance. Hourly L_{eq} noise levels are anticipated to be less and would, therefore, not exceed the Municipal Code daytime (7:00 AM – 10:00 PM) standard of 55 dBA L_{eq} at the nearest residential uses. Furthermore, noise from the PA system is estimated to be less than existing ambient conditions, as shown during evening noise measurements at ST-1 and ST-2 in Table 3-10. This would be a *less-than-significant* impact.

Noise and Land Use Compatibility

The nearest proposed classroom buildings to roadway traffic noise would be the new teaching stations located approximately 100 feet from the Canal Street northbound centerline. At this distance, and based on ambient noise monitoring results, noise levels at the new teaching stations are estimated to be 64 dBA CNEL. The Noise Element of the Glen County General Plan does not include a noise and land use compatibility table. The State of California has adopted its own noise and land use compatibility guidelines and indicates that new school uses are “Normally Acceptable” in exterior noise environments of up to 70 dBA CNEL. For new building construction, school uses are “Conditionally Acceptable” in noise environments of up to 70 dBA CNEL. It is noted that conventional construction with windows open will attenuate outdoor noise by about 15 dBA to an interior level of 49 dBA. The State of California’s noise insulation standards for non-residential uses are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 11,

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California Green Building Standards Code (CALGreen). Under the CALGreen performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA $L_{eq(1hr)}$. Therefore, acceptable interior classrooms noise levels could be met without the need for any special sound-rated window upgrades or mitigation and this impact would be *less than significant*.

Criterion b. Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?

Construction Vibration

Less than Significant Impact. Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures.

For reference, a vibration level of 0.2 inches per second (in/sec) peak particle velocity (PPV) is used as the limit for non-engineered timber and masonry buildings (which could be applied to the surrounding structures) (FTA 2018). As shown in Table 3-11, typical construction equipment aside from vibratory rollers produce vibration levels of less than 0.2 in/sec at a distance of 25 feet. At over 25 feet, vibratory roller vibration levels would attenuate to less than the 0.2 in/sec PPV. There are no off-site buildings or structures within 25 feet of the construction areas and, therefore, impacts would be *less than significant*.

Table 3-11 Vibration Levels for Typical Construction Equipment

Equipment	PPV (in/sec) at 25 feet
Vibratory Roller	0.21
Large Bulldozer	0.089
Loaded Trucks	0.079
Jackhammer	0.035
Small Bulldozer	0.003

Source: Federal Transit Administration (FTA), 2018. *Transit Noise and Vibration Impact Assessment*, September.

Operational Vibration

Less than Significant Impact. The operation of the proposed project would not include any substantial long-term vibration sources, such as rail, subway or heavy industrial equipment. Thus, the impact would be *less than significant*.

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Criterion c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport is Haigh Field, approximately 6.75 miles southwest of the project site. People working in the project area would not be exposed to excessive noise levels. There would be *no impact*.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Criterion a. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. The proposed project would be limited to a 250-student expansion of an existing high school. No homes, business or infrastructure are proposed. As explained Section II, Agriculture and Forestry Resources, the project is primarily a response to an expected 15 percent increase in District enrollment over the next six (6) years. This growth is driven largely by 250 housing units planned within District boundaries. As such, the project would not induce unplanned population growth, but accommodate planned growth with a school expansion. The impact would be *less than significant*.

Criterion b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. project construction would be restricted to the Hamilton High School campus, and no housing would be displaced or replaced. *No impact* would occur.

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XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services?

Criterion a.i. Fire protection?

Less Than Significant Impact. The Hamilton City Fire Department provides fire protection services to the project site, located approximately 0.6 miles to the southeast. The proposed project would result in the development of an extension of an existing high school on a site currently used for agriculture. The proposed project would result in the construction of new buildings, modernization of existing buildings, and development of new parking and circulation facilities to expand the school capacity to approximately 500 students, a 56 percent increase in student capacity. Thus, development of the proposed project may increase the potential for on-site fire-related incidents and impacts to fire service provision. However, the project is proposed partially on land that is already developed, and partially on land that is currently used for agricultural purposes, neither of which have a known fire risk. New demand for public services, such as fire protection, are

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primarily driven by population growth. As described in Section XIV, Population and Housing, the project would not result in substantial direct or indirect population growth. Additionally, the improvement of the onsite parking and queuing would remove congestion in the adjacent neighborhood, and the addition of fire lanes around the site would thereby improve emergency vehicle access. The impact would be *less than significant*.

Criterion a.ii. Police protection?

Less Than Significant Impact. The project site is located on the northeastern boundary of Glenn County. Police protection services are provided by the Glenn County Sheriff, which is responsible for all law enforcement services in unincorporated areas of Glenn County and within the City of Willows. The nearest Sheriff's station is located approximately 8.15 miles to the west of the project site. The proposed project would result in the construction of new buildings, modernization of existing buildings, and development of new parking and circulation facilities to expand the school capacity to approximately 500 students, a 56 percent increase in student capacity. Thus, development of the proposed project may increase the potential for on-site police-related incidents and impacts to police service provision. However, land uses such as schools do not tend to generate police activity as frequently as other uses. Further, new demand for public services such as police protection are primarily driven by population growth, and as described above in Section XIV, Population and Housing, the project would not result in substantial direct or indirect population growth. This means that the increase in demand for police services would not be substantial and would not create a need for new police facilities. Environmental impacts from new police facilities would be *less than significant*, and no mitigation is required.

Criterion a.iii. Schools?

No Impact. School service needs are related to the size of a residential population, geographic area served, and community characteristics. The proposed project would address the most critical physical needs of buildings and grounds at the campus through the improvements onsite and the campus expansion. Once constructed, the new school facilities would continue to serve the existing Hamilton High School program and students in the District attendance area. No negative impact on school facilities or services would occur. There would be *no impact*.

Criterion a.iv. Parks?

Less than Significant Impact. Demand for parks is typically induced by the construction of housing, which directly induces population growth, or development of infrastructure that may generate indirect population growth, such as the extension of public roadways. As described above in Section XIV, Population and Housing, the proposed project would not result in substantial direct or indirect population growth. The proposed project would improve Hamilton High School's recreational facilities that are available for community use. The proposed project would provide amenities that are not now available in the community, such as a track and soccer field, two baseball diamonds and two junior baseball diamonds. Therefore, a *less-than-significant* impact would result.

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Criterion a.v. Other public facilities?

Less than Significant Impact. The demand for public facilities is typically driven by increases in population and, as discussed above, the project would have a less-than-significant impact with respect to population growth. The fact that the project would improve facilities at an existing school and expand the school to accommodate 250 students over a period of 10 to 12 years would not result in the need for new or expanded public facilities. A *less-than-significant* impact would result.

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XVI. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. Operation of Hamilton High School would not require students to use existing neighborhood or regional parks. The proposed project would enhance and update the school’s outdoor recreational spaces and develop an indoor gymnasium. The proposed project would improve Hamilton High School’s recreational facilities with amenities that are not now available in the community, such as a track and soccer field, two baseball diamonds and two junior baseball diamonds. The resulting impact on recreational facilities would be *less than significant*.

Criterion b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As discussed under Criterion a., above, the proposed project would not require construction of offsite recreational facilities. The proposed project includes new and enhanced recreational facilities at Hamilton High School. The environmental effects related to the whole project, including the recreational facility improvements and additions, are discussed throughout this IS/MND. Impacts would be *less than significant*.

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XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

This discussion is based in part on the Hamilton High School Site Expansion – Traffic Analysis Memorandum provided as Appendix E of this IS/MND.

Criterion a. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The proposed project would result in the modernizing of existing school facilities and the construction of new facilities, play fields, and associated parking. The project would increase student capacity from 290 to 540, which is an increase of 250 students. With the increase associated with the project, the high school would generate a maximum of 508 weekday daily trips, over a period of up to 12 years. This includes 130 trips (87 inbound and 43 outbound) during the AM peak hour; 35 trips (17 inbound and 18 outbound) during the PM peak hour, and 82 trips (26 inbound and 56 outbound) during the student dismissal hour. This level of project-generated traffic would not conflict with transportation-related policy, and no mitigation measures would be required. Alternative transportation modes are discussed below.

Bicycle and Pedestrian Facilities

The infrastructure for pedestrian and bicycle travel in the vicinity of the project site has not been fully developed; sidewalks are not continuous, and no bicycle lanes have been marked. However, the project would include dedicated bicycle lanes along the western perimeter of the site and 20 new bicycle parking spaces would be provided as part of Phase I of the project. Pedestrian access to the school would continue to be via sidewalks along Canal Street. There will also be pedestrian access to the southern area of the school through the existing Hamilton High School site. Therefore, bicycle and pedestrian impacts would be *less than significant*, and no mitigation measures are required.

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Transit

Public transit is provided by Glenn Ride which runs seven round trips every weekday and three round trips on Saturday from Willows to Chico with service to Artois, Orland and Hamilton City. Weekday hours of operation are approximately 5:15 am to 8:13 pm while Saturday service operates from 8:00 am to 7:23 pm. The closest bus stop is located at 5th Street and Los Robles Avenue, approximately 0.18 miles from the school. The project site would not generate a significant number of new transit trips as the users of the site are expected to be future residents of Hamilton City. Therefore, transit impacts would be *less than significant*, and no mitigation measures are required.

Criterion b. Would the project conflict with or be consistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than Significant Impact. On September 27, 2013, SB 743 was signed into law. SB 743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts in many parts of California (if not statewide). As part of the updated CEQA Guidelines, the new criteria “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099(b)(1)). On January 20, 2016, OPR released revisions to its CEQA guidelines for the implementation of SB 743. Final review and rulemaking for the new guidelines were completed in December 28, 2018 when the California Natural Resource Agency certified and adopted the CEQA Guidelines update package, including guidelines section implementing Senate Bill 743. OPR allows agencies an opt-in period to adopt the guidelines; they become mandatory on July 1, 2020. Vehicle miles traveled (VMT) is an indicator of the travel levels on the roadway system by motor vehicles. It corresponds to the number of vehicles multiplied by the distance traveled in a given period over a geographical area. In other words, VMT is a function of (1) number of daily trips and (2) the average trip length (VMT= daily trips x average trip length). Glenn County has not implemented VMT metrics yet and currently uses the established LOS criteria.

Furthermore, the project would serve the existing and future residents within its attendance boundary and the expansion will accommodate the anticipated future demand for the school. There is currently no traditional high school within a close proximity of the project site within the school district; residents would have to travel a longer distance to attend the existing nearby schools if the project is not implemented. Therefore, an increase in VMT would occur if the proposed project is not implemented. The project would not alter traffic patterns in the area; therefore, impacts of the project regarding VMT would be *less than significant*.

Criterion c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The project site is bounded on the western edge by Canal Road and on the southern edge by 6th Street. The intersection of Canal Road and SR 32 is located on the southern edge of the project site. Parking and circulation improvements on-site as part of the proposed project consist of a new parking lot during Phase II, which would be located directly off Canal Road. The parking lot would consist of

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a U-shaped design with easy ingress and egress. The proposed project does not include new geometric design features or incompatible uses that would substantially increase hazards on the site. Therefore, impacts of the proposed project on introducing transportation hazards to the project site would be *less than significant*.

Criterion d. Would the project result in inadequate emergency access?

Less than Significant Impact. Circulation improvements on the project site include the addition of a new vehicular and emergency access route through the campus. This includes walkways and a designated fire loop encompassing the area in which new buildings would be constructed. Therefore, adequate emergency access routes would be provided as part of the proposed project, and the impact would be *less than significant*.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The following discussion is based primarily on Cultural Resources Study for the Hamilton Union High School Expansion project Hamilton City, Glenn County, California performed in November 2019. The study is attached to this IS/MND as Appendix B.

The Native American Historic Resource Protection Act, Assembly Bill 52 (AB 52), took effect on July 1, 2015. The Bill amends CEQA and adds standards of significance that relate to Native American consultation and certain types of cultural resources. projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. As of July 1, 2016, the Governor’s Office of Planning and Research (OPR) developed guidelines and the NAHC informed tribes which agencies are in their traditional area. In response to these guidelines, this Section has been added as a stand-alone section to this IS/MND.

AB 52 requires the CEQA lead agency to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if the Tribe requests in writing, to be informed by the lead agency through formal notification of the proposed projects in the area. The consultation is required before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required. In addition, AB 52 includes time limits for certain responses regarding consultation. AB 52 also adds “tribal cultural resources” (TCR) to the specific cultural resources protected

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under CEQA. CEQA Section 21084.3 has been added, which states that “public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources.”

Information shared by tribes as a result of AB 52 consultation shall be documented in a confidential file, as necessary, and made part of a lead agencies administrative record. In response to AB 52, there were no requests from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects.

A TCR is defined under AB 52 as a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included on a local register of historical resources, or if the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

Criterion a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Criterion a.i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

No Impact. The project site contains Hamilton High School and an adjacent agricultural parcel. The school campus is not identified as a state or national historic resource. As recorded in the Cultural Resources Study, the well and power line on the adjacent parcel are too new to be considered eligible for inclusion on the California Register. Therefore, there would be *no impacts* to historical resources.

Criterion a.ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant with Mitigation. As discussed in Section V, Cultural Resources, the cultural resources study performed for the project applied a buried sites model to assess the potential for archaeological resources. The study concluded that there is a high potential for buried archaeological sites on the 48-acre agricultural parcel based on landform age, analysis of the environmental and historic setting, and the results of previous studies conducted throughout the state. These sites may include physical Tribal Cultural Resources that would represent a potentially significant impact if disturbed. This impact would be mitigated to a *less-than-significant* level by Mitigation Measure TRIBAL-1a.

3. Environmental Analysis

Impact TRIBAL-1a Construction activities associated with the proposed project may disturb buried Tribal Cultural Resources.

Mitigation Measure TRIBAL-1a. Implement Mitigation Measure CULT-1.

Significance after Mitigation. Less than Significant.

As part of the AB 52 diligence process, the authors of the cultural resources study requested a search of the Sacred Lands File from the Native American heritage Commission (NAHC). As documented in the study, the NAHC replied via email that the Sacred Lands File has no information about the presence of Native American cultural resources in the immediate project area.

However, in a November 19, 2019 response to an AB 52-required invitation to tribes to consult on the project, Kyle McHenry, Tribal Historic Preservation Officer for the Mechoopda Indian Tribe, stated that the study area is within ancestral lands of the tribe, and that they believe the study area is highly sensitive. Mr. McHenry requested that a monitor from the Mechoopda Indian Tribe be present during earth moving and grading activities. This potential impact would be mitigated to a *less-than-significant* level by Mitigation Measure TRIBAL-1b.

Impact TRIBAL-1b The proposed project could disturb a highly sensitive ancestral site of the Mechoopda Indian Tribe.

Mitigation Measure TRIBAL-1b: Representative(s) of the Mechoopda Indian Tribe shall be kept apprised of the project progress throughout the planning and development process. The District shall facilitate tribal monitoring of the site preparation process, including earth moving and grading, and accommodate all tribal requests for further project information and consultation.

Significance after Mitigation. Less than Significant.

3. Environmental Analysis

XIV. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The proposed project involves the acquisition and conversion of a 48-acre parcel from active farmland to high school uses. Phase I of construction would span approximately 2 to 5 years and will begin with the required expansion and upgrade of existing gas and electric, telecommunication systems, stormwater, and water infrastructure on the site to support new facilities proposed in Phases I and II. The proposed project would expand the capacity of the school to accommodate approximately 250 additional students for a future total of 500 students. The project would include annexation of the site to the Hamilton City Community Services District (CSD), which would provide wastewater services. Water would be provided by California Water Services-Chico District (CalWater CHCD). Natural drainage facilities at the school site would be approved by Glenn County Planning and Public Works Agency. Electrical and gas utilities would be provided by Pacific Gas & Electric Company (PG&E).

3. Environmental Analysis

The acquisition site currently has a septic system with an unknown date of installation.⁶⁵ The septic system will be removed as part of the project. The CSD treatment facility is located a quarter of a mile from the City and the school site will be connected to the CSD sewer system. As discussed in detail under Criterion c., below, the system is operating at approximately one-half of its design capacity, and the facility can serve an additional 2,500 residences before expansion will be necessary.⁶⁶ Therefore, development of the proposed project would not require any improvements and the impact of the proposed project on CSD treatment facility would be *less than significant*.

As discussed in detail in Section X, Hydrology and Water Quality, the proposed project would not exceed the capacity of the natural stormwater drainage system that serves the project site. Additionally, the proposed bioswales and retention basins would facilitate natural drainage, control runoff associated with project hardscaping, and further reduce the potential for storm water pollution or an exceedance of existing drainage capacity. Therefore, as described above in Section X, Hydrology and Water Quality, impacts would be *less than significant*, and no mitigation measures would be required for the stormwater system.

The sole source of water supply for the customers of the CalWater CHCD is groundwater which is extracted from the aquifers of the Sacramento River Valley.⁶⁷ Other utility facilities that serve the project site include electric power and natural gas provided by PG&E and telecommunications facilities. Cable television and internet service would be available from several providers, including AT&T and Xfinity. The project would include appropriate on-site infrastructure to connect to the existing water mains, PG&E, and telecommunication systems. The project would not require new off-site facilities, new distribution infrastructure, or capacity improvements to any existing facilities. Accordingly, impacts would be *less than significant*.

Criterion b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. The sole source of water supply for the customers of the CalWater CHCD is groundwater which is extracted from the aquifers of the Sacramento River Valley. Due to the relative abundance of groundwater resources in the region of the Sacramento Valley, there has not been a comprehensive hydrogeologic investigation of the basin nor has there been a legal adjudication of groundwater rights for basin pumpers.⁶⁸ The 2015 Urban Water Management Plan (UWMP) for the CalWater CHCD, which includes the area for the project site, reports the historic groundwater pumping rate from the Corning Subbasin for Hamilton was 484 acre-feet (ac-ft) in 2011 and 363 ac-ft in 2015. Additionally, the UWMP states that there is enough water for its customers for normal, single-dry, and multiple-dry years until 2040.⁶⁹

⁶⁵ NV5, 2018. Phase I Environmental Site Assessment for Hamilton Union High School Expansion, dated September 13, 2018.

⁶⁶ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁶⁷ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁶⁸ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁶⁹ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

3. Environmental Analysis

Assuming the average school demand rate of 15,732 gallons/student/year, the water demand generated by the 250 additional students as a result of this project would be 3.93 mgal/year, or approximately 0.01 mgal/day.⁷⁰ This would represent a 0.41 percent increase in CalWater CHSD demand during Normal Year 2020 (29,397 ac-ft or 957.9 mgal) and a 0.33 percent increase in demand during Normal Year 2035 (35,916 ac-ft or 1,170 mgal). Additionally, the 0.01 mgal/day increase in water demand represents a 1.8 percent increase compared to the average groundwater pumping amount for the three CalWater CHSD wells in Hamilton City of 0.56 mgal per day.⁷¹ The UWMP accounts for future increases in population and a 7 percent increase in water usage by institutional and governmental accounts between 2020 and 2040.⁷² Therefore, the proposed project is accounted for in the UMWP's future water demand projections and impacts are considered *less than significant*.

Criterion c. Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As discussed in Criterion a., the CSD provides wastewater services in Hamilton City and the treatment facility is located a quarter of a mile southeast from the City. The system is operating at approximately one-half of its design capacity of 0.5 million gallons per day (MGD), and the facility can serve an additional 2,500 residences before expansion will be necessary.⁷³

Assuming an average school indoor water usage rate of 4,405 gallons/student/year, the amount of indoor water used by the 250 additional students as a result of this project would be 1.1 Mgal/year, or 0.003 Mgal/day.⁷⁴ Assuming 90 percent of the net increase in water demand for the proposed project becomes wastewater, the proposed project would generate 0.0027 mgal/day of wastewater. This represents less than 1 percent (0.54 percent) of the treatment facility capacity.

While the increase in wastewater flows from implementation of the proposed project would add to the capacity demands on the Hamilton City CSD treatment facility and its conveyance system, the amount of wastewater generated would not exceed the remaining capacity. Therefore, impacts of the proposed project on the CSD treatment facility would be *less than significant*.

⁷⁰ California Air Pollution Control Officers Association, California Emissions Estimator Model, Appendix D, Water Rates, 2016. http://www.aqmd.gov/docs/default-source/calceemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf, accessed November 4, 2019.

⁷¹ California Water Service (CalWater) Chico-Hamilton City District, 2019. District Information access on October 30, 2019 at <https://www.calwater.com/about/district-information/ch/>.

⁷² California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁷³ California Water Service (CalWater) Chico-Hamilton City District, 2016. 2015 Urban Water Management Plan, prepared June 2016.

⁷⁴ California Emissions Estimator Model, Appendix D, Water Rates, September 2016. http://www.aqmd.gov/docs/default-source/calceemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf, accessed November 4, 2019.

3. Environmental Analysis

Criterion d. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. Solid waste in Glenn County is collected by franchised haulers and taken to the Glenn County Transfer Station, newly opened in October 2019.⁷⁵ The new 20-acre transfer station is located at the former Glenn County Landfill in Artois, California, and the maximum permitted tonnage is 250 tons per day.⁷⁶

Using a standard of 1 lb/day/student, the buildout of the proposed project is estimated to generate approximately 250 pounds per day (ppd) or 0.125 tons per day of solid waste.⁷⁷ The project's contribution to solid waste generation represents 0.05 percent of the maximum daily throughput for Glenn County Transfer Station.

Overall, enough landfill capacity is available in the region for the estimated solid waste generated by the proposed project and project development would not require an expansion of landfill capacity. Therefore, impacts are considered *less than significant*.

Criterion e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. Solid waste would be generated during construction and operation of the proposed project. The proposed project would comply with all regulations pertaining to solid waste, such as the California Integrated Waste Management Act and the County's solid waste and recycling programs. The HUSD and its construction contractor would comply with all applicable laws and regulations and make every effort to reuse and/or recycle the construction debris that would otherwise be taken to a landfill. Hazardous waste, such as paint used during construction, would be disposed of only at facilities permitted to receive them in accordance with local, state, and federal regulations. The proposed project would comply with all applicable local, state, and federal statutes and regulations related to solid waste disposal. Therefore, impacts are considered *less than significant*.

⁷⁵ Glenn County, 2019. Public Works Agency, Solid Waste Division announcement, dated October 14, 2019. Accessed on November 1, 2019 at <https://www.countyofglenn.net/news/public-information/20191008/glenn-county-transfer-station-opens-october-14-2019>.

⁷⁶ CalRecycle, 2019. Public Notice: Glenn County Transfer Station – Glenn County, accessed on November 1, 2019 at <https://www2.calrecycle.ca.gov/PublicNotices/Details/1720>.

⁷⁷ CalRecycle, 2019. Estimated Solid Waste Generation Rates. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>, accessed November 4, 2019.

3. Environmental Analysis

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Criterion a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. Hamilton City and the project site are located outside California Board of Forestry state responsibility areas.⁷⁸ Hamilton City is also outside California Department of Forestry and Fire Protection Moderate, High and Very High fire severity zones.⁷⁹ There would be *no impact*.

Criterion b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Hamilton City and the project site are located outside California Board of Forestry state responsibility areas. Hamilton City is also outside California Department of Forestry and Fire Protection Moderate, High and Very High fire severity zones. There would be *no impact*.

⁷⁸ California Board of Forestry, State Responsibility Area Viewer web page, <https://bof.fire.ca.gov/projects-and-programs/state-responsibility-area-viewer/>, accessed October 11, 2019.

⁷⁹ California Department of Forestry And Fire Protection, Fire and Resource Assessment Protection Program, Glenn County Fire Severity Zones e-map, https://osfm.fire.ca.gov/media/6450/fhszs_map11.jpg, accessed October 11, 2019.

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Criterion c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. Hamilton City and the project site are located outside California Board of Forestry state responsibility areas. Hamilton City is also outside California Department of Forestry and Fire Protection Moderate, High and Very High fire severity zones. There would be *no impact*.

Criterion d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. Hamilton City and the project site are located outside California Board of Forestry state responsibility areas. Hamilton City is also outside California Department of Forestry and Fire Protection Moderate, High and Very High fire severity zones. There would be *no impact*.

3. Environmental Analysis

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Criterion a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation. The proposed project would improve the facilities on the school site as well as improve parking and queuing onsite. Implementation of Mitigation Measure BIO-1 would ensure that nesting birds are protected and preserved. The proposed project would occur within the school's existing boundary and an adjacent parcel with historic agricultural use; impacts would be limited to non-sensitive development areas. No sensitive animal or plant species would be impacted. Additionally, the implementation of Mitigation Measures CULT-1 and GEO-1 and TRIBAL-1a/b would ensure that archaeological, paleontological and tribal resources, respectively, are protected and preserved.

Criterion b. Does the project have impacts that are individually limited, but cumulatively considerable?

Less Than Significant Impact. The proposed project would improve the existing school facilities. The proposed project would expand the school footprint, resulting in conversion of prime farmland. However, this conversion is supported by general plan policy and would not contribute to further conversion. The proposed

3. Environmental Analysis

project would improve parking and queuing onsite, thereby reducing congestion on the surrounding roadways. Therefore, the proposed project would result in *less-than-significant* cumulative impacts in the surrounding area.

Criterion c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. The proposed project would improve the facilities at the school and would improve parking and queuing onsite. By increasing efficiency and flow for vehicles to enter and exit the school property, congestion on adjacent streets would be reduced, thereby creating a safer environment for students who live in the neighborhood to walk and/or bike to campus. As demonstrated in this IS/MND, the proposed project would not substantially increase environmental effects that would directly or indirectly affect human beings. Impacts would be *less than significant*.

4. List of Preparers

LEAD AGENCY

Hamilton Unified School District
Hamilton City, California 95951
Main: (530) 826-3261

The project team included:
Michael Cannon, EFPM/LLC
Nichols, Melburg & Rossetto Architects

PLACEWORKS

1625 Shattuck Avenue, Suite 300
Berkeley, CA 94709
Main: (510) 848-3815

The project team included:
Steve Noack, Principal, Principal-in-Charge
Greg Goodfellow, Project Manager

TOM ORIGER & ASSOCIATES

Post Office Box 1531
Rohnert Park, CA 94927
Main: (707) 584-8200

The project team included:
Taylor Alshuth, BA
Eileen Barrow, MA/RPA

ENVIRONMENTAL COLLABORATIVE

1268 64th St
Emeryville, CA 94608
(510) 393-0770

4. List of Preparers

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E X H I B I T B

MITIGATION MONITORING AND
REPORTING PROGRAM

CALIFORNIA ENVIRONMENTAL QUALITY ACT

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Mitigation Monitoring and Reporting Program

This document provides a Mitigation Monitoring and Reporting Program (MMRP) for the Hamilton High School Site Expansion Project. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- A list of mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

Hamilton Unified School District must adopt this MMRP, or an equally effective program, if it approves the Hamilton High School Site Expansion Project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>AQ-1: Hamilton Unified School District (District) shall make the following specifications in the formal project construction bid:</p> <ul style="list-style-type: none"> ▪ Construction contractor(s) shall, at minimum, use equipment that meets the EPA’s Tier 4 interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for all grading activities during Phase 1, unless it can be demonstrated to District that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 interim emissions standards for a similarly sized engine, as defined by the California Air Resources Board’s regulations. <p>Prior to construction, the project engineer shall ensure that all building demolition plans clearly show the requirement for EPA Tier 4 interim emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the District. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer’s recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.</p> <ul style="list-style-type: none"> ▪ Construction contractor(s) shall, at minimum, use equipment that meets the EPA’s Tier 4 Final emissions standards for off-road diesel-powered construction equipment with more than 50 	HUSD/Construction Contractor	At contract specifications	HUSD	Review of Contract Specifications; field inspections	Prior to signing of construction contract; during all normal construction site inspections

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>horsepower for all building construction activities during Phase 2, unless it can be demonstrated to District that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations.</p> <p>Prior to construction, the project engineer shall ensure that all building demolition plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the District. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.</p> <ul style="list-style-type: none"> ▪ Construction contractor(s) shall only use interior paints with a maximum VOC (volatile organic compound) content of 25 grams per liter (g/L) for architectural coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC content of 25 g/L for interior coatings. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the District's Director of Facilities and Maintenance, or designee, clearly show the requirement for use on interior paint with a maximum VOC content of 25 g/L for the specified buildings, herein. 					

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
BIOLOGICAL RESOURCES					
<p>BIO-1: Any active bird nests in the vicinity of proposed vegetation removal and grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading and vegetation removal during the non-nesting period (September through February), or if this is not feasible, by conducting a pre-construction survey for active nests. A pre-construction survey report verifying that no active nests are present, or that nesting has been completed as detailed below, shall be submitted to the District for review and approval prior to initiation of grading or vegetation removal during the nesting season. Provisions of the pre-construction survey and nest avoidance measures, if necessary, shall include the following:</p> <ul style="list-style-type: none"> ▪ If initial grubbing and grading is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall be retained by the applicant to conduct a pre-construction nesting survey no more than 7 days prior to initiation of grading or vegetation removal to provide confirmation on presence or absence of active nests in the vicinity. ▪ If active nests are encountered, species-specific measures shall be prepared by a qualified biologist through informal consultation with the California Department of Fish and Wildlife (CDFW) and implemented to prevent nest abandonment. At a minimum, vegetation removal and grading in the vicinity of the nest shall be deferred until the young birds have fledged. A nest setback zone of at least 100 feet for raptors and 50 feet for passerine birds shall be established, and all construction-related disturbances shall be prohibited within the nest setback zone. The perimeter of the nest setback zone shall be fenced or 	HUSD; qualified specialist(s)	Prior to construction	HUSD	Review potential surveys; implement potential mitigation	During construction and following potential surveys

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>adequately demarcated, and construction personnel restricted from the area.</p> <ul style="list-style-type: none"> ▪ If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest setback zone until a qualified biologist verifies either that a) the birds have not begun egg-laying and incubation, or b) the juveniles from the nest are foraging independently and capable of independent survival at an earlier date. ▪ A survey report of findings verifying that any young have fledged shall be submitted for review and approval by the District prior to initiation of grading or vegetation removal in the nest setback zone. Following approval by the District, grading, vegetation removal, and construction in the nest setback zone may proceed as proposed. 					

CULTURAL RESOURCES

<p>CULT-1: If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the District and a licensed archeologist shall be contacted to evaluate the situation. A licensed archeologist shall be retained to inspect the discovery and make any necessary recommendations to evaluate the find under current CEQA Guidelines prior to the submittal of a resource mitigation plan and monitoring program to the District for review and approval prior to the continuation of any on-site construction activity.</p>	Construction Contractor	During construction	HUSD and qualified archaeologist	Ensure construction schedule is consistent with archaeological evaluation	Once at time of discovery and again, if determined further assessment is required as specified in this mitigation measure
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GEOLOGY AND SOILS

<p>GEO-1: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery, as needed, in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of</p>	Construction Contractor	During construction	HUSD and qualified paleontologist	Ensure construction schedule is consistent with paleontological evaluation	Once at time of discovery and again, if determined further assessment is required as specified in this mitigation measure
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MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the District for review and approval prior to implementation.</p>					
NOISE					
<p>NOISE-1: The project applicant shall incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor during the entire construction phase of the project:</p> <ul style="list-style-type: none"> ▪ The project applicant and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan shall be included as part of the permit application drawing set and as part of the construction drawing set. ▪ Limit construction to the hours allowed by the County (7:00 AM to 7:00 PM) and prohibit construction on Sundays and holidays. ▪ At least 21 days prior to the start of construction activities, all off-site businesses and residents within 500' of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the County's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. ▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the 	Construction Contractor	Contract Specifications	HUSD	Review of Contract Specifications; on-site inspection	Prior to construction, during all normal construction site inspections

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>telephone numbers of the County’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the County.</p> <ul style="list-style-type: none"> ▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. ▪ During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible. ▪ Select haul routes that avoid the greatest amount of sensitive use areas. ▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes. ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms 					

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
and replace with human spotters in compliance with all safety requirements and laws.					
TRIBAL CULTURAL RESOURCES					
TRIBAL-1a: Implement Mitigation Measure CULT-1	Construction Contractor	During construction	HUSD and qualified archaeologist	Ensure construction schedule is consistent with archaeological evaluation	Once at time of discovery and again, if determined further assessment is required as specified in this mitigation measure
TRIBAL-1b: Representative(s) of the Mechoopda Indian Tribe shall be kept apprised of the project progress throughout the planning and development process. The District shall facilitate tribal monitoring of the site preparation process, including earth moving and grading, and accommodate all tribal requests for further project information and consultation.	HUSD	Key development milestones and plan changes; all consultation requests from the Mechoopda Indian Tribe	HUSD and Mechoopda leaders	Develop consultation summaries	Following each consultation event



Jeremy Powell, Ed. D.
Superintendent

August 7, 2020

Notice of Public Hearing & Public Comment
Hamilton Unified School District Governing Board

Posted at Hamilton High School, Hamilton Elementary School, Sacramento Valley Mirror and on
www.husdschools.org

The Governing Board of the Hamilton Unified School District will hold a public hearing at its regular board meeting on August 26, 2020 at 6:00 p.m. in regards to the following matter:

Learning Continuity and Attendance Plan
For 2020-21 School Year

Meeting Time and Location:

Time: Aug 26, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/85613734267?pwd=b1VET0FhY294VmdtaUJlVWVU4MWILZz09>

Meeting ID: 856 1373 4267

Passcode: 4GQvda

Or Phone In: +1 929 436 2866

Meeting ID: 856 1373 4267

Passcode: 160800

BOARD OF TRUSTEES

Gabriel Leal, President | Hubert "Wendall" Lower, Clerk
Rod Boone, Trustee | Ray Odom, Trustee | Genaro Reyes, Trustee



Learning Continuity and Attendance Plan Template (2020–21)

The instructions for completing the Learning Continuity and Attendance Plan is available at <https://www.cde.ca.gov/re/lc/documents/lrngcntntyatndncpln-instructions.docx>.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Hamilton Unified School District	Jeremy Powell, Ed.D. Superintendent	jpowell@husdschools.org 530 826 3261

General Information

[A description of the impact the COVID-19 pandemic has had on the LEA and its community.]

Hamilton Unified School District (HUSD) is located in Hamilton City, a rural agricultural community in northern California; approximately 15 miles east of Chico. We consist of 6 schools serving approximately 780 students, Hamilton Elementary School (HES), Hamilton High School (HHS), Ella Barkley alternative education, Hamilton State Pre-School, and Hamilton Adult School. HUSD serves the town of Hamilton City, population of 1,759 and the outlying farming community.

All schools in the HUSD family strive to close the achievement gap, beginning with the consistent commitment to the professional learning communities' model. Teachers are all highly qualified within their specific content areas. Specialists include ELD coach and embedded counseling services at HES and HS. A systemic intervention plan is in place for K-12 with additional support before, during and after school. This year resources were utilized to implement Academic Parent Teacher Teams in order to increase parent academic skills as they assist their children. In addition, HHS prides itself on it's academics, athletics, and agriculture programs. There are six different AP courses offered to students, and a full complement of classes that meet the A-G requirements for UC/CSU. Athletics are highly supported by the community. Each year we typically send athletes to championship competitions. Agriculture is one of the premier CTE pathways in Glenn County. We are the only high school in Glenn county that has a school farm where students can raise animals to show at the Glenn County Fair.

On March 16, 2020 District Administration met with all teachers to inform them that starting the next day, March 17, 2020, we would be closing our school district due to the COVID-19 outbreak. From that day forward, HUSD did not hold in-person classes for the remainder of the 2019-2020 school year. Our teachers worked tirelessly to provide social/emotional support, as well as, academic support.

Stakeholder Engagement

[A description of the efforts made to solicit stakeholder feedback.]

After our school closure, there was an initial effort to engage our community in understanding how COVID-19 was spread throughout our community, how we would work to further educate and feed our students, what steps the District was taking to help educate their children, and how the District was working to ensure a safe return to school. Stakeholder feedback was made through multiple modalities including: School Board Meetings utilizing Zoom; ongoing teacher classes using Zoom and other online platforms; surveys sent to parents that collected both electronic information (through Google Forms) and paper surveys that were distributed during our Grab-and-Go lunches; surveys sent to all staff (utilizing Google Forms); Hamilton Unified Leadership Committee meetings using Zoom; and Social Media Platforms including: the HUSD App, Web page, Twitter, Facebook, and Instagram. Parents have been encouraged to email or call Administration with any questions, concerns and to provide input. Administration responded to all of these forms of communication.

[A description of the options provided for remote participation in public meetings and public hearings.]

To help all stakeholders participate remotely in public meetings and public hearings, and in compliance with the Governor's Executive Order N-25-20 issued on March 12, 2020, all board members and members of the public were allowed to attend the Hamilton Unified School Board Meetings through Zoom and Facebook live (hosted on the Hamilton Unified School District Facebook page). These arrangements were made to allow both viewing of the school board meetings and to allow public comment. Meeting dates utilizing Zoom and Facebook Live include: March 25, 2020; April 22, 2020; April 28, 2020; May 20, 2020; June 10, 2020; June 24, 2020; July 22, 2020; August 26, 2020 and will continue being hosted on Zoom and Facebook Live until the Executive Order is removed.

[A summary of the feedback provided by specific stakeholder groups.]

Below are responses received via Google Forms and paper surveys that were conducted May and June of 2020. In total, we had 80 responses with 42 parent responses and 38 staff responses:

Concern for Student Learning Loss due to COVID-19:

Staff Response: Not at all (0); Slightly Concerned (3), Concerned (12), Extremely Concerned (13)

Parent Response: Not at all (7); Slightly Concerned (16), Concerned (12), Extremely Concerned (5)

Concern for Student Social/Emotional Well Being due to COVID-19:

Staff Response: Not at all (0); Slightly Concerned (6), Concerned (6), Extremely Concerned (15)

Parent Response: Not at all (19); Slightly Concerned (12), Concerned (9), Extremely Concerned (1)

Student Participation in Learning during COVID-19 Closure:

Staff Response: Almost none of the day (2); A little bit of the day (15); Some of the day (10); Most of the day (1); Almost all of the day (2)

Parent Response: Almost none of the day (4); A little bit of the day (9); Some of the day (18); Most of the day (3); Almost all of the day (5)
Type of Home Internet Access:
Staff Response: No reliable internet (2); Most have reliable internet, but through Smartphone (8); Most have reliable internet, but slow (9); Most access to high speed internet (8)
Parent Response: No reliable internet (0); Have reliable internet, but through Smartphone (0); Have reliable internet, but slow (12); Have access to high speed internet (29)
Return to School Preferred Model:
Staff Response: Traditional School Model with Safety Precautions (20); Blended Model (31); Distance Learning (0)
Parent Response: Traditional School Model with Safety Precautions (19); Blended Model (21); Distance Learning (2)
Concern for Personal Safety:
Staff: Not at all Concerned (6); Slightly Concerned (20); Concerned (13); Extremely Concerned (12)

[A description of the aspects of the Learning Continuity and Attendance Plan that were influenced by specific stakeholder input.]

All aspects of the Learning Continuity and Attendance Plan were influenced by stakeholder input. This included the Hamilton Unified Return to School Framework. During the public board meeting that was held live via Zoom and on Facebook Live the board reviewed the plan during the regularly scheduled Board Meeting on June 24, 2020 and approved the HUSD Return to School Framework during their regularly scheduled meeting on July 22, 2020 and is attached to this document.

Continuity of Learning

In-Person Instructional Offerings

[A description of the actions the LEA will take to offer classroom-based instruction whenever possible, particularly for students who have experienced significant learning loss due to school closures in the 2019–2020 school year or are at a greater risk of experiencing learning loss due to future school closures.]

HUSD will offer In-Person instruction when the Health Department and the Governor deems it to be safe to do so. When this opportunity arises, Hamilton Unified will follow all safety precautions with disinfecting all common surface areas frequently, distancing students at all times and in all areas, providing face masks/shields to students and staff, staggered arrival and dismissal times, and limited outdoor play time. All schools within the Hamilton Unified School District will be starting with Distance Learning. Teachers will have a live interaction daily with their students as well as with their peers. Teachers, classified staff, administration, school psychologist, GCOE clinicians, and the special education team will be working together to ensure students needs (both academically and social emotionally) are being addressed. This will be accomplished through zoom meetings, emails, home visits (utilizing safety precautions and with parent approval), small group or individualized instruction and personal phone calls made. Students will be assessed at the start of school and continued ever two weeks to

ensure the students learning and areas of needs are being addressed and supported for each student. Students who are new to Hamilton Unified and are English Language Learners will also be assessed with the Initial ELPAC State Assessment. This assessment will be given virtually. Extra support will be provided to students by the teacher as well as Para Professionals. Hamilton Unified School District will utilize the following schedule when we return to school (as presented in our HUSD Return to School Framework:

K-5 Blended Model Return to School:

Will be utilized only IF required to reduce campus capacity by 50%.

TK-5th grade students will be split in AM/PM sessions by households to the best of the districts ability.

Monday-Thursday:

AM Synchronous Session: 8:10-11:10

Cleaning: 11:10-12:10

PM Synchronous Session: 12:10-3:10

Asynchronous Session will run 50 minutes daily for 1st-3rd and 60 minutes for 4th & 5th

Friday will be used for Intervention/Enrichment and Teacher Preparation.

Student attendance will be monitored.

All classrooms and school facilities will be cleaned between sessions.

6-12 Grade Blended Model Return to School:

Will be utilized only IF required to reduce campus capacity by 50%.

6th-12th grade students will be split by households to the best of the districts ability.

“A” Session:

Week 1: Monday/Wednesday/Friday

Week 2: Tuesday/Thursday

“B” Session:

Week 1: Tuesday/Thursday

Week 2: Monday/Wednesday/Friday

Students will attend all classes when at school

Student grades and attendance will be monitored.

All Health and Safety precautions will be followed.

All classrooms will be cleaned between periods and school facilities will be cleaned nightly

Actions Related to In-Person Instructional Offerings [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Hiring Additional Certificated Staff (4 long term substitutes)	67,000	Yes

Description	Total Funds	Contributing
Hiring of Additional Classified Staff (2 Para Professionals, 4 Custodial Services, 1 Special Education Aide, 1 Cafeteria Support, LVN)	\$70,000	Yes
Extended Learning for Additional instructional time for academic support at Hamilton High and Elementary	\$20,000	Yes
Extended Support from Boys and Girls Club for child care.	\$40,000	Yes
Purchase of PPE for Staff and Student Safety	\$51,682	Yes

Distance Learning Program

Continuity of Instruction

[A description of how the LEA will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery, including the LEA's plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.]

To provide continuity of instruction for our students, HUSD has worked purchased online versions and resources for all adopted curriculum and textbooks and additional programs that allow seamless communication and information exchange between our teachers, students, and their parents. We are continuing to utilize CLEVER as a one-stop-shop for students to login to a single webpage and access all online resources. To help monitor student progress, the District has purchased Illuminate data systems and will be implementing this program throughout the Fall semester. The District has also purchased devices for teachers to provide distance learning. Zoom used to deliver daily lessons live to students with their peers and allow for social interaction between teaching staff and students and students with their peers. Grade Level Standards will be covered with emphasis on Essential Standards to ensure a deeper level of learning. Various forms of checking for understanding and progress assessments will be administered frequently. Intervention support for students will be provided by staff through Zoom and/or by phone (one on one or small group) Integrated and Designated supports for English Learners. Special Education accommodations and supports for students with IEPs. Translation support to families will be provided through our Spanish speaking staff for communication to our parents.

Access to Devices and Connectivity

[A description of how the LEA will ensure access to devices and connectivity for all pupils to support distance learning.]

To provide equitable access to both devices and curriculum, the District has delivered Chromebooks to students in grades TK-12. The District will be distributing 75 hotspots that will provide internet services to students who currently do not have internet. In addition to the 75 hotspots, the District has also requested additional 200 Chromebooks and 75 hotspots from the California Department of Education. HUSD will distribute Chrome books, headphones (as needed) and hot spots to students and staff to ensure all have equal access and the opportunities to deliver quality education. If and when the students are back on campus, great emphasis and time will be dedicated to sanitizing recess equipment, bathrooms, common surface areas and classrooms throughout the day. Staff will be trained on how to sanitize and expectations for educating their students on social distancing, hand washing, face masks usage, procedures for coughing / sneezing. Hand sanitizing stations have been installed in all classrooms and common areas. Educational platforms will be streamlined by teachers utilizing, Zoom, Google Classroom and others.

Pupil Participation and Progress

[A description of how the LEA will assess pupil progress through live contacts and synchronous instructional minutes, and a description of how the LEA will measure participation and time value of pupil work.]

The District is currently implementing the following combination of Synchronous and Asynchronous schedule to ensure accurate measurement of instructional time and to meet the state mandated minute requirements:

TK-Kinder: 180 daily instructional minutes

180 minutes: Synchronous Learning via Zoom in ELA/Math/Science/Social Studies/ELD

1st-3rd Grade: 230 daily instructional minutes

180 minutes: Synchronous Learning via Zoom in ELA/Math/Science/Social Studies/ELD

50 minutes: Asynchronous Learning via various teacher approved platforms

4th-5th Grade: 240 daily instructional minutes

180 minutes: Synchronous Learning via Zoom in ELA/Math/Science/Social Studies/ELD

60 minutes: Asynchronous Learning via various teacher approved platforms

6th-12th Grade: 240 daily instructional minutes

240+ Synchronous instructional minutes

*Our 6th-12th Grade students are required to follow their regular daily schedule while Distance Learning. Upon our return to school, the Blended Model return to school plan will be implemented.

Google Classroom will be utilized to post assessments for students as well as the online STAR assessment Program utilized by the District and once active, we will use the Illuminate Assessment Platform. Teachers will have initial assessments given to students to check their academic level at the start of the school year. Students' academic understanding will also be monitored through one-on-one conversations between student and teacher, progress monitoring, exit tickets, rubric scores, both formative and summative assessments and daily work review. Some assessments may be submitted by the student as well as assessments given live via the computer with the student. Staff will be given time to collaborate to analyze student results and work together to support the student's needs and intervene with additional intervention supports. Students will be issued grades this fall. Teachers will maintain a log documenting daily participation of each students

attendance to the live contact times and their daily work completion. This will be submitted to the administration on a weekly basis. Both teacher and administration will be following up with students/parents if there is a concern in any of these areas.

Distance Learning Professional Development

[A description of the professional development and resources that will be provided to staff to support the distance learning program, including technological support.]

To help promote and support effective distance learning, the following Professional Development has been provided to our staff:
August 6th and 7th: Glenn County Office of Education instructional services team provided two-hour training on each which focused on synchronous and asynchronous learning for all of our staff members. To continue to support our staff and their professional development, we will have an additional professional development day on September 21 to review and refine our current practices and/or provide additional support to the effectiveness of these programs.

Staff Roles and Responsibilities

[A description of the new roles and responsibilities of affected staff as a result of COVID-19.]

As a result of COVID-19, our staff are being required to not only monitor student learning and attendance, they are also required to monitor active engagement with in their classrooms setting. This has been accomplished with attendance tracking through our SMS system (Aeries) with the addition of specific codes that differentiate attendance and active participation. Teachers are required to enter these daily and they are reviewed by office staff and administration for attendance and participation.

Supports for Pupils with Unique Needs

[A description of the additional supports the LEA will provide during distance learning to assist pupils with unique needs, including English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness.]

Students with unique needs have been identified through various modalities and are closely monitored by their teachers and our support staff. Additional staffing has been hired to ensure that these students continue to receive access to the necessary services required of their unique needs. HUSD also received support from the Glenn County Office of Education. As part of their support for foster youth and homeless students, a Glenn County Foster Youth liaison will collaborate and coordinate services as needed with each school site, Department of Social Services, and the Glenn County Behavioral Health. Systems will be in place to communicate with school administration and student teachers on supporting student needs in academics, behavior, and social emotional learning. For serving homeless, foster youth who are on an IEP will be provided the supports that are legally established within that plan. These supports often include: housing support, social work and mental health clinician time and connection to resources for the family. For English language learners on IEPs, Glenn County SELPA team, in partnership with HUSD staff and administration, will provide the same supports provided during a regular school year including English language development, vocabulary support and development, reading comprehension support, primary language instruction, translations, interpretation services, and other specialized academic interventions.

All teachers, including those working with GCOE in Hamilton Unified will have daily contact for all students, including students with these needs ensure regular and consistent contact with the learner and can pivot, change or add services depending on their need. Special education services will be provided as outlined in each student's IEP. All IEPs are discussed and agreed upon by a team including parents, sometimes the student, service providers, education specialist, general education teacher(s), and administrators. While we have overarching goals for distance learning, each student's individual program will look unique to their needs, present levels, goals and services.

Actions related to the Distance Learning Program [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Upgrade/Purchase Core Curriculum to provide both print and digital resources.	\$65,000	Yes
Certificated and Classified Staff Professional Development Days (3 in total-August 6th, 7th, and Sept 21st)	\$82,000	Yes
Upgrade of instructional technology including devices and accessories for staff and staff connectivity.	\$55,000	Yes
Upgrade of instructional technology including devices and accessories for students including internet security.	\$65,000	Yes
Additional Materials and Supplies	\$90,000	Yes

Pupil Learning Loss

[A description of how the LEA will address pupil learning loss that results from COVID-19 during the 2019–2020 and 2020–21 school years, including how the LEA will assess pupils to measure learning status, particularly in the areas of English language arts, English language development, and mathematics.]

HUSD is closely monitoring the learning progress, and potential loss of learning, our students are facing in several ways. With a focus on English Language Arts, Math, and our English Learners. In addition to teacher support, the students will be utilizing software programs (STAR, Illuminate, and others) to accelerate and remediate their learning. Instructional support staff's time will be focused on supporting the students within the learning groups (English Learners, Foster, Homeless, Special Needs students, Socio-Economically Disadvantage) in both Math and English Language Arts during their dedicated time supporting the classroom teacher. The certificated reading intervention support will monitor student growth regularly. The intervention teacher will work in small groups with students to accelerate their learning and recoup learning loss.

Pupil Learning Loss Strategies

[A description of the actions and strategies the LEA will use to address learning loss and accelerate learning progress for pupils, as needed, including how these strategies differ for pupils who are English learners; low-income; foster youth; pupils with exceptional needs; and pupils experiencing homelessness.]

To help minimize student learning loss during our Spring shutdown, the Hamilton Unified School District first offered packets within the first week of our closure (beginning March 17). As we were comfortable that student's technology needs were met, including the distribution of Chromebooks and working with parents on internet access, we then transitioned to a online distance learning mode. Our teachers were trained in Zoom, Google Classroom, and other platforms to provide instructional support. In continuing with our Distance Learning model for the beginning of the 2020-2021 school year, we are continuing with those same platforms, but also looking closely at intervention and support beyond the regular daily instruction. Our staff is reviewing IEPs, various assessment data, and looking at to build intervention and support, first, for our English Learners, Low-income students, foster youth, and students with exceptional needs, and homeless students.

Effectiveness of Implemented Pupil Learning Loss Strategies

[A description of how the effectiveness of the services or supports provided to address learning loss will be measured.]

These services will be implemented through an already strong PLC model throughout the Hamilton Unified School District. Teachers, in their PLC's (or PODS) will examine comparative data, cohort match, and student growth data to examine the needs and to reflect upon the effectiveness of our instructional practices. This information will be shared with parents and students through our Standards Based Report Cards, progress reports, parent conferences, and data reviews.

Actions to Address Pupil Learning Loss [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
	15,000	Yes

Mental Health and Social and Emotional Well-Being

[A description of how the LEA will monitor and support mental health and social and emotional well-being of pupils and staff during the school year, including the professional development and resources that will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.]

Hamilton Unified School District is extremely concerned about the mental health of our students, staff, and community. To support all three stakeholder groups, we have extended our contracted hours for Mental Health Clinicians for both the High School and Elementary School. We have a clinician from Glenn County Office of Education at the High School five days a week for four hours and at the Elementary School three days a week for four hours. We have also purchased the “Second Step” social/emotional training program for grades K-8 to help students cope with both issues associated with the COVID-19 outbreak, but also how to cope with other difficult times or obstacles they may face. The District has also enabled an anonymous reporting system through their website and app to help staff, students, parents, and community members report struggling students or families. Trauma informed practices will be shared with the staff and procedures to follow for our students and parents. Staff will also be trained on how they can be aware of their own well-being and mental stability. Administration will ensure to continue staff relations and supports during this time.

Pupil Engagement and Outreach

[A description of pupil engagement and outreach, including the procedures for tiered reengagement strategies for pupils who are absent from distance learning and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or if the LEA determines the pupil is not engaging in instruction and is at risk of learning loss.]

The District has worked to continually update our parents and students in several different ways. We are using our Aeries Communication to sent out frequent updates and messages via phone, email, and text to our families to ensure they are aware of services being provided by the district and to have the most recent information on the changing plans for our opening of school. Our staff are also routinely making home visits to have direct communication with our families on a regular basis. Beyond Aeries communication and home visits, we are also active on Facebook, Instagram, and Twitter to broaden our communication platform and reach. We also have an app that allows parents to view information on their smart phone or home device. Teachers will track daily connections with students and academic engagement. Teachers will work to communicate through email, Aeries connect, by phone or other preferred method to parents whose students are not in attendance on a daily basis. For students who teachers are not able to connect with, those names will be shared with the Principal to follow up with the parents. The District Deans of Students, site administrators, and Glenn County Clinicians will also support this by making home

visits with the Principal as needed. The District's parent liaison will assist in communicating with parents who speak Spanish. In District families could be at risk of being SARB'ed

School Nutrition

[A description of how the LEA will provide nutritionally adequate meals for all pupils, including those students who are eligible for free or reduced-price meals, when pupils are participating in both in-person instruction and distance learning, as applicable.]

All guidelines from the National School Lunch Program and the California Department of Education Nutrition Services are being followed closely. We are offering a Grab-and-Go pick up daily at our Elementary school for all students from 11:00 am through 12:30 pm that offers both breakfast and lunch meals. Students who receive free lunch received their meals free of charge, while students who are at the reduced rate or full pay rate will be billed accordingly.

Additional Actions to Implement the Learning Continuity Plan [additional rows and actions may be added as necessary]

Section	Description	Total Funds	Contributing
Mental Health and Social and Emotional Well-Being	Additional Mental Health Clinician time at both the Elementary and High School	\$65,000	Yes
Pupil Engagement and Outreach	Community Liaison	\$15,000	Yes

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

Percentage to Increase or Improve Services	Increased Apportionment based on the Enrollment of Foster Youth, English Learners, and Low-Income students
28.32%	\$1,657,376

Required Descriptions

[For the actions being provided to an entire school, or across the entire school district or county office of education (COE), an explanation of (1) how the needs of foster youth, English learners, and low-income students were considered first, and (2) how these actions are effective in meeting the needs of these students.]

The District has hired additional teachers and classified staff to support student needs across the District in the area of English Language Arts and Math. These additional teachers are not assigned to one classroom but instead are assigned to support students who are foster youth, homeless, English Learners, and/or socio-economically disadvantaged students as a priority to support these students in meeting their academic goals. Additional Clinicians from GCOE will be checking in with these students as a priority to ensure they're social-emotionally stable and attending to their virtual class lessons. Through support from the Boys and Girls Club staff after school engagement and extra curricular opportunities will be offered virtually with these students in mind first in order to provide them with an outlet and positive opportunity outside of the academic rigor. Para professionals will be utilized to meet with the students who have experienced learning loss in Math and/or English Language Arts.

[A description of how services for foster youth, English learners, and low-income students are being increased or improved by the percentage required.]

Additional technological devices (Chromebooks, headphones and hot spots) have been purchased to accommodate virtual learning and provide all students with equal access to the curriculum and lesson delivery. Additional time for English Learner support to focus on the needs of these students. Increased services in the area of Social Emotional support with an additional Community Liaison on campus as well as contracted additional days with the County Psychologist to support students and families during this time that so many families are experiencing difficulty.

HAMILTON UNIFIED SCHOOL DISTRICT RETURN TO SCHOOL FRAMEWORK

DRAFT PRESENTED TO HUSD SCHOOL BOARD: JUNE 24, 2020;
APPROVAL BY HUSD SCHOOL BOARD: JULY 22, 2020



HUSD RETURN TO SCHOOL ESSENTIAL POINTS:

- ✓ **CALENDARS** School will begin on August 11th with Distance Learning.
- ✓ **RETURN TO SCHOOL** Once allowed by Governor Order, based on County Health Data, decision will be made the 3rd Monday of each month with expectation to initially return with Blended Model or (upon parent requests) Independent Study.
- ✓ **HEALTH AND SAFETY** Parents will monitor their child for Flu symptoms before leaving home; School will visually and verbally screen once student arrive on campus or are picked up by school transportation.
- ✓ **MASKS** Masks are mandated by Governor Order to be worn by all staff and students upon entry to school facilities.
- ✓ **NUTRITION** Breakfast and Lunch nutrition services will be provided through Grab-and-Go sack meals.
- ✓ **CLEANING & DISINFECTING** Significant efforts are underway to increase custodial staff and increase daily cleaning and disinfecting.
- ✓ **ILLNESS PROCEDURES** Explicit procedures are in place following California Department of Public Health COVID-19 Framework.
- ✓ **TRANSPORTATION** Seating will be established to provide maximum distance between students. Students should social distance while waiting for bus.
- ✓ **NO SCHOOL VISITORS** Anyone required to enter the school building must remain in a dedicated location and sign in. Masks will be required at all times by visitors.

GUIDING DOCUMENTS:

- Hamilton Staff and Parent Survey Results
- Hamilton Unified Leadership Committee (HULC)
- Pandemic Plan for Learning and Safe Schools
- Glenn County COVID-19 Recovery & Reopening Plan
- California Department of Public Health COVID-19 Industry Guidance: Schools and School-Based Programs
- California Department of Education: Stronger Together: A Guidebook for the Safe Reopening of California's Public Schools
- California School Board Association: Uncertain Road Ahead--Reopening Schools in the Time of COVID 19



REOPENING SCHOOL AT A GLANCE

FACILITY & TRANSPORTATION PREPARATIONS	STUDENT HEALTH & SAFETY PLAN:	STAFF, STUDENT, & PARENT EDUCATION	STAFF & STUDENT HEALTH MONITORING	LEARNING SUPPORTS
<ul style="list-style-type: none"> • All CDE and Health Department Guidelines will be followed. • All school facilities will be cleaned and disinfected daily. • Physical barriers may be installed where social distancing not possible. • Social distancing will be required for all school transportation. • Additional staff will be hired to clean/disinfect and support social distancing/supervision of students. 	<ul style="list-style-type: none"> • Survey data and district meetings allowed families and staff to provide input on return to school plans, policies, and concerns. • All students will be provided a cloth face covering and <u>3-12 grade students will be required to wear it throughout the school day.</u> • All staff will be provided a face covering and <u>will be required to wear it</u> when interacting with students and groups. • All school lunches will be pre-packaged. • Future guidance will be based on forthcoming 	<ul style="list-style-type: none"> • Cleaning and disinfecting supplies will be provided in all classrooms and common areas to all staff members. • Staff and students will be trained on proper hand washing and other hygiene techniques. • Parents will be provided information on hygiene recommendations and symptoms of illness. 	<ul style="list-style-type: none"> • Verbal/visual check of all staff and students will be conducted upon entering school daily. • Temperature checks will be conducted on individuals students showing signs of illness. • Staff will be trained to recognize signs of illness. • Families will be notified when a student or staff member has tested positive for COVID-19. • Office staff will designate separate space for students who are ill. • Access to school volunteers and visitors will be limited. 	<ul style="list-style-type: none"> • Multiple Learning environments will be offered. • All 6th-12th Grade students will have Chromebooks checked out for school and home use. • All TK-5th grade students will have classroom sets of devices • Families in need of reliable, high speed internet, will be provided wireless hotspots. • Site based counseling services will be provided.

RETURN TO SCHOOL CORE PRINCIPLES

- Principle #1: Health and Safety of Staff, Students, and Parents
- Principle #2: Adaptable and High Quality Instruction
- Principle #3: Equitable Academic Supports for All Students
- Principle #4: Ongoing Social-Emotional & Mental Health Support



PRINCIPLE #1: HEALTH AND SAFETY OF STUDENTS, PARENTS, AND STAFF

Overarching Considerations:

- Staff and Student Health and Well being are at the forefront of our decision making.
- The State Pandemic Plan for Learning and Safe Schools will be followed.
- The Glenn County COVID-19 Recovery & Reopening Plan will be followed.
- The District needs to take appropriate proactive and precautionary measures to protect students, staff, and the community of Hamilton City.
- Glenn County will be consulted throughout our return to school process.
- Professional Development for teachers is a focus to support student health and safety.
- Parents need to play an important role in pre-screening for illness.
- Students need the tools to understand how virus are spread and steps they can take to lessen their likelihood of becoming ill.



PRINCIPLE #1: HEALTH AND SAFETY OF STUDENTS, PARENTS, AND STAFF

Staff

Focus on training and additional student supports:

- Provide disinfecting supplies in classroom and training on proper use before first student attendance day.
- Provide screening criteria for staff to use for verbal/visual check of students as they enter campus and classroom.
- Hire of additional staff focused on disinfection of surfaces, common areas, and classrooms.
- Schedule cleaning in throughout the day in classroom and work spaces.
- Develop plan that ensures physical distancing in their work environment.
- Provide facial covering for all staff members.



PRINCIPLE #1: HEALTH AND SAFETY OF STUDENTS, PARENTS, AND STAFF

Students

Focus on Personal and Classroom Hygiene:

- Instruction on proper hygiene, social distancing, and understanding symptoms of illness.
- Provide hand sanitizer in all classrooms.
- Provide cloth mask for all students and have masks available for all students.
- Post reminders throughout campus (inside and outside) of proper hygiene practices.
- Schedule for regular use of hand sanitizer or hand washing:
 - Entering campus or school bus
 - Entering and leaving shared areas



PRINCIPLE #1: HEALTH AND SAFETY OF STUDENTS, PARENTS, AND STAFF

Parents

Focus on Pre-Screening and Education:

- Provide active and passive screening criteria to use before sending their child to school.
- Provide training on symptoms of illness, what to do if child ill, and resources for support.
- Create list of hygiene and classroom items students should have when coming back to school.
- Ongoing and timely communication from school and district regarding health and safety matters.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

Overarching Considerations:

- HUSD will follow all State and Federal Guidelines to ensure the highest quality education for our students.
- Direct contact with teachers and classmates as often as safely possible.
- Provision of high quality educational resources regardless of mode of instruction.
- Accountability for completion of work, specifically at the Jr. High and High School Levels.
- Ongoing teacher, parent, and student collaboration and communication to support student learning.
- Ability to quickly adapt to changing health and safety needs of whole school, single classroom, or individual student.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

- Full Return to School (with health and safety measures):
- Blended Model Return to School (with health and safety measures):
 - Will be utilized if required to reduce daily students on campus by 50%.
- Distance Learning Model:
 - Will be utilized only **IF** required to continue to have campus closed.
- Independent Study Model:
 - Voluntary for students who do not wish to attend in person classes.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

Full Return to School:

- All students will attend school daily.
- All health and safety precautions will be followed.
- All 6th-12th grade students will have Chromebooks checked out to take home daily.
- All TK-5th grade students will have assigned devices in the classroom that will only be used by individual student.
- T-mobile internet hotspots will be provided to households that do not have reliable access to high speed internet.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

K-5 Blended Model Return to School:

- Will be utilized only **IF** required to reduce campus capacity by 50%.
- TK-5th grade students will be split in AM/PM sessions by households to the best of the districts ability.
- Monday-Thursday:
 - AM Session: 8:10-11:00
 - Cleaning: 11:00-12:10
 - PM Session: 12:10-3:05
- Friday will be used for Intervention/Enrichment and Teacher Preparation.
- Student attendance will be monitored.
- All Health and Safety precautions will be followed.
- All classrooms and school facilities will be cleaned between sessions.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

6-12 Grade Blended Model Return to School:

- Will be utilized only **IF** required to reduce campus capacity by 50%.
 - 6th-12th grade students will be split by households to the best of the districts ability.
 - “A” Session:
 - Week 1: Monday/Wednesday/Friday
 - Week 2: Tuesday/Thursday
 - “B” Session:
 - Week 1: Tuesday/Thursday
 - Week 2: Monday/Wednesday/Friday
 - Students will attend all classes when at school
 - Student grades and attendance will be monitored.
 - All Health and Safety precautions will be followed.
- All classrooms will be cleaned between periods and school facilities will be cleaned nightly



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

Distance Learning Model:

- K-5 will follow the Blended Learning Model
- 6th-12th grade students will follow their full return to school schedule, but through Zoom and other educational technology platforms.
- Will be utilized only **IF** required to continue to have campus closed.
- Friday will be used for Intervention/Enrichment and Teacher Preparation.
- Student accountability measures will be in place including the ability to earn A-F grades, Credit, and No Credit for failing course expectations.
- Student attendance will be monitored.
- In-person small group instruction may be allowed.
- All health and safety precautions will be followed.



PRINCIPLE #2: ADAPTABLE AND HIGH QUALITY INSTRUCTION

Independent Study Model:

- Voluntary for students who do not wish to attend in person classes.
- Parent will be responsible for primary instruction under supervision of certificated teacher.
- Student **MUST** show ongoing growth in all academic areas.
- Weekly/Monthly check-in with a certificated teacher will be mandatory.
- In-person Small Group Instruction may occur.



PRINCIPLE #3: EQUITABLE ACADEMIC SUPPORT FOR ALL STUDENTS

Overarching Considerations:

- Equitability of resources for ALL students
- Equitability of services for ALL students:

Support Plan:

- All 6th-12th grade students will have Chromebooks checked out to take home daily.
- All TK-5th grade students will have assigned devices in the classroom that will only be used by student.
- Internet hotspots will be provided to families that do not have reliable access to high speed internet.
- Students with disabilities, learning differences, or are struggling academically, small group and one-on-one support will be provided virtually or, if allowed by Glenn County Public Health, in small groups.
- Students, parents, and teachers will continue to use, and be instructed on how to use, various digital platforms including: Google Classroom, Zoom, Aeries Online, and the HUSD mobile app.



PRINCIPLE #4: ONGOING SOCIAL-EMOTIONAL & MENTAL HEALTH SUPPORT

Overarching Considerations:

- Trauma support needs to be in place and available for all students, families, and staff.
- District should provide site-based and individualized support as needed.

Support Plan:

- Site Based Counseling Services will be available daily to all students.
- Mental Health Resource Guide will be published providing district, county, and regional support programs for individuals and families.
- Teacher Training on Social-Emotional and Mental Health supports.
- Frequent “check-ins” with students and appropriate follow-up.



COVID-19 SURVEY RESPONSE DATA

Survey Data Collection Method:

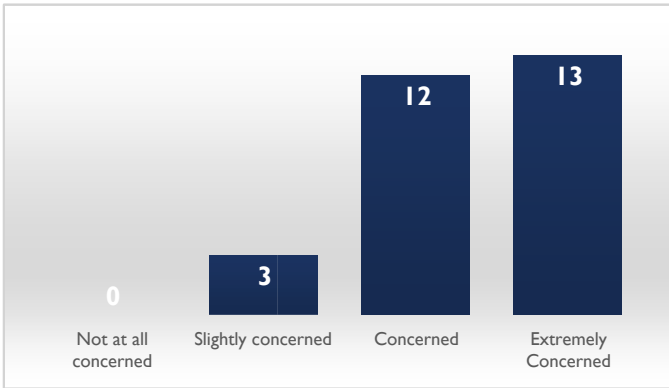
- Survey data was collected in May and June of 2020:
- Online entry via Google Forms, paper survey, and face to face data collection.
- Staff Survey Responses: 38 responses
- Parent Survey Responses: 42 individual responses



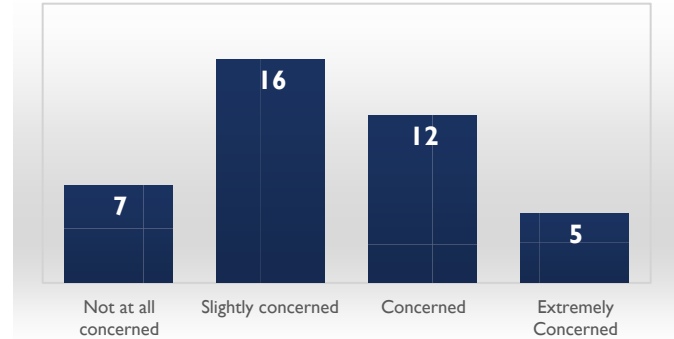
COVID-19 SURVEY RESPONSE DATA

Concern for Student Learning Loss due to COVID-19:

Staff Response



Parent Response



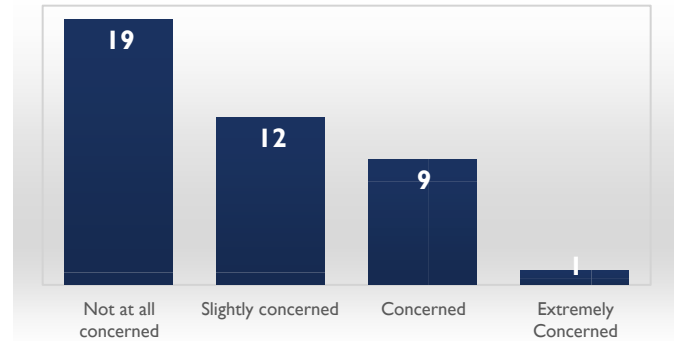
COVID-19 SURVEY RESPONSE DATA

Concern for Student Social/Emotional Well Being due to COVID-19:

Staff Response



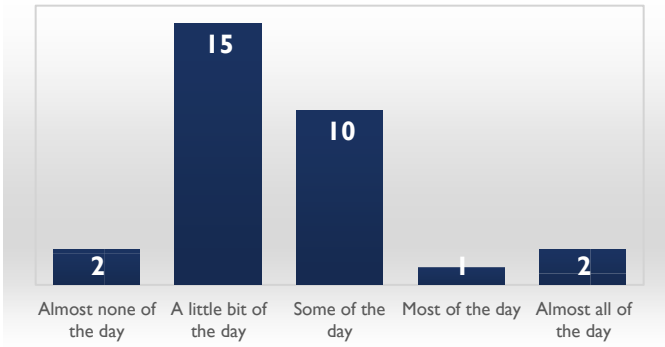
Parent Response



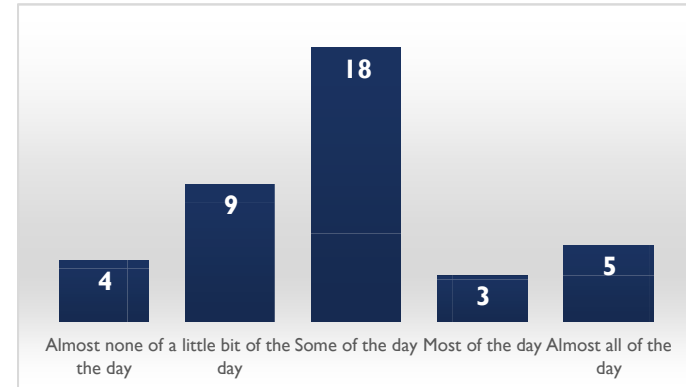
COVID-19 SURVEY RESPONSE DATA

Student Participation in Learning during COVID-19 Closure:

Staff Response



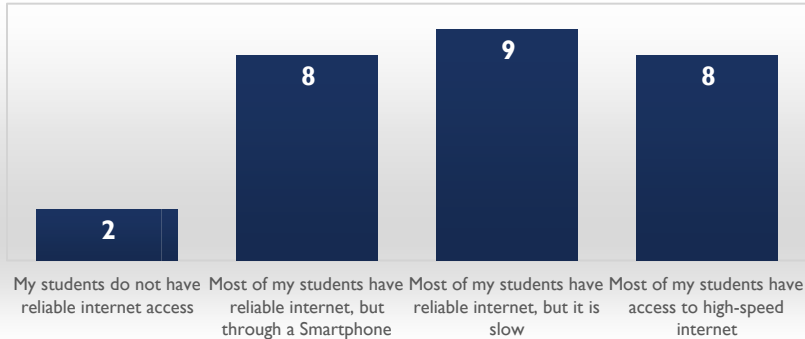
Parent Response



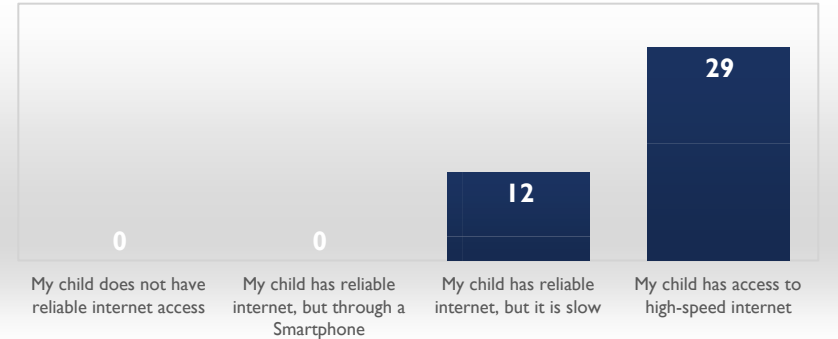
COVID-19 SURVEY RESPONSE DATA

Type of Home Internet Access:

Staff Response



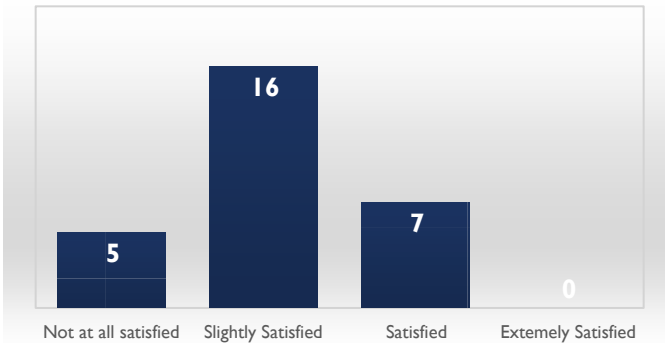
Parent Response



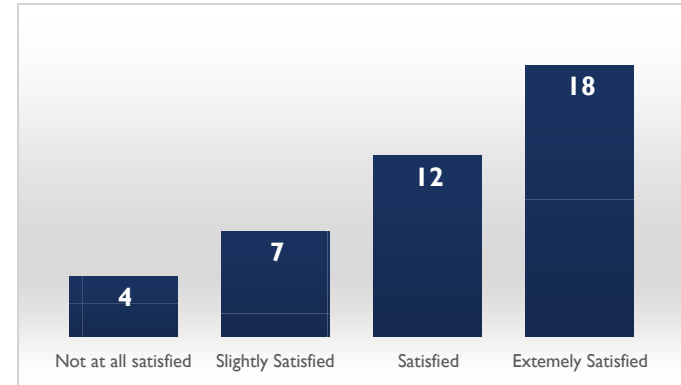
COVID-19 SURVEY RESPONSE DATA

Communication during COVID-19 Closure:

From Parent to Staff



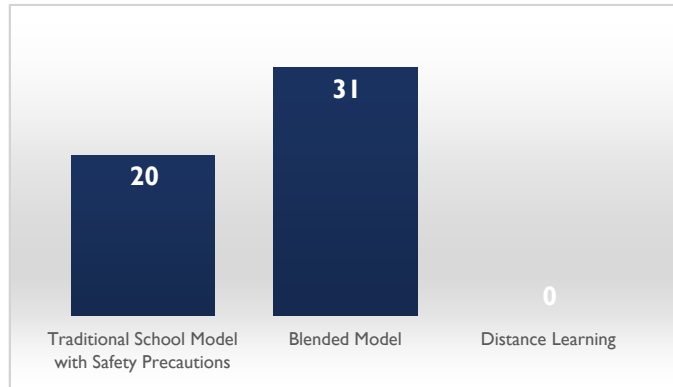
From Staff to Parent



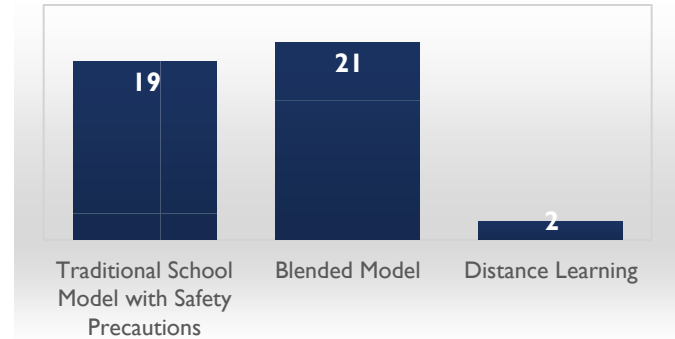
COVID-19 SURVEY RESPONSE DATA

Return to School Preferred Model:

Staff Response

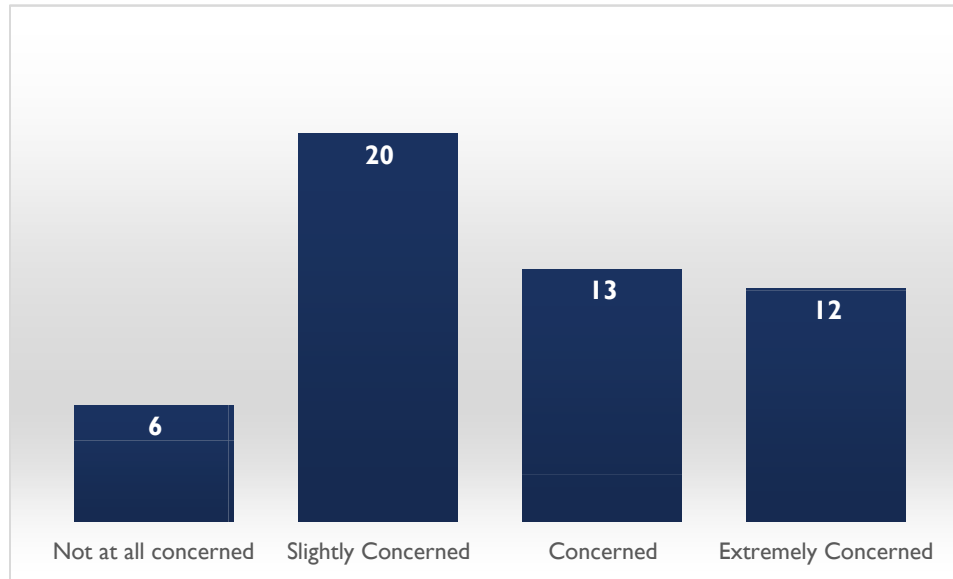


Parent Response



COVID-19 SURVEY RESPONSE DATA

Staff Concern for Personal Safety:



HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16(a)	Date: 8/26/2020
Agenda Item Description: Approval of a Construction Testing Contract with M.T. Hall & Co. for the Roy Boone Memorial Barn Project	
Background: The Memorial Barn, because it is a steel structure, should have the joint bolting inspected and tested. M.T. Hall & Co. is a licensed and DSA-approved construction testing firm that has provided construction testing and inspection services for the District on several prior projects, including a similar building in 2018, the Hog Barn. The Firm proposes to complete structural bolting testing for the current project, within the project schedule, for a fee not to exceed \$1,200.00	
Status: Pending Board Approval	
Fiscal Impact: Total Contract Cost is \$1,200.00. Funding from CDE/CTE Grant-Total Project Cost not to exceed \$250,503.00 (Fund 1, CTEIG Grant-Resource 6387)	
Educational Impact: New expanded facilities for HHS CTE Agricultural Program	
Recommendation: Approval	



M.T. HALL & ASSOCIATES

DIR#1000025222

July 25, 2020

Attn: Michael Cannon
Hamilton Unified School District
277 Capay Ave.
Hamilton City, CA 95951
Phone:(916) 825 -0000 Email: mscannon_efpm@msn.com

Re: Testing & Observation for Hamilton High School Sheep Shed – Hamilton City, CA.

Thank you for giving M.T. Hall & Associates, the opportunity to submit our cost estimate for the above-referenced project. The following scope of work items have been established based request for proposal e-mail sent on 7/9/2020.

SCOPE OF WORK

Task 1 – Special Inspection - Bolts – Includes special inspection for bolting.

	Quantity	Rate	Total
Special Inspector - Prevailing Wage	8 hours	\$135	\$1,080
Administration	1	LS	\$120
Total			\$1,200

Important Notes:

1. These fees are only for described scope of work and specifically does not include other improvements not mentioned above.
2. Quantities are estimates only and any additional tests or hours will be considered extra work and billed on a time and materials basis.
3. All extra work and re-testing will be billed on a time and materials basis, after client authorization is given.
4. Overtime or second shift hourly rates on prevailing wage jobs will be billed accordingly to wage increases.
5. Travel to and from site or source of work will be billed at hourly rate and is included in above estimate. No additional mileage cost will occur.

M.T. Hall & Associates acknowledges that client reserves the right to terminate work on this project at any time prior to the completion of the work described above. Upon such termination, client shall pay M.T. Hall & Associates for the work completed as of the date of said termination. M.T. Hall & Associates will send monthly progress billings on this project. The amount of these billings will be based upon the percentage of work completed. The terms are 'Due upon Receipt' and accounts are past due after 30 days. Accounts over 30 days old will be subject to interest at the rate of 1 ½% per month and such collection action as may be necessary to collect the account. In addition, a "Stop Work Order" may be issued on past due accounts. In this case, no further work will be performed until the account is brought current. Credit card payments are accepted, but are subject to 3% of total amount finance charge. This proposal is valid for ninety (90) working days from the date of this letter.

We appreciate the opportunity to submit this proposal and look forward to working with you and your staff.

M.T. HALL & ASSOCIATES, INC.

Tom Hall, P.E., Construction Service Engineer

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16(b)	Date: 8/26/2020
Agenda Item Description: Approval of EFPM Contract Amendment for Geological/Geohazard Studies to CDE	
<p>Background: The California Department of Education, as part of the site review and permitting process for school site acquisition (Education Code Sections 17212 & 17212.5), requires that a district seeking to acquire property for a new school site, or expand an existing site, complete specified geological/geohazard studies for the site. The District originally solicited for consultants to complete the required studies, but the proposed price approached \$68,700.00. EFPM/LLC, the District’s CDE Permitting Consultant, in consultation with the CDE Facilities Division staff, determined that a credible report could be completed by the District utilizing information from previously completed studies, including CEQA, DTSC and Title 5 studies, augmented by original studies and text. EFPM/LLC has therefore developed and completed a draft Geotechnical/Geohazards Study, and submitted it to CDE staff for informal review. EFPM/LLC is requesting an amendment to its current contract to include this within the approved contract Scope of Work; reimbursement of costs for the time (40 hours) involved in developing the report; and a correction in Article 4 of the original contract to clarify that the duration of the contract is from July 1, 2020 through June 30, 2021.</p>	
Status: Pending Board Approval	
Fiscal Impact: Contract Cost Increase of \$5,600.00, to a Total of \$28,000.00. Paid from Fund 21	
Educational Impact: Will allow HHS to reconfigure and expand to meet enrollment increases and program reconfiguration over the next 10-30 years	
Recommendation: Approve EFPM/LLC Contract Amendment	

AMENDMENT TO AGREEMENT FOR PROGRAM MANAGEMENT SERVICES

THIS AMENDMENT TO THE ORIGINAL AGREEMENT, approved on the 26th day of August 2020 by and between the HAMILTON UNIFIED SCHOOL DISTRICT, hereinafter called DISTRICT, and EDUCATIONAL FACILITIES PROGRAM MANAGEMENT, LLC, hereinafter called EFPM - which includes Program Management, as defined in the Scope of Work.

This Amended Agreement will amend **Article 3**-Program Manager's Basic Services and Exhibit "A"-Program Manager's Basic Services; **Article 4**-Duration of the Program Manager's Services; and **Article 7**-Compensation and Payment.

This Amended Agreement is in full conformance with **ARTICLE 5**: Changes In The Program Manager's Basic Services And Additional Compensation

Amended Sections of the Agreement are as follows:

Article 3: Program Manager's Basic Services

Exhibit "A" is amended to read as follows

:

EXHIBIT "A": PROGRAM MANAGER'S BASIC SERVICES:

EFPM shall perform the Basic Services described in this Article. It is not required that the Basic Services be performed in the sequence in which they are described.

CALIFORNIA DEPARTMENT OF EDUCATION FACILITIES CERTIFICATION GEOTECHNICAL/GEOHAZARDS REPORTS

EFPM will assist the District as needed in completing necessary studies and certifications to meet Geotechnical & Geohazard requirements for the Hamilton High School Site Expansion project, including as needed selection of professional consultants; oversight of the study process; and assistance in final certification to the California Department of Education.

As needed, EFPM may draft and complete for Board review and adoption a report which meets the requirements of Educational Code 17212.5, and therefore is submitting this report in conformance with Education Code sections 17212, 17212.5 and CDE guidance contained in the CDE School Site Selection & Approval Guide (2000 Edition), Appendix H – Factors to be Included in a Geological and Environmental Hazards Report.

WILLIAMSON ACT FILINGS

EFPM shall assist the District and its legal counsel in completing all necessary filings and work needed to resolve any Williamson Act land use restrictions for the Hamilton High School Site Expansion parcel being purchased by the District.

OTHER SERVICES

EFPM may assist the DISTRICT, at the request of the DISTRICT, with such other matters pertaining to the Program, including selection and oversight of Architectural and Engineering Design Services, including any filings to the Division of the State Architect, for such District projects as both Parties may agree to.

Article 4 DURATION OF THE PROGRAM MANAGER'S SERVICES

Article 4, Paragraph "A" is amended in part to read:

- A. The duration of the EFPM's Basic Services under this Amended Agreement shall be from July 1, 2020 through June 30, 2021.

ARTICLE 7 COMPENSATION AND PAYMENT

Article 7 is amended in part to read:

The fee for the revised Basic Services noted in Article 3 and the revised Exhibit "A" shall be based upon EFPM' estimate of Two Hundred (120) to complete the Basic Services noted in Exhibit "A", within the amended Article 4, Duration period. EFPM shall be compensated at a rate of One Hundred and Forty Dollars (\$140.00) per hour. EFPM's fee shall not exceed **Twenty Eight Thousand Dollars (\$28,000.00)** for work associated with the revised Basic Scope of Work of the Program, without the prior written consent of the DISTRICT.

All other provisions of the Original Agreement, executed on June 26, 2020 and attached hereto as reference, shall remain in effect.

This Amended Agreement, dated June 24, 2020, shall take effect as of July 1, 2020 as noted in the Amended Article 4 noted above.

By: Dr. Jeremy Powell, Superintendent
Hamilton Unified School District

By: Michael S. Cannon, Principal
Educational Facilities Program
Management, LLC

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16 (c)	Date: 8/26/2020
<p>Agenda Item Description: Adoption of Board Resolution# 20-21-102 Certifying an Initial Study/Mitigated Negative Declaration (IS/MND), Adoption of a Mitigation Monitoring Reporting Program under CEQA & Approval of the Hamilton High School Site Expansion Project</p>	
<p>Background: The California Department of Education, as part of the site review and permitting process for school site acquisition (Public Resources Code Section 21151.8), requires that the District comply with the California Environmental Quality Act (CEQA) by completing either a Final environmental Impact Report (EIR) or an Initial Study/Negative Declaration (IS/ND), and filing the report with the appropriate County and State agencies.</p> <p>Beginning in April 2019, the District retained PlaceWorks, Inc. to complete necessary CEQA studies and reports. Working with the District and other consultants, PlaceWorks developed and completed an Initial Study/Mitigated Negative Declaration (IS/MND) for the Hamilton High School Site Expansion Project. A Draft IS/MND Report was published in April & May 2020 for public review and comment; all comments were included and addressed in the Final IS/MND Report. Also included in the Final Report attached is a Mitigation Monitoring Reporting Program, which lists all the mitigation measures the District and its contractors will complete as part of this Project.</p> <p>The attached Board Resolution #20-21-102 approval & filing is the final step in completing the CEQA process for this Project, and meeting this CDE permitting requirement.</p>	
Status: Pending Board Approval	
Fiscal Impact: Total Contract cost is \$73,141.00, paid for from Fund 21 (Local Bond Funds)	
Educational Impact: Will allow HHS to reconfigure and expand to meet enrollment increases and program reconfiguration over the next 10-30 years.	
Recommendation: Approve the attached Board Resolution	

**HAMILTON UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 20-21-102**

**A RESOLUTION OF THE BOARD OF TRUSTEES (BOARD)
OF THE HAMILTON UNIFIED SCHOOL DISTRICT CERTIFYING AN INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION, ADOPTING A MITIGATION
MONITORING AND REPORTING PROGRAM UNDER CEQA FOR THE HAMILTON
HIGH SCHOOL SITE EXPANSION PROJECT (APN 032-230-002 AND APN 032-230-
015) AND APPROVING THE PROJECT**

WHEREAS, the Board proposed to expand the footprint and upgrade facilities of Hamilton High School, at 620 Canal Road in Hamilton City (Assessor Parcel Number [APN] 032-230-002), via the acquisition of 48-acres of property (APN 032-230-015) immediately north of the school. The acquisition would accommodate the development of new playing fields, parking and circulation improvements, a gymnasium, and utilities upgrades in an initial, 2- to 5-year development phase. The acquisition would support the development of approximately 68,500 square feet of new teaching, multipurpose and administration space; and 75,000 square feet of additional circulation space, in a second 10- to 12-year development phase. The proposed two-phase expansion would accommodate approximately 500 new students;

WHEREAS, the California Environmental Quality Act (CEQA), together with the State guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared;

WHEREAS, the proposed project site is located at 620 Canal Road, APN 032-230-002 and APN 032-230-015 in Hamilton City, Glenn County, California. The site encompasses a total area of approximately 69 acres. The 21-acre property at 620 Canal Road is occupied by Hamilton High School and is zoned R-1 Single Family Residential; the 48 acres at APN 032-230-015 are undeveloped agricultural land zoned AP-80, Agricultural Preserve Zone, Intensive Agriculture;

WHEREAS, per Government Code section 65962.5, the proposed project is not considered a project of statewide, regional, or area wide significance;

WHEREAS, in April 2019, the District, assisted by consultant PlaceWorks initiated the environmental review process required by the California Environmental Quality Act (CEQA) in the form of an Initial Study/Mitigated Negative Declaration (IS/MND), to analyze the potential environmental impacts of the proposed project;

WHEREAS, on March 27, 2020, the District approved a Public Review Draft IS/MND of the Hamilton High School Site Expansion project;

WHEREAS, on April 1, 2020, in accordance with CEQA, a formal Notice of Intent (NOI) to adopt an IS/MND was published in the Sacramento Valley Recorder describing the project, environmental findings, and availability of the document; and identifying start and end dates of a 20-day public review period. The review period was from April 20, 2020 through May 20, 2020;

WHEREAS, on August 11, 2020, in accordance with CEQA, the NOI was recorded at the Glenn County Clerk Recorder;

WHEREAS, on August 26, 2020, the Board held a duly noticed public hearing on, among other items, adoption of this Resolution certifying the IS/MND and approving the proposed project. After considering all verbal and written testimony, the Board closed the public hearing;

WHEREAS, the IS/MND reflects the District's independent judgement and analysis on the potential for environmental impacts from the proposed project;

WHEREAS, the IS/MND identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the proposed project will require adoption of a Mitigation Monitoring and Reporting Program (MMRP), as required by CEQA. The MMRP is attached as Exhibit B;

WHEREAS, the IS/MND and all the documents relating to the proposed project are available for review in the District's Administrative Offices, during normal business hours. The location and custodian of the IS/MND and other documents that constitute the record of proceedings for the proposed project is the Hamilton Unified School District Administrative Offices, 620 Canal St, Hamilton City, CA 95951.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Trustees certifies the following:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The IS/MND, attached as Exhibit A, has been completed in compliance with CEQA, and the CEQA Guidelines.
3. The District Board of Trustees has independently reviewed and considered the information contained in the IS/MND, prior to acting on the proposed project.
4. The IS/MND reflects the District's independent judgment and analysis on the potential environmental impacts of the proposed project. The IS/MND provides information to the decision makers and the public on the environmental consequences of the proposed project.
5. The IS/MND adequately describes the proposed project, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Project.

BE IT FURTHER RESOLVED that the Board of Trustees of the Hamilton Unified School District hereby:

1. Certifies the IS/MND was prepared and completed in compliance with CEQA;
2. Adopts the Mitigation Monitoring and Reporting Program set forth in exhibit B;
3. Finds and incorporates herein by reference that Exhibits A and B are in compliance with the requirements of CEQA.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Hamilton Unified School District hereby elects to support the development of the Hamilton High School Site Expansion Project.

PASSED AND ADOPTED by the following vote this 26th day of August 2020.

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

ATTEST:

Clerk of the Board

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16 (d)	Date: 8/26/2020
<p>Agenda Item Description: Adoption of Board Resolution# 20-21-103 Making Findings regarding compliance with Education Code 17213 regarding Setbacks for Utilities & Other items for the Hamilton High School Site Expansion Project.</p>	
<p>Background: The California Department of Education, as part of the site review and permitting process for school site acquisition, requires that the Board make specified findings regarding the following:</p> <ul style="list-style-type: none"> • That the proposed site Is not the site of a current or former hazardous waste disposal or solid waste disposal site; • Is not a hazardous substance release site; • Is not a site that contains one or more pipelines, unless that pipeline is a natural gas line which is used only to supply natural gas to that school; and • Is within 500 feet of a busy traffic corridor, as defined. <p>The Initial Study/Mitigated Declaration (IS/MND), Preliminary Environmental Assessment, and Pipeline Safety Hazard Assessment completed for the Hamilton High School Site expansion project address each of these issues. No issues have been identified which would require District action.</p> <p>The attached Board Resolution #20-21-103 meets the requirements of Education Code Section 17213, and meets this CDE permitting requirement.</p>	
Status: Pending Board Approval	
Fiscal Impact: None	
Educational Impact: Will allow HHS to reconfigure and expand to meet enrollment increases and program reconfiguration over the next 10-30 years.	
Recommendation: Approve the attached Board Resolution	

HAMILTON UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 20-21-103

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE HAMILTON UNIFIED SCHOOL DISTRICT MAKING DETERMINATIONS REGARDING HAZARDS AND ONE QUARTER MILE/500 FOOT SETBACK FINDINGS FOR SCHOOL SITE ACQUISITION (*Education Code Section 17213 and Public Resources Code Section 21151.8*)

1. Per *Education Code Section 17213* and/or *Public Resources Code Section 21151.8(a)(1)*, and based upon information included in both the Initial Study/Mitigated Negative Declaration and the Preliminary Endangerment Assessment for the proposed Hamilton High School Site Expansion, the Board hereby determines that the school site:
 - a. Is not the site of a current or former hazardous waste disposal or solid waste disposal site (or unless a former solid waste disposal site which the district board has concluded that the wastes have been removed), and
 - b. Is not a hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the *Health and Safety Code*, and
 - c. Is not a site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood or other nearby schools, and
 - d. Is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in *Education Code Section 17213(d)(9)* and *Public Resources Code 21151.8(c)(9)*.
2. Per *Education Code Section 17213(b), (c), and (d)* and/or *Public Resources Code Section 21151.8(a)(2) and (3)*, both the Glenn County Air Pollution Control District and the Hamilton City Fire Department were notified in writing and consulted by the Hamilton Unified School District acting as lead agency with regard to identifying both permitted and non-permitted facilities within one quarter mile of the Hamilton High School Site Expansion which might be reasonably anticipated to emit hazardous emissions or handle hazardous or extremely hazardous materials, substances, or waste.

The Board hereby finds that the above-mentioned consultations (and any other survey work done), as well as analyses contained in in both the Initial Study/Mitigated Negative Declaration and the Preliminary Endangerment Assessment for the proposed Hamilton High School Site Expansion:

- a. Identified none of the facilities or other significant pollution sources, as specified in *Education Code Section 17213* and *Public Resources Code Section 21151.8*, within one quarter mile of the proposed school site.

PASSED AND ADOPTED by the following vote this 26th day of August, 2020.

Ayes: _____

Noes: _____

Absent: _____

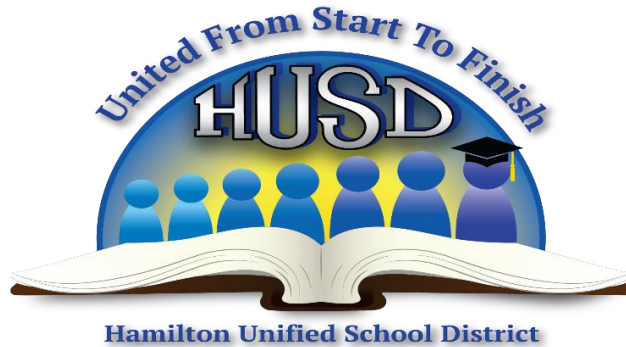
Abstain: _____

ATTEST:

Clerk of the Board

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16(e)	Date: 8/26/2020
Agenda Item Description: Approval of a Geotechnical/Geohazards Study for the Hamilton High School Site Expansion Project	
<p>Background: The California Department of Education, as part of the site review and permitting process for school site acquisition (Education Code Sections 17212 & 17212.5), requires that a district seeking to acquire property for a new school site, or expand an existing site, complete specified geological/geohazard studies for the site. The District originally solicited for consultants to complete the required studies, but the proposed price approached \$68,700.00. EFPM/LLC, the District's CDE Permitting Consultant, in consultation with the CDE Facilities Division staff, determined that a credible report could be completed by the District utilizing information from previously completed studies, including CEQA, DTSC and Title 5 studies, augmented by original studies and text. EFPM/LLC therefore developed and completed a draft Geotechnical/Geohazards Study, and submitted it to CDE staff for informal review.</p> <p>The Geotechnical/Geohazards Report is now submitted to the Board for review and approval prior to submission to CDE as a part of the site permitting process for the Hamilton High School Site Expansion Project.</p>	
Status: Pending Board Approval	
Fiscal Impact: Paid for from Fund 21 (Local Bond Funds)	
Educational Impact: Will allow HHS to reconfigure and expand to meet enrollment increases and program reconfiguration over the next 10-30 years	
Recommendation: Approve the attached Geotechnical/Geohazards Study	



**HAMILTON UNIFIED SCHOOL DISTRICT
HAMILTON HIGH SCHOOL SITE EXPANSION
GEOLOGICAL AND OTHER ENVIRONMENTAL HAZARDS STUDY**

PREPARED BY:



Educational Facilities Program Management, LLC



HAMILTON UNIFIED SCHOOL DISTRICT

620 Canal Street
P.O. Box 488, Hamilton City, CA 95951
TEL 530-826-3261 | FAX 530-826-0440

Jeremy Powell, Ed. D.
Superintendent

Jennifer Schwinn, Facilities Consultant

August 12, 2020

California Department of Education

School Facilities & Transportation Services Division

1430 N Street, Suite 1201

Sacramento, CA 95814

Dear Ms. Schwinn:

Attached please find a geological & environmental Hazards Study prepared for the Hamilton High School Site Expansion Project. This project is intended to be a 45-acre purchase of property immediately adjacent to the existing Hamilton High School, and will allow the District to reconfigure and expand the High School to meet near-future enrollment and program needs.

The District believes that it has sufficient geological and other environmental hazards information contained in its current CEQA, PEA and Title 5 reports to meet the requirements of Educational Code 17212.5, and therefore is submitting this report in conformance with Education Code Sections 17212, 17212.5 and CDE guidance contained in the CDE School Site Selection & Approval Guide (2000 Edition), Appendix H – Factors to be Included in a Geological and Environmental Hazards Report.

All referenced studies and documents may be found on the District's website at <https://www.husdschools.org/Page/1952>. If you have any questions or need any additional information, please contact either me or the District's Facilities Consultant, Michael Cannon of EFPM/LLC at (916) 825-0000 or mscannon_efpm@msn.com

Sincerely,

Jeremy Powell, Ed, D.

Superintendent

Hamilton Unified School District

BOARD OF TRUSTEES

Gabriel Leal, President | Hubert "Wendall" Lower, Clerk
Rod Boone, Trustee | Ray Odom, Trustee | Genaro Reyes, Trustee

HAMILTON USD – HAMILTON HIGH SCHOOL SITE EXPANSION

GEOLOGICAL AND OTHER ENVIRONMENTAL HAZARDS

The Hamilton Unified School District is in the process of purchasing and permitting property adjacent to the current Hamilton High School in order to expand the current school to meet enrollment and program requirements. The District, as of July 21, 2020, has completed a Preliminary Environmental Analysis for the site, reviewed and approved by the Department of Toxic Substances Control. The District has also completed Pipeline Hazard, Railroad Hazard and Dam Inundation studies pursuant to Title 5 requirements. A CEQA Initial Study/Mitigated Negative Declaration Report has been completed and formally adopted by the Board at its Board meeting on August 26, 2020. Finally, the District has adopting determinations and findings related to Education Code Section 17213 at its August 2020 meeting. All these documents may be found on the District’s website at <https://www.husdschools.org/Page/1952>

The District believes that it has sufficient geological and other environmental hazards information contained in its current CEQA, PEA and Title 5 reports to meet the requirements of Educational Code 17212.5, and therefore is submitting this report in conformance with Education Code sections 17212, 17212.5 and CDE guidance contained in the CDE School Site Selection & Approval Guide (2000 Edition), Appendix H – Factors to be Included in a Geological and Environmental Hazards Report (**Appendix 1**).

SUMMARY OF GEOLOGICAL/ENVIRONMENTAL INFORMATION TO DATE

SITE DESCRIPTION – From: CEQA MITIGATED NEGATIVE DECLARATION

1.1 PROJECT LOCATION

The project site includes the existing Hamilton High School, located at 620 Canal Road in Hamilton City, California, identified by Glenn County Assessor Parcel Number (APN) 032-230-002, and a 48-acre portion of a parcel directly north of the school (APN 032-230-015). The additional 48 acres would be acquired and developed as part of the project (see Figures 1-1 and 1-2) (**Appendix 2**). The project site is in southwest Glenn County.

The site is accessed from the south via State Route (SR) 32/Sixth Street and from the west via SR 45/Canal Road.

1.2 EXISTING SETTING

1.2.1 Project Site

The project site includes the existing Hamilton High School and an adjacent 48-acre property. As shown in Figure 1-3, the high school currently contains eight buildings, including 2 multipurpose buildings, a

classroom & administration building, a classroom & library building, 3 portable structures and a classroom & woodshop building. A small parking area with 25 parking stalls is located between the existing buildings. A large area of turfed playing fields dominates the northeastern portion of the school. The school has a student body of approximately 280.

The property that the District would acquire as part of the project is currently dedicated to drip-irrigated agriculture uses. It contains a single agricultural water well and minimal electric service infrastructure, including a pole-mounted transformer.

1.2.2 Surrounding Conditions

The project site is in a predominantly agricultural community. Active farmland borders the site to the north. As shown in Figure 1-2, State Route 45/Canal Road and the Glenn-Colusa Canal border the site to the west, with active farmland beyond those features. The Southern Pacific Railroad and additional farmland lie east of the site. A primarily residential neighborhood that includes Hamilton Elementary/Middle School and few commercial/light industrial properties is located across West 6th Street to the south.

GEOLOGICAL ISSUES: SEISMIC & FAULT HAZARD; LIQUIFACTION, SUBSIDENCE & EXPANSIVE POTENTIAL; SLOPE STABILITY

CEQA MITIGATED NEGATIVE DECLARATION – SECTION 3.VII – GEOLOGY AND SOILS

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Criterion a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Criterion a.i Rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42

Less Than Significant Impact. Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake’s seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Ground rupture is considered more likely along active faults.

No Alquist-Priolo Fault Rupture Hazard Zone, as designated through the Alquist-Priolo Earthquake Fault Zoning Act, intersects the project site. Nor is the project site within an Earthquake fault Zone.¹ Moreover, the proposed improvements would be required to adhere to the current safety standards established in the 2019 California Building Code (CBC) and Title V of the California Code of Regulations (CCR). As such, project construction and modernization would be an improvement over original site construction and would reduce the already low potential for direct or indirect bodily harm involving fault rupture. As such, the impact would be *less-than-significant*.

Criterion a.ii Strong Seismic Groundshaking

Less Than Significant Impact. Due to lack of proximate active faults, the project site is not in what is considered a seismically active region. Per the California Geological Survey’s *2003 Earthquake Shaking Potential for California* map, the entire eastern portion of Glenn County is within a region “distant from

¹ California Department of Conservation. California Geological Survey, Earthquake Zones of Required Investigation interactive map, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed July 23, 2019.

known, active faults and [that] will experience lower levels of shaking less frequently. In most cases only weaker, masonry buildings would be damaged.”²

Moreover, as noted under Criteria a.i, above, proposed improvements would be required to adhere to the current safety standards established in the 2019 CBC and Title V of the CCR. The proposed project would be characterized as stick-built wood construction. As such, project construction and modernization would be an improvement over original site construction and would reduce the potential for direct or indirect bodily harm involving fault rupture. As such, the impact would be *less-than-significant*.

Criterion a.iii Seismic Related Ground Failure/Liquefaction

Less Than Significant Impact. Liquefaction is the sudden loss of soil strength resulting from shaking during an earthquake. The effect on structures and buildings can be significant. Liquefaction and is a major contributor to urban seismic risk. Areas most susceptible to liquefaction are underlain by non-cohesive soils, such as sand and silt, that are saturated by groundwater typically between 0 and 30 feet below the surface.

The project site is in area for which no liquefaction hazard maps have been issued by the State of California. The presence of site-specific liquefiable soils can only be determined through analysis of onsite soils during a targeted geotechnical investigation, as required by the CBC. All structures would be built to adhere to the 2019 CBC which provides minimum standards to protect property and public welfare by regulating design and construction to mitigate the effects of adverse soil conditions. In the event that potentially liquefiable soils are identified on site, adherence to these building code requirements, including industry standard measures of minimizing the potential for liquefaction through foundation design, treatment of site soils and/or replacement of liquefiable soils with engineered fills, would ensure that seismically induced ground failure is a *less than significant* impact.

Criterion a.iv Landslides

Less Than Significant Impact. The project site is in area for which no landslide hazard maps have been issued by the State of California. The county is divided into two geographically distinct areas--the western portion in the Coast Ranges and the eastern portion in the Sacramento Valley. Elevations range from 7,450 feet in the western part of the county to a low of 65 feet in the Sacramento Valley.

The project site and surrounding areas are within the flat agricultural area of eastern Glenn County. As noted in the technical papers submitted as part of the County’s General Plan, this level, low relief eastern area has nearly no potential for landslides, while the mountainous western portion has a higher landslide potential.³ The project site is nearly level, and proposed project components do not include grading of any slopes that would to exacerbate landslide conditions. Furthermore, all structures on the site would comply with the 2019 CBC which provides minimum standards to protect property and public welfare by regulating design and construction to mitigate the effects of adverse soil conditions.

As such, the impact would be *less than significant*.

² State of California Geologic Survey, Spring 2003, Earthquake Potential for California, https://ssc.ca.gov/forms_pubs/shaking_18x23.pdf, accessed January 7, 2020.

³ Glenn County, 1993, Environmental Setting Technical Paper, Glenn County General Plan, Volume II, page 37, June.

Criterion b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Erosion is a normal and inevitable geologic process whereby earthen materials are loosened, worn away, decomposed or dissolved, and removed from one place and transported to another. Precipitation, running water, waves, and wind are all agents of erosion. Ordinarily, erosion proceeds so slowly as to be imperceptible, but when the natural equilibrium of the environment is changed, the rate of erosion can be greatly accelerated. Accelerated erosion within an urban area can cause damage by undermining structures, blocking storm sewers, and depositing silt, sand, or mud in roads and tunnels. Eroded materials are eventually deposited into coastal and local waters where the carried silt remains suspended in the water for some time, constituting a pollutant and altering the normal balance of plant and animal life.

The project would include trenching for installation and connection of underground utilities, and other subsurface disturbances. These site preparation activities would result in the disruption of on-site soils and exposure of uncovered soils to potential erosion impacts. However, site preparation activities would be short-term, occurring for only a brief period during the preliminary stages of project development.

Although minimal erosion would result from grading and construction operations, the proposed project would not result in significant soil erosion or loss of topsoil. Soils of the project site are identified in Table 3-6, below, alongside their key characteristics. The soils composition is typical of former flood basin soils of the Sacramento River Valley.

Table 3-6 Project Site Soils Characteristics

Soil	Percent of Site	Drainage	Flooding Frequency Class	Erosion Hazard	Runoff Potential	Linear Extensibility (Shrink-Swell)	Frost Action
Wyo Loam, deep over gravel	86%	Well Drained	None	Slight	B (low)	1.5%	None
Orland Loam	10%	Well Drained	Occasional	Slight	A (low)	1.5%	None
Cortina, loamy	4%	Somewhat Excessively Drained	Occasional	Slight	B (low)	1.5%	None

Source: United States Department of Agriculture, Natural Resources Conservation Service

As identified in Table 3-6, 86 percent of site soils are classified as Wg—Wyo loam, deep over gravel. Per the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), this soil classification has an erosion potential rating of “slight”, indicating that erosion is unlikely under normal climatic conditions. The two other soils of the overall site composition are also rated “slight”. The flat topography of the site would further reduce the potential for substantial erosion.

Finally, because the site encompasses an area of more than 1 acre, the proposed project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. As part of the permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program would be prepared. The SWPPP would serve to help identify the sources of pollution that may affect the quality of stormwater discharges and to describe and ensure implementation of practices to reduce the pollutants in construction stormwater discharges. The SWPPP would specify, along with permanent or

post-construction measures, BMPs for temporary erosion control. The BMPs typically include the use of vegetation and mulch to stabilize disturbed areas, and sandbags and temporary catch basins to direct runoff away from disturbed areas and trap sediments on-site. Mandatory compliance with the requirements set forth by the NPDES permit, combined with soils that are not susceptible to erosion, would ensure that erosion impacts resulting from the project would be *less than significant*.

Criterion c. We the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Unstable geologic units are not known to be present on the project site. As noted under Criteria a.iv, potential for landslide is low to the flat topography of the site.

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other “free” face, such as an excavation boundary. Lateral spreading can result from either the slump of low cohesion and unconsolidated material or liquefaction of either the soil layer or a subsurface layer underlying soil material on a slope. One indicator of potential lateral expansion is frost action, defined as the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing (NRCS 2018). As indicated in Table 3-6, all project site soils are rated as having have no frost action potential. As such, the potential for impacts due to lateral spreading would be *less than significant*.

Ground subsidence often results from the withdrawal of large amounts of oil and/or groundwater from a region. Oil withdrawal has occurred in an around Hamilton City. According to the California division of Oil, Gas & Geothermal Resources (DOGGR),⁴ there is a single, inactive oil well on the project site. It is a plugged, dry-hole well, meaning it has been permanently sealed with cement to isolate the oil- and gas-bearing geologic formation from water. The well has not been in production since at least 1979 and would not significantly impact the stability of site geology.

There is also a single water well at the approximate center of the project site, drilled in 1973.⁵ The well is currently active and less than 1 foot in diameter. This is not a high-volume extraction well would not result in compromised site stability.

Soil collapse occurs when water is introduced to poorly cemented soils, resulting in the dissolution of the soil cementation and volumetric collapse. In most cases, the soils are cemented with weak clay sediments or soluble precipitates. This phenomenon generally occurs in granular sediments situated within arid environments. Collapsible soils will settle without any additional applied pressure when enough water becomes available to the soil. Water weakens or destroys bonding material between particles that can severely reduce the bearing capacity of the original soil resulting in damage to buildings and foundations.

The 2019 CBC may require detailed soils and/or geotechnical studies in areas of suspected geological hazards such as unstable geologic units that may be subject to collapse, subsidence, landsliding, or

⁴ California Division of Oil, Gas & Geothermal Resources – Well Finder, <https://maps.conservation.ca.gov/doggr/wellfinder/#close/-122.01644/39.74939/15>, accessed August 3, 2019.

⁵ Hamilton Unified School District, September 13, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 14.

lateral spreading. The required geotechnical investigation, in accordance with county and state requirements, would also determine the susceptibility of the project site to settlement, and prescribe appropriate engineering techniques for reducing any potential settlement related effects. Where settlement and/or differential settlement is predicted, site preparation measures—such as use of engineered fill, surcharging, wick drains, deep foundations, structural slabs, hinged slabs, flexible utility connections, and utility hangers—would be deployed as warranted. Upon submission to the Division of the State Architect (DSA), the project would be reviewed for compliance with these standards.

Implementation of standard geotechnical engineering practices, including completion and adherence to a geotechnical investigation containing recommendations that would be specific to the project site, as well as adherence to building code requirements, would reduce potential impacts from unstable soils and other adverse soil properties to less-than-significant levels. Therefore, the project would result in *less-than-significant* impacts related to potential lateral spreading, settlement, collapse, subsidence, and liquefaction.

Criterion d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial director indirect risks to life or property?

Less Than Significant Impact. Expansive soils are characterized by a high clay content, which swell with increased moisture content and contracts during dry periods. This change in volume, usually associated with seasonal changes, can damage building foundations, roads, and concrete pavement. Expansive soils can be determined by a soil's linear extensibility, or "shrink-swell" potential. There is a direct relationship between linear extensibility of a soil and the potential for expansive behavior, with expansive soil generally having a high linear extensibility. Thus, granular soils typically have a low potential to be expansive, whereas clay-rich soils can have a low to high potential to be expansive.

According to the NRCS, the linear extensibility value of all soils of the project site is 1.5 percent (see Table 3-6, above). Linear extensibility values below 3 percent correlate to low expansion and shrink-swell potential. The potential of this hazard is moderate if values are 3 to 6 percent, high if values are 6 to 9 percent, and very high if values are more than 9 percent. If the linear extensibility value is more than 3 percent, shrinking and swelling can cause damage to buildings, roads, and other structures and to plant roots. Given the linear extensibility of the project site soils, this would be a *less-than-significant* impact.

Criterion e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project includes modernization and new construction at an existing high school campus that is fully supported by an existing sewer system. As explained in Chapter 3, project Description, the project would include annexation of the site to the Hamilton City Community Services District (CSD) which would provide wastewater services. No septic tanks or alternative wastewater disposal systems would be required. There would be *no impact*.

Criterion f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation. Paleontological resources have not been identified on the project site, a previously disturbed urban area. However, because the proposed project requires ground disturbing activities, there could be fossils of potential scientific significance and other unique geologic features that are not recorded. Such ground-disturbing construction associated with development permitted under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. Adherence to Mitigation Measure GEO-1, would reduce potential impacts from expansive soils to a *less-than-significant* level.

Impact GEO-1 Ground disturbing activities associated with construction of the proposed project could disturb paleontological resources or unique geological features.

Mitigation Measure GEO-1. In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery, as needed, in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the District for review and approval prior to implementation.

Significance after Mitigation. Less than Significant.

DAM OR FLOOD INUNDATION

FLOOD HAZARD – From: CEQA MITIGATED NEGATIVE DECLARATION

SECTION X – HYDROLOGY & WATER QUALITY

Criterion d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less Than Significant Impact. The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area but is located within the dam inundation zones of Black Butte Lake and Shasta Lake and Reservoir. However, the probability of dam failure is very low, and Glenn County, Tehama County, and Shasta County have never been impacted by a dam failure. In addition, public high school uses are not considered a use which would risk release of pollutants due to project inundation. A dam inundation study was prepared for this project in compliance with the California Code of Regulations, Title 5 requirements and provides additional details on evacuation procedures and flooding risks.⁶ It is

⁶ PlaceWorks, 2019. Dam Inundation Study for Hamilton High School Expansion, prepared for Hamilton Unified School District. Dated June 2019.

highly unlikely that either the Black Butte Dam or Shasta Dam would experience a catastrophic failure, and impacts relating to the project release pollutants due to inundation are considered *less than significant*.

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. The project site is approximately 130 feet east of the Glenn-Colusa Canal and approximately 0.55 mile southwest of the Sacramento River. The Glenn-Colusa Canal is an open channel with non-pressurized (gravity) flow in this area, and there is no credible mechanism for catastrophic failure unless there is an external event, such as an earthquake.⁷ The maximum water elevation is 143.5 feet (National Geodetic Vertical Datum of 1929 or NGVD29) which is approximately 10 feet below the existing school site elevation of 153 feet above mean sea level (msl). As the water level within the canal is controlled to maintain a constant flow rate, there is minimal potential for a rise in water elevations or flooding to occur.

The project site also is located outside of the 100-year flood zone for the Sacramento River to the northeast and is beyond the river's setback levee.⁸ Therefore, the project site would not be at risk from flooding due to seiches from either the Glenn-Colusa Canal or the Sacramento River due to distance from the school site and the school's higher elevation. Therefore, impacts due to a seiche are considered *less than significant*.

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. As Hamilton City is located approximately 95 miles inland from the Pacific Ocean, the project site is not in an area subject to inundation by tsunamis and there would be no impact.

Therefore, *less than significant impacts* would occur with respect to the release of pollutants from these three potential types of natural hazard events.

DAM INUNDATION STUDY (PlaceWorks) June 2019

3. Summary and Recommendations

The school site is within the inundation zones of Black Butte Dam and Shasta Dam. Black Butte Dam is located 17.4 miles to the west of the site in Tehama County. According to the inundation map prepared by the USACE for Black Butte Dam, flood water resulting from dam failure would reach the school site in approximately 7 hours. Shasta Dam is located 69.6 miles to the north of the site in Shasta County. According to the inundation map prepared by the USBR for Shasta Dam in 1976, flood water resulting from dam failure would reach the school site in approximately 22 hours with a maximum depth of 12 feet. The probability of dam failure is very low, and Glenn County, Tehama County, and Shasta County have never been impacted by a dam failure. Dams are continually monitored by various government

⁷ PlaceWorks, 2019. Pipeline Safety Hazard Assessment for Hamilton High School Expansion, prepared for Hamilton Unified School District. Dated June 2019.

⁸ Glenn Local Agency Formation Commission, 2014. Hamilton City Community Services District, Municipal Service Review and Sphere of Influence, adopted December 8, 2014.

agencies, including the DSOD. Dam owners are required to maintain EAPs that include procedures for damage assessment and emergency warnings. In addition, municipalities and counties address the possibility of dam failure in the Safety Elements of General Plans and the Local Hazard Mitigation Plans. The Hamilton City Fire Protection District coordinates the County of Glenn Emergency Preparedness section within the Sheriff/Office of Emergency Services. The County of Glenn maintains the EOP in accordance with the State of California's SEMS. 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.

HAZARDOUS MATERIALS MITIGATION

HAZARDOUS MATERIALS – From: CEQA MITIGATED NEGATIVE DECLARATION

SECTION IX – HAZARDS AND HAZARDOUS MATERIALS

DISCUSSION

The analysis in this section is based in part on the Phase I Environmental Site Assessment, Hamilton Union High School Expansion, September 13, 2018 (Phase I ESA). This document is included as Appendix C of this IS/MND.

Criterion b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. As described in Chapter 3, Project Description, the proposed project would not include the full demolition of any existing structures, only renovation of one classroom building. As a result, the likelihood of encountering or upsetting existing ACMs and/or lead is minimal. Moreover, as discussed below, the existing regulatory framework would preclude a significant impact resulting from ACMs.

Construction projects typically maintain supplies onsite for containing and cleaning small spills of hazardous materials. However, construction activities would not involve a significant amount of hazardous materials, and their use would be temporary. Furthermore, project construction workers would be trained on the proper use, storage, and disposal of hazardous materials. Operation of the site would continue as existing conditions and would not warrant use of hazardous materials in quantities that could result in conditions.

Asbestos

Asbestos is the name of a group of silicate minerals that are heat resistant, and thus were commonly used as insulation and fire retardant. Inhaling asbestos fibers has been shown to cause lung disease (asbestosis) and lung cancer (mesothelioma). Per the SCAQMD, the demolition, renovation, or removal of asbestos-containing materials is subject to the limitations of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations as listed in the Code of Federal Regulations requiring notification and inspection. The Environmental Protection Agency (EPA) Region IX office has authority to implement the asbestos NESHAP in Shasta County, and notification of the District and EPA Region IX is required for all projects involving the handling of asbestos-containing materials. In addition to new construction, the proposed project would renovate one classroom structure. No external demolition activities would occur at the project site. In addition, as concluded in the Phase I Environmental Site Assessment (ESA) performed for the proposed project, the site is not in an area mapped as likely to contain naturally occurring asbestos.⁹ The presence of ultramafic rock outcrops (typically associated with the occurrence of NOA) was not detected during field visits performed a part of the Phase I ESA.¹⁰

Regardless, removal of any structural or naturally-occurring asbestos would comply with State and federal regulations, including adherence to EPA Region IX. Asbestos waste would be transported to a facility permitted for direct land filling of asbestos-containing waste, both friable and nonfriable, into a fully lined, Resource Conservation and Recovery Act (RCRA) Subpart D landfill unit. Additionally, soils contaminated by asbestos would be removed, if warranted. Compliance with existing regulations is sufficient to reduce potential impacts associated with ACM to a *less-than-significant* level, and no mitigation is necessary.

Lead

Lead was formerly used as an ingredient in paint and as a gasoline additive; both of these uses have been banned. Lead is listed as a reproductive toxin and a cancer-causing substance; it also impairs the development of the nervous system and blood cells in children.

The determination of the presence of lead-based paint and its removal would comply with state and federal regulations, including OSHA rule 29, Code of Federal Regulations Part 1926, which establishes standards for occupational health and environmental controls for lead exposure. The standard also includes requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation of monitoring. Title 17, California Code of Regulations, Section 36100 specifically sets forth requirements for lead-based paint abatement in public and residential buildings.

If any building materials containing lead-based paint were to be found, the removal of lead-based paint would also need to comply with Title 22, Division 4.5 of the California Code of Regulations. Title 22 sets forth the requirements with which hazardous-waste generators, transporters, and owners or operators of treatment, storage, or disposal facilities must comply. These regulations include the requirements for

⁹ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 10.

¹⁰ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 10.

packaging, storage, labeling, reporting, and general management of hazardous waste prior to shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting shipments of hazardous waste, including manifesting, vehicle registration, and emergency accidental discharges during transportation.

Soils contaminated by lead-based paint would be removed, as needed. Removed lead waste would be transported to a Comprehensive Environmental Response, Compensation, and Liability Act approved, Toxic Substances Control Act and RCRA permitted, Class I, II, and III landfill. Compliance with existing regulations would reduce hazards related to lead-based paint to less than significant, and no mitigation is needed.

Overall, compliance with State and federal regulations would reduce construction-related impacts associated with the accidental release of hazardous materials into the environment. Impacts would be *less than significant*, and no mitigation is necessary.

Pesticides and Polychlorinated Biphenyls

The Phase I ESA concluded that there is evidence of known Recognized Environmental Conditions (RECs) at the project site, in the form of past agricultural uses that may have left residual pesticides and herbicides in site soils. The Phase I ESA includes documentation of pesticide treatment at the site, and reveals that pesticides have been used at the site since at least 2011, when the County permitting program began.¹¹ Groundwater may also contain residual agricultural chemicals, and therefore is also considered a REC at the site.

The pole-mounted electrical transformer in the parcel to be acquired was also identified as an REC in the Phase I ESA, due to concern that leakage from the transformer could contaminate surrounding soils with Polychlorinated biphenyls (PCBs).¹² PCBs are a group of man-made organic chemicals known to cause cancer and impact the immune, reproductive, nervous, and endocrine systems.

The above results of the Phase I ESA resulted in the required completion of a State-approved Preliminary Endangerment Assessment (PEA). The PEA included a detailed soil sampling workplan developed per DTSC guidelines and requiring approval by the DTSC. The PEA was also subject to a required 30-public review process and final DTSC report approval. The PEA determined that soils at the site are safe and that no further action is necessary. The conclusion of the PEA was approved by the DTSC on April 29, 2020. Based on these analyses, the site of the proposed project would result in a *less-than-significant* impact regarding upset of hazardous materials.

¹¹ Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 9, September.

¹² Hamilton Unified School District, 2018, Phase I Environmental Site Assessment, Hamilton Union High School Expansion, page 15, September.

Criterion c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant. As noted in Chapter 3, project Description, the project site is adjacent Ella Barkley High School, a 10th through 12th grade alternative education facility. The next nearest school is Hamilton Elementary/Middle School located approximately 0.6 miles to the south.

The Phase I ESA identified Recognized Environmental Conditions (RECs) on of the subject property in connection with past agricultural land use and the existing electrical transformer. These REC's prompted the completion of a PEA, As noted above, the PEA concluded that no further action on the site was required previous to project implementation. Construction of the proposed project would not emit hazardous emissions that would impact the health of students and staff at Ella Barkley High School.

Furthermore, operation of the proposed high school would not emit hazardous emissions or handle hazardous materials or substances. The impact would be *less than significant*.

HAZARDS AND HAZARDOUS MATERIALS

From: PRELIMINARY ENVIRONMENTAL ASSESSMENT (NV5) April 2020

3.1.3 Naturally Occurring Asbestos

NV5 reviewed geologic literature regarding the distribution and occurrence of NOA in California. The site is not in an area mapped as likely to contain NOA, and NV5's field geologist did not observe the presence of ultramafic rock outcrops (typically associated with the occurrence of NOA) at the site. According to A General Location Guide for Ultramafic Rocks in California - Areas Likely to Contain Naturally Occurring Asbestos (California Department of Conservation, Division of Mines and Geology; August 2000) ultramafic rock is mapped approximately 21 miles west of the site. The Jennings and Strand 1960 geologic map shows a Mesozoic aged ultramafic rock unit mapped approximately 21 miles west of the site and within the Upper Stony Creek Watershed. Surface water draining from the Upper Stony Creek Watershed flows into Black Butte Lake where the sediment load is likely deposited, then flows southwest across the valley and ultimately to the Sacramento River approximately 5.5 miles south of the subject property. The site is not within the Upper Stony Creek Watershed and is protected from inundation and deposition of NOA by the Glenn-Colusa Canal levee. Therefore, naturally occurring asbestos is not a REC for the subject property.

3.1.4 Radon

Radon gas concentrations are often compared to a regulatory screening level of 4 picoCuries per liter (pCi/L). Based on review of the California Department of Health Services (CDHS) report Geologic Controls on the Distribution of Radon in California (Ronald Churchill, Associate Geochemist, California Geological Survey, dated January 25, 1991), Glenn County is not underlain by geologic deposits that increase the chance of elevated radon gas. Glenn County is in Radon Zone 3 as defined by the United States Environmental Protection Agency Map of Radon Zones for California (viewed August 21, 2018 at:

<http://www.city-data.com/radon-zones/California/California.html>). This zone consists of counties with a predicted average indoor radon screening level less than 2 pCi/L. Furthermore, the California Indoor Radon Test Results (Department of Health Services, last updated February 2016) database summary indicates that, in the 95951 zip code for Glenn County, radon concentrations were less than the California Department of Health Services recommended action level of 4 pCi/L in four of four indoor air tests. Therefore, based on the published literature reviewed radon is not expected to be present at levels exceeding the screening levels. Sampling and analysis of indoor air would be required to determine actual radon levels at the site.

5.7 SUMMARY OF EVALUATION

Pursuant to guidelines set forth in HERO HHRA Note No. 4 (DTSC, 2019c) hazard and risk are calculated on a site-wide basis, considering the hazard and risk associated with exposure to all detected chemicals including those that are determined to be consistent with background or ambient concentrations. This information is intended to be useful for risk management decisions and to foster public transparency. The hazard index (hazard or HI; $1.7E+01$) and excess lifetime cancer risk (risk; $6.2E-05$) are driven by ambient arsenic concentrations in soil. Excluding arsenic, which was detected at concentrations similar to accepted background values, the hazard is $6.6E-01$ and the risk is $3.8E-08$.

7.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions are based on the findings of site characterization and risk assessment. Arsenic concentrations detected in surface soil range from 4.1 to 6.7 mg/kg and have an average value of 5.3 mg/kg. These concentrations exceed the DTSC-SL for residential soil (unrestricted land use). However, the concentrations are similar to accepted background values and are considered to be representative of background conditions. OCPs were not detected in soil within the former agricultural area in exceedance of DTSC-SLs and were not detected in groundwater sampled from the onsite agricultural well. PCBs were not detected in soil adjacent to the onsite pole mounted transformer. Except for arsenic (discussed above), Title 22 metals were not detected in soil within the former agricultural area or drainage ditch in exceedance of DTSC-SLs. Total petroleum hydrocarbons were not detected in soil in the drainage ditch in exceedance of RWQCB ESLs. Based on the findings of site characterization presented herein, it is NV5's opinion that the site is a candidate for a no further action determination regarding the characterization of Title 22 metals (including arsenic), OCPs, TPH and PCBs. The findings and conclusions presented herein are subject to review and approval by DTSC.

HIGH PRESSURE PIPELINES AND ELECTRIC TRANSMISSION LINES

HIGH PRESSURE PIPELINES-Pipeline Safety Hazard Assessment (PlaceWorks) June 2019

As part of the Title 5 studies done for this site, the District completed a Pipeline Risk Assessment Study in June 2019, authored by PlaceWorks, Inc. The study identified two PG&E gas transmission line located within 1500 feet of the proposed school site (**Appendix 3**), and analyzed pipeline failure consequences based on CDE guidelines and standards. The study found:

3. Summary and Recommendations

The results of the Stage 2 screening analysis indicate that the total individual risk is 8.3×10^{-10} for the PG&E natural gas transmission pipelines, which is much less than the CDE significance threshold of one in a million (1.0×10^{-6}). Therefore, the risk to staff and students at the school site is not considered to be significant and no mitigation measures are required. Additionally, damage to the Glenn-Colusa Irrigation District Main Canal as the result of a maximum credible earthquake would not result in significant flooding at the school site or pose a risk to students and staff.

Even though the impact of pipeline releases was found to be less than significant, it is recommended that the school's emergency response and evacuation plan address the possibility of natural gas or water releases and identify potential evacuation routes. Also, contact names and numbers for the pipeline and water agencies (Pacific Gas & Electric Company, Glenn-Colusa Irrigation District, and the California Water Service) should be maintained with the emergency response plan in case the school needs to report pipeline releases or damage to the Glenn-Colusa Irrigation District Main Canal. A map of the pipeline and canal locations and emergency contact information should be kept with the school's emergency response plan.

ELECTRICAL TRANSMISSION LINES

A review of the California Energy Commission (CEC) website, as well as field verification, shows two 60kv overhead power transmission lines within 1,500 feet of the proposed school site (**Appendix 4**). One line is within the railway right-of way to the east/northeast of the site (as is one of the two gas lines); the other electrical line parallels Hwy. 45/County Road 203/Canal Street on the west side of the site. There is also a PG&E substation outside the 1,500 ft. boundary, at the intersection of Hwy. 32 and Shasta Street in Hamilton City.

According to the CDE Power Line Setback Exemption Guidance, May 2006, the District may request an exemption as follows:

Exemption Process Guidance

Title 5 Setbacks - All Power Transmission Lines Rated 50kV and Above

Without a CDE approved exemption request, all proposed school sites shall meet at least the following Title 5 Section 14010(c) setbacks as measured from the edge of easement of overhead transmission lines to the usable portions of the school site (including usable joint-use areas, but excluding gross acreage not available for school uses):

Overhead transmission line easement setbacks

100 feet for 50-133kV line (interpreted by CDE up to <200kV)

150 feet for 220-230 kV line

350 feet for 500-550 kV line

The District anticipates meeting the 100-foot easement setback for the proposed school expansion as part of the school design, as noted in the conceptual site drawing from the CEQA IS/MNG. As needed,

the District may also request an exemption as noted in the Guidance Memo prior to final submission of the site approval documentation noted in SFPD 4.01

As noted in the opening paragraphs of this analysis, original documents for all CEQA, DTSC and Title 5 studies may be found at:

<https://www.husdschools.org/Page/1952>

If you have any questions or require any additional information, please contact Michael Cannon, EFPM/LLC, at (916) 825-0000 or mccannon_efpm@msn.com

APPENDICES

- 1). CDE School Site Selection & Approval Guide (2000 Edition), Appendix H – Factors to be Included in a Geological and Environmental Hazards Report**
- 2). Hamilton High School Site Expansion-Conceptual Drawing; Phases 1 & 2 Site Development**
From: Hamilton High School Site Expansion-Initial Study/Mitigated Negative Declaration
- 3). Hamilton High School Site Expansion-Gas Pipelines**
From: Hamilton High School Site Expansion-Pipeline Safety Hazard Assessment
- 4). Hamilton High School Site Expansion-Electrical Transmission Lines**
From: California Energy Commission Link <https://cecgis-caenergy.opendata.arcgis.com/app/ad8323410d9b47c1b1a9f751d62fe495>

CALIFORNIA DEPARTMENT OF EDUCATION

SCHOL SITE SELECTION & APPROVAL GUIDE (2000 Edition)

GEOLOGICAL AND OTHER ENVIRONMENTAL HAZARDS REPORT

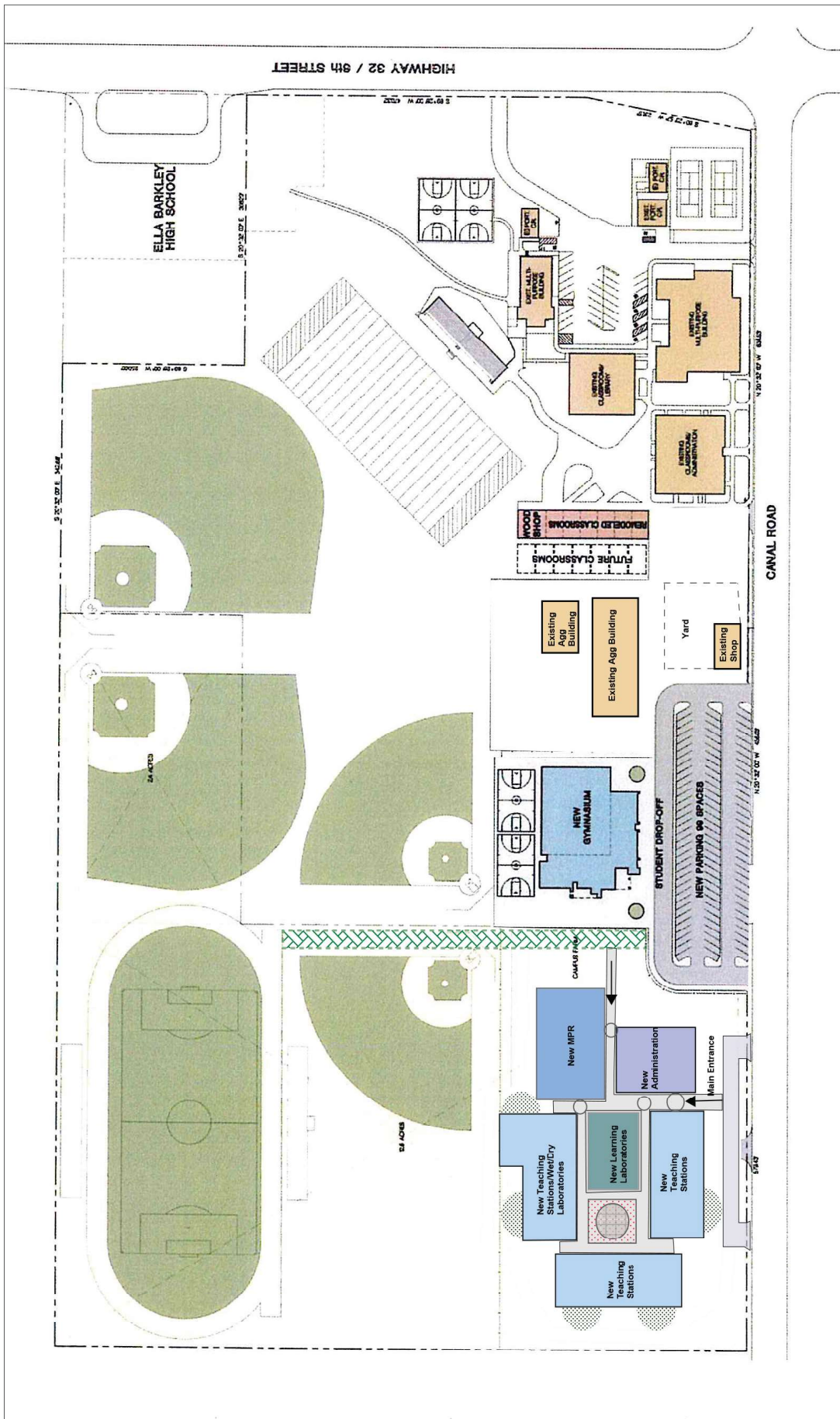
Appendix H

Factors to Be Included in a Geological and Environmental Hazards Report

- I. Site Description**
 - A. Location of site identified by street name, lot number(s), or other descriptors that are site specific.**
 - B. Description of site reconnaissance, including the vegetation (describe type), and previous site usage.**
- II. Geological**
 - A. Seismic and Fault Hazard**
 - 1. Whether the site is in Alquist-Priolo zone; whether it is situated on or near a pressure ridge, geological fault, or fault trace that may rupture during the life of the school building; and what the student risk factor is.**
 - 2. Locations and potential for ground shaking of nearby faults or fault traces. Discussion of field inspection and reconnaissance.**
 - 3. Subsurface conditions determined by exploration and literature review.**
 - B. Liquefaction Subsidence or Expansive Potential**
 - 1. Discussion of subsoil condition relative to ground water and the potential for liquefaction.**
 - 2. Mitigating factors.**
 - C. Dam or Flood Inundation and Street Flooding**
 - 1. Location of the site in relation to flood zones and dam inundation areas.**
 - 2. If the site is in a flood zone, give year, type, and potential hazard.**
 - 3. Potential for sheet flooding, street flooding, and dam or flood inundation.**
 - D. Slope Stability**
 - 1. If located on or near a slope.**
 - 2. Discuss potential for instability and landslides.**
 - E. Mitigations**
 - 1. Discuss mitigations and potential development of the site as it relates to student safety and staff use.**
- III. Environmental (Where applicable)**
 - A. Health Hazards**

1. Describe the mitigation, if on or near a hazardous or solid waste disposal, to ensure that the wastes have been removed before acquisition.
 2. Discuss soils sample and underground water sample test results and, if toxics are present, the cleanup procedures.
 3. Address the presence of asbestos if serpentine rock is present.
 4. Identify facilities within one-quarter mile of the site that may emit hazardous air emissions. Provide air emissions test results and an analysis of the potential hazard to students and staff (written findings required).
- B. High-Pressure Pipelines and Electric Transmission Lines**
1. Identify proximity to all high-pressure gas lines, fuel transmission lines, pressurized sewer lines, and high-pressure water pipelines within 1,500 feet of the proposed site; and identify supply lines other than gas lines to the site or neighborhood.
 2. Identify all utility easements on or adjacent to the site and the kV capacity of the easement.

PROJECT DESCRIPTION



Source: Nichols, Melburg & Rossetto Architects.








-  New Fire Loop
-  New Outdoor Learning Space
-  New Circulation Node/Quad
-  Additional Property Acquisition
-  Existing Buildings to Be Remodeled/Relocated
-  Existing Buildings to Remain
-  New Construction

Figure 1-5

Phase II Conceptual Site Plan



Source: ESRI, 2019



--- Project Boundary

— 1,500-ft Radius

Figure 1

Site Location and Pipeline Map



Glenn-Colusa Canal

Country Road 203

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16(f)	Date: 8/28/2020
Agenda Item Description: Certification of Provision of Standards Aligned Instructional Materials for 2020-21 School Year	
Background: Each year the school board must provide certification that each pupil in the District in kindergarten through grade twelve has been provided with a standards-aligned textbook or basic instructional materials in each of the following areas: History-Social Science, Mathematics, Reading/Language Arts, Science.	
Status: Pending board certification.	
Fiscal Impact: None.	
Educational Impact: Ensures that each pupil in the District has been provided with standards aligned textbooks or basic instructional materials in the required areas.	
Recommendation: Recommend to certify.	

**CERTIFICATION OF PROVISION OF STANDARDS-ALIGNED
INSTRUCTIONAL MATERIALS
FOR 2020-21 SCHOOL YEAR**

The local Governing Board of the Hamilton Unified School District hereby certifies that as of this date, each pupil in the District in kindergarten through grade twelve has been provided with a standards-aligned textbook or basic instructional materials in each of the following areas:

- History-Social Science
- Mathematics
- Reading/language arts
- Science

The instructional materials were adopted by the local governing board following district review of the materials and their alignment with state content standards as required by CCR, *Title 5*, Section 9531.

For students in kindergarten through grade eight, the instructional materials were purchased from an approved standards-aligned state adoption list as required by CCR, *Title 5*, Section 9531.

Certification was approved by the local governing board at a public meeting held on August 26, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Wendell Lower, Clerk Governing Board
Hamilton Unified School District

Jeremy Powell, Ed.D., Superintendent
Hamilton Unified School District

HAMILTON UNIFIED SCHOOL DISTRICT

Agenda Item Number: 16(g)	Date: 8/26/2020
Agenda Item Description: Approve Gaynor Telesystems District Phone System Project	
Background: A few years ago, E-Rate cut funding for voice services causing the district a financial hardship. This project would migrate from a cloud-based solution to a HUSD-owned solution. By leveraging our existing experience managing NEC phone systems which will lend itself to reduced service/maintenance costs.	
Status: To be completed by Dec 2020	
Fiscal Impact: The transition to an HUSD-owned NEC phone system will save the district over \$12,000 per year.	
Educational Impact: The system will offer improvements to the PA/Announcement system as well.	
Recommendation: Board approval	

CORPORATE HEADQUARTERS
 9650 Tanqueray Court
 Redding, CA 96003
 O. 530.223.2979
 F. 530.224.9260
 GaynorTelesys.com



Authorized Dealer of these products and more



Hamilton USD
 Elementary & High School

July 8, 2020

DISTRICT NEC PHONE SYSTEM PROJECT

LEASING OPTION SUMMARY

NEC SYSTEMS INSTALLED	\$	43,152.73
LESS SALES TAX	\$	(2,002.87)
LEASED AMOUNT	\$	41,149.86
60 MONTH PAYMENT	\$	809.42

NEC SYSTEMS	\$	41,149.86
60 MONTH LEASE PAYMENT	\$	809.42
7.25% Sales Tax	\$	58.69
NEC SIP TRUNKS (+ FEES)	\$	290.00
ATT POTS LINES (+ FEES) est	\$	100.00
TOTAL MONTHLY EXPENSE	\$	1,258.11

NEC FINANCING
MUNICIPAL LEASE
60 MONTHS
\$1 PURCHASE OPTION
ZERO PAYMENTS DOWN

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Hamilton Unified School District
Elementary School
Hamilton City, CA

July 8, 2020

SCHEDULE "A"

NEC SV9100 PHONE SYSTEM



- 1 EA **SV9100 E Package:** equipped with 8 SIP Trunks and 4 analog trunks for outside dial tone with 47 IP station ports (47 operational) and 47 IP Phone GIG Licenses. The UNIVERGE SV9100 solid state communications server is the ideal system for small to medium size businesses that wish to compete and grow their businesses over time. The SV9100 is a user-friendly system with the administration of the system performed through a browser-based interface. You can change names on phones, program feature keys, reset voice mail boxes, or swap extensions easily with the click of your mouse. Some of the commonly used features included are hold, call monitoring for training purposes, intercom, all page, call forwarding, and a music/message on hold interface.
- 1 EA **Embedded InMail Voice Mail Systems** will have (16) ports and 47 users and up to 10 Auto Attendant greetings. The solid-state embedded voice mail inside the SV9100 communication chassis uses less space and power than other stand-alone messaging systems. This is a solution for the UNIVERGE SV9100 Communication Server that provides digitally integrated voice messaging capabilities and Automated Attendant features to meet a SMB's communication needs both now and in the future. This voice mail system includes soft key navigation, answering machine emulation, subscriber self-enrollment, holiday schedules, remote or local message notification (on or offsite), three personalized mailbox greetings, remote programming via WebPro/PCPro voice mailbox, conversation recording, and many others.
- 47 EA **Voicemail to E-Mail Users** Allows your voicemail message to be in your Email as wav. files
- 1 EA **911 Programming:** 911 call alert tone with screen pop to phone display, up to 3 extensions. Ability to barge in to listen to the 911 call in progress.
- 12 EA **IP-CCIS pathways** to Elementary School. Allows 3 to 4 digit dialing and transferring calls.

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41 EA 6 Button ITK IP Display Phone. 6 Line/Feature Access/Programmable Feature Access Keys. (Keys may be programmed to support a variety of combinations.) Also, features a full duplex Speakerphone, Headset Jack, Wall Mount Unit, 24-Character by 3-Line Monochrome Display, 4 Soft-Keys, large LED to indicate incoming calls and messages, Volume Control and Tilt Stand.

6 EA 12 Button ITK IP Display Phone. 12 Line/Feature Access/Programmable Feature Access Keys. (Keys may be programmed to support a variety of combinations.) Also, features a full duplex Speakerphone, Headset Jack, Wall Mount Unit, 24-Character by 3-Line Monochrome Display, 4 Soft-Keys, large LED to indicate incoming calls and messages, Volume Control and Tilt Stand.



1 EA InControl Call Accounting Reporting software: In today's ever-changing business environment, information is critical when making important organizational decisions, and managing employees and resources. Your business decisions should be based on facts, both current and historical, to ensure your employees are informed and your business is effectively servicing customers. NEC's InControl provides the information you need to help you make the right business decisions. InControl Call Reporting allows you to create reports for most all of the call activity in your company, such as, inbound and outbound call volume, total calls, duration of calls and average duration of calls and more. Utilize InControl's historical call metrics to track productivity and improve future call usage.

1 EA InGuard Software: The growing risk of a toll fraud attack is alarming with businesses facing bills which can run into thousands and even result in bankruptcy. It's a threat which most businesses don't truly understand or defend themselves against. Defense against these attacks, however, can be resolved with a simple, low cost embedded solution - NEC's InGuard. All call activity is monitored 24/7 and any suspicious call activity is detected instantly. Alert email sent to designated recipients, or in more severe cases an 'alert and block' which prevents any further call activity instantly.

5 EA Teleworker: Multiline Client (MLC) Mobile re-invents the office telephone by moving the traditional desktop phone onto your Laptop Softphone, iPhone/iPad/Android Phones/Android Tablets, transforming it into one innovative, feature-packed business device. This solution revolutionizes the users' experience and changes the way businesses use their personal devices.

Paging Interface: Gaynor will interface with Customer existing External Page system. Customer will be able to page up to 50 IP Phones and External paging concurrently.

5 EA Mobile Extension. Turns your smart phone into your desk phone extension.

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 Redding, CA 96003
 ☎ 530.223.2979
 F 530.224.9260
 GaynorTelesys.com



Authorized Dealer of these products and more



Customer responsibility:

- Provide one network port for SV9100 system
- Provide POE port and VLAN for NEC IP Phones
- DCHP or LLDP configuration for NEC Equipment
- Firewall configuration for NEC SIP Trunks
- Install all Classroom IP Phones
- Supply IP address range with Subnet mask and Gateway
- Rack mount space or Wall mount. (4RU's)
- Provide Analog Trunks
- Provide UPS / Battery backup for SV9100 system

Gaynor responsibility:

- Implementation Meeting(s) with stakeholders
- Install, Program & Test NEC equipment
- Configuration of NEC SIP Trunks with porting main numbers
- Configuration of Voice mail box for all users
- Configuration of Auto Attendant for Day, Night & Holiday greetings
- On-Site end user training for handsets and Admin training on System Administration

NEC SYSTEM MSRP

\$23,154

NEC SV9100 PHONE SYSTEM	\$	12,941.58
7.25% SALES TAX	\$	938.26
PREVAILING WAGE INSTALLATION	\$	6,400.00
NEC ANNUAL SOFTWARE SUPPORT	\$	540.00
PROJECT TOTAL	\$	20,819.85

NEC SIP TRUNKS:	Monthly
Total # of Trunks for all Locations	8
Monthly Included LD Minutes	UNLIMITED
Private Circuit Charges Monthly Recurring Cost	\$0.00
SIP Trunk Monthly Recurring Cost (MRC)	\$145.71
Total Monthly Recurring Cost (MRC)	\$145.71
Hardware/Services Charges (NRC)	\$0.00
Setup (NRC)	\$4.29
Total Non Recurring Cost (NRC)	\$4.29

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Municipal Lease Option:

60 Months

\$391/ month estimate + sales tax

Zero Payments Down

\$1 Purchase Option

OPTIONS

Embedded Contact Center Solution: In today's business environment, organizations must take advantage of the latest communications technologies to streamline their processes, enhance staff productivity and improve customer service. NEC's UNIVERGE SV9100 Contact Center helps accomplish these goals by handling high call volume with a minimum number of resources.

The SV9100 Contact Center offers: Reduction in caller hold time and distributes call volume evenly among employees, Callers the option of either immediately leaving a message for agent callback or holding for an agent, Call queue announcements that encourage them to remain on the line, Customers the choice that best fits their needs, reduces lost calls and helps optimize staffing, PC-Based Supervisor with Reports feature which can be used for agent scheduling, business analysis and improvement of scheduling efficiency and Reporting package offers an easy-to-use PC interface for compiling, analyzing and managing information.

UC Suite: Innovative applications that increase efficiency and productivity. Simplified call management through easy-to-use graphical user interfaces, User Presence for real-time status and availability of colleagues, Instant messaging for quick, real-time conversations, Easy capture/upload of profile pictures to be associated with Busy Lamp, Field (BLF) and company directory, Color customization of main window and instant message window, Internet browser access to features through UC Web Client, Integration with popular contact and CRM applications, including: Microsoft® Office Outlook®, Goldmine® and ACT!®, Simplified call handling for operators and attendants, Seamless integration with UNIVERGE SV9100 Contact Center application for call center functionality, Quick access and easy management of messages through the integration with UNIVERGE InMail and UM8000 Runs with full functionality on either an SV9100 internal server blade or external server or in a Virtual Machine environment.

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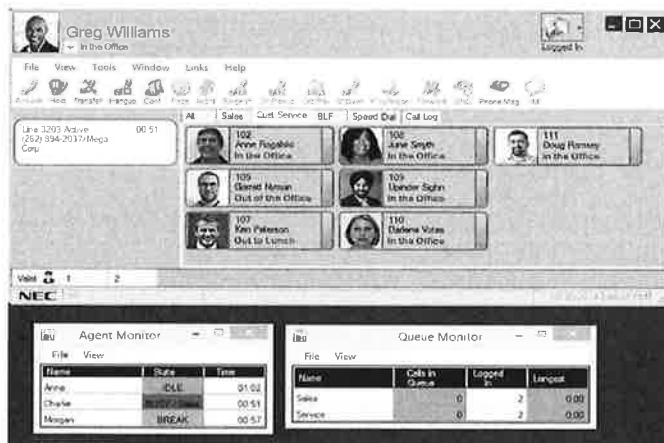


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UNIVERGE SV9100 FEATURES

Account Code Entry	Callback
Account Code – Forced/Verified/Unverified	Caller ID Caller Return
Alarm	Caller ID
Alarm Reports	Caller ID – Flexible Ringing
Alphanumeric Display	Caller ID – Memo Display Function
Analog Communications Interface (ACI)	Call Appearance (CAP) Keys
Ancillary Device Connection	Call Arrival (CAR) Keys
Answer Hold	Call Duration Timer
Answer Key	Call Forwarding
Attendant Call Queuing	Call Forwarding with Follow Me
Automatic Release	Call Forwarding – Centrex
Automatic Route Selection (ARS)	Call Forwarding, Off-Premise
Background Music	Call Forwarding/Do Not Disturb Override
Barge-In	Call Monitoring
Battery Backup – System Memory	Call Redirect



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Call Waiting/Camp-On	Delayed Ringing
Central Office Calls, Answering	Department Calling
Central Office Calls, Placing	Department Step Calling
Class of Service	Dialing Number Preview
Clock/Calendar Display	Dial Pad Confirmation Tone
Code Restriction	Dial Tone Detection
Code Restriction Override	Digital Trunk Clocking
Code Restriction, Dial Block	Directed Call Pickup
Conference	Directory Dialing
Conference – Remote	Direct Inward Dialing (DID)
Conference – Remote Conference Recording	Direct Inward Line (DIL)
Conference, Voice Call/Privacy Release	Direct Inward System Access (DISA)
Contact Center	Direct Station Selection (DSS) Console
Continued Dialing	Distinctive Ringing, Tones and Flash Patterns
Cordless DECT Terminals	Door Box
Cordless Telephone Connection	Do Not Disturb
	Drop Key



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Group Call Pickup	Operator
Group Listen	(OPX) Off-Premise Extension
Handset Mute	Paging, External
Handsfree and Monitor	Paging, External (VRS)
Handsfree Answerback/Forced Intercom Ringing	Paging, Internal
Headset Operation	Park
Hold	PBX Compatibility
Hotel/Motel	PC Programming
Hotline	Power Failure Transfer
Hot Key-Pad	Prime Line Selection
Howler Tone Service	Private Line
InMail	Programmable Function Keys
InMail – Automatic Access to VM by Caller ID	Programming from a Multiline Terminal
InMail – Cascade Message Notification	Pulse to Tone Conversion
InMail – Email Notification	Redial Function
InMail – Find-Me Follow-Me	Remote (System) Upgrade
InMail – Language Setting	Repeat Redial
InMail – Park and Page	
InMail – Upload Download Audio	Softkeys
Instant Access Application (IAA)	Speed Dial – System/Group/Station
Intercom	Speed Dial – Telephone Book
IP Multiline Station (SIP)	Station Hunt
IP Multiline Station (SIP) – ML440 Cordless	Station Message Detail Recording
	Station Name Assignment – User Programmable
	Station Relocation

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Gaynor Telesystems may connect your equipment to a third-party dial tone or internet service provider within your business, the installation or monthly charges from your third-party dial tone provider isn't included in the pricing above. Gaynor Telesystems has no control over the reliability of the third-party service providers. It is the customer's responsibility to provide a stable service provider for integration to our equipment. If multiple trips are required there may be additional labor charges. There is a potential for additional charges to be incurred if connection problems or network diagnostics arise, before, during or after installation. An example of these is static, dropped calls, disconnects, echo, network integration issues, or cell phone carrier claims that the phone system is at fault. When we troubleshoot, and discover the problem is with the carrier or customer's network we will bill for our diagnostic time at our normal rates. Gaynor Telesystems recommends a UPS / Surge protection on all equipment. Problems or hardware failure due to electrical loses (power outages / surges / brownouts) are not covered under warranty or maintenance. Unforeseen circumstances may require additional hardware and/or software to be purchased and installed during the installation of your new phone system. This quote doesn't include upgrading your existing cable infrastructure, which would be a separate quote if needed. Examples of existing infrastructure include cables, jacks, routers, patch panels, network switches, POE switches, racks, 66 blocks, patch cords, network equipment, virtual private network equipment, and network configuration.

Proposal is good for 30 days. This proposal contains proprietary and confidential information and is for the sole use of Hamilton Unified School District. It should not be shared outside your organization.

If you have any questions, please contact

Maureen Gaynor 530-223-2979 Ext125 mgaynor@gaynortelesys.com

Richard Brush 530-223-2979 Ext 140 rbrush@gaynortelesys.com

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Hamilton Unified School District
High School
Hamilton City, CA

July 8, 2020

SCHEDULE "A"

NEC SV9100 PHONE SYSTEM



- 1 EA **SV9100 E Package:** equipped with 8 SIP Trunks and 4 analog trunks for outside dial tone with 53 IP station ports (53 operational) and 53 IP Phone GIG Licenses. The UNIVERGE SV9100 solid state communications server is the ideal system for small to medium size businesses that wish to compete and grow their businesses over time. The SV9100 is a user-friendly system with the administration of the system performed through a browser-based interface. You can change names on phones, program feature keys, reset voice mail boxes, or swap extensions easily with the click of your mouse. Some of the commonly used features included are hold, call monitoring for training purposes, intercom, all page, call forwarding, and a music/message on hold interface.

- 1 EA **Embedded InMail Voice Mail System** will have (16) ports and 53 users and up to 10 Auto Attendant greetings. The solid-state embedded voice mail inside the SV9100 communication chassis uses less space and power than other stand-alone messaging systems. This is a solution for the UNIVERGE SV9100 Communication Server that provides digitally integrated voice messaging capabilities and Automated Attendant features to meet a SMB's communication needs both now and in the future. This voice mail system includes soft key navigation, answering machine emulation, subscriber self-enrollment, holiday schedules, remote or local message notification (on or offsite), three personalized mailbox greetings, remote programming via WebPro/PCPro voice mailbox, conversation recording, and many others.

- 53 EA **Voicemail to E-Mail** Users Allows your voicemail message to be in your Email as wav. files

- 1 EA **911 Programming:** 911 call alert tone with screen pop to phone display, up to 3 extensions. Ability to barge in to listen to the 911 call in progress.

- 12 EA **IP-CCIS** pathways to Elementary School. Allows 3 to 4 digit dialing and transferring calls.

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41 EA 6 Button ITK IP Display Phone. 6 Line/Feature Access/Programmable Feature Access Keys. (Keys may be programmed to support a variety of combinations.) Also, features a full duplex Speakerphone, Headset Jack, Wall Mount Unit, 24-Character by 3-Line Monochrome Display, 4 Soft-Keys, large LED to indicate incoming calls and messages, Volume Control and Tilt Stand.

12 EA 12 Button ITK IP Display Phone. 12 Line/Feature Access/Programmable Feature Access Keys. (Keys may be programmed to support a variety of combinations.) Also, features a full duplex Speakerphone, Headset Jack, Wall Mount Unit, 24-Character by 3-Line Monochrome Display, 4 Soft-Keys, large LED to indicate incoming calls and messages, Volume Control and Tilt Stand.



1 EA InControl Call Accounting Reporting software: In today's ever-changing business environment, information is critical when making important organizational decisions, and managing employees and resources. Your business decisions should be based on facts, both current and historical, to ensure your employees are informed and your business is effectively servicing customers. NEC's InControl provides the information you need to help you make the right business decisions. InControl Call Reporting allows you to create reports for most all of the call activity in your company, such as, inbound and outbound call volume, total calls, duration of calls and average duration of calls and more. Utilize InControl's historical call metrics to track productivity and improve future call usage.

1 EA InGuard Software: The growing risk of a toll fraud attack is alarming with businesses facing bills which can run into thousands and even result in bankruptcy. It's a threat which most businesses don't truly understand or defend themselves against. Defense against these attacks, however, can be resolved with a simple, low cost embedded solution - NEC's InGuard. All call activity is monitored 24/7 and any suspicious call activity is detected instantly. Alert email sent to designated recipients, or in more severe cases an 'alert and block' which prevents any further call activity instantly.

5 EA Teleworker: Multiline Client (MLC) Mobile re-invents the office telephone by moving the traditional desktop phone onto your Laptop Softphone, iPhone/iPad/Android Phones/Android Tablets, transforming it into one innovative, feature-packed business device. This solution revolutionizes the users' experience and changes the way businesses use their personal devices.

Paging Interface: Gaynor will interface with Customer existing External Page system. Customer will be able to page up to 50 IP Phones and External paging concurrently.

5 EA Mobile Extension: Turns your smart phone into your desk phone extension.

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Customer responsibility:

- Provide one network port for SV9100 system
- Provide POE port and VLAN for NEC IP Phones
- DHCP or LLDP configuration for NEC Equipment
- Firewall configuration for NEC SIP Trunks
- Install all Classroom IP Phones
- Supply IP address range with Subnet mask and Gateway
- Rack mount space or Wall mount. (4RU's)
- Provide Analog Trunks
- Provide UPS / Battery backup for SV9100 system

Gaynor responsibility:

- Implementation Meeting(s) with stakeholders
- Install NEC equipment
- Configuration of NEC SIP Trunks with porting main numbers
- Configuration of Voice mail box for all users
- Configuration of Auto Attendant for Day, Night & Holiday greetings
- On-Site end user training for handsets & Admin training on System Administration

NEC SYSTEM MSRP

\$25,440

NEC SV9100 PHONE SYSTEM	\$	14,684.27
7.25% SALES TAX	\$	1,064.61
PREVAILING WAGE INSTALLATION	\$	6,260.00
NEC ANNUAL SOFTWARE SUPPORT	\$	324.00
PROJECT TOTAL	\$	22,332.88

NEC SIP TRUNKS:	Monthly
Total # of Trunks for all Locations	8
Monthly Included LD Minutes	UNLIMITED
Private Circuit Charges Monthly Recurring Cost	\$0.00
SIP Trunk Monthly Recurring Cost (MRC)	\$145.71
Total Monthly Recurring Cost (MRC)	\$145.71
Hardware/Services Charges (NRC)	\$0.00
Setup (NRC)	\$4.29
Total Non Recurring Cost (NRC)	\$4.29

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- TWO YEAR NEC HARDWARE WARRANTY
- ONE YEAR NEC SOFTWARE ASSURANCE
- ONE YEAR GAYNOR LABOR WARRANTY
- FREE GAYNOR HELP DESK FOR THE LIFE OF THE SYSTEM ON FEATURE OPERATION

Municipal Lease Option:

60 Months

\$419/ month estimate + sales tax

Zero Payments Down

\$1 Purchase Option

OPTIONS

UC Suite: Innovative applications that increase efficiency and productivity. Simplified call management through easy-to-use graphical user interfaces, User Presence for real-time status and availability of colleagues, Instant messaging for quick, real-time conversations, Easy capture/upload of profile pictures to be associated with Busy Lamp, Field (BLF) and company directory, Color customization of main window and instant message window, Internet browser access to features through UC Web Client, Integration with popular contact and CRM applications, including: Microsoft® Office Outlook®, Goldmine® and ACT!®, Simplified call handling for operators and attendants, Seamless integration with UNIVERGE SV9100 Contact Center application for call center functionality, Quick access and easy management of messages through the integration with UNIVERGE InMail and UM8000 Runs with full functionality on either an SV9100 internal server blade or external server or in a Virtual Machine environment.

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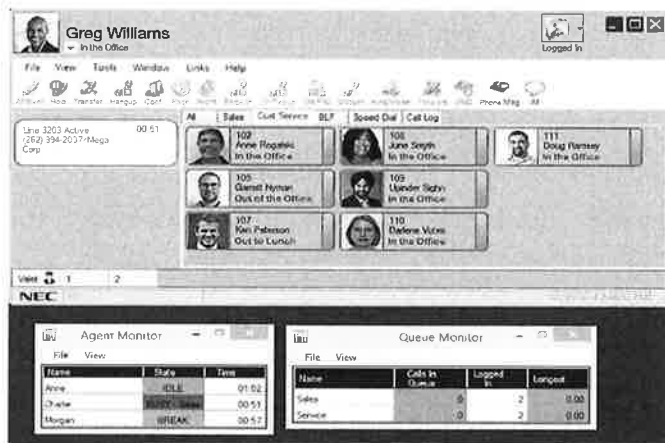


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UNIVERGE SV9100 FEATURES

Account Code Entry	Callback
Account Code – Forced/Verified/Unverified	Caller ID Caller Return
Alarm	Caller ID
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Answer Key	Call Forwarding
Attendant Call Queuing	Call Forwarding with Follow Me
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Barge-In	Call Monitoring
Battery Backup – System Memory	Call Redirect



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Central Office Calls, Answering	Department Calling
Central Office Calls, Placing	Department Step Calling
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Clock/Calendar Display	Dial Pad Confirmation Tone
Code Restriction	Dial Tone Detection
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Cordless Telephone Connection	Do Not Disturb
	Drop Key



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Group Listen	(OPX) Off-Premise Extension
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Handsfree and Monitor	Paging, External (VRS)
Handsfree Answerback/Forced Intercom Ringing	Paging, Internal
Headset Operation	Park
Hold	PBX Compatibility
Hotel/Motel	PC Programming
Hotline	Power Failure Transfer
Hot Key-Pad	Prime Line Selection
Howler Tone Service	Private Line
InMail	Programmable Function Keys
InMail – Automatic Access to VM by Caller ID	Programming from a Multiline Terminal
InMail – Cascade Message Notification	Pulse to Tone Conversion
InMail – Email Notification	Redial Function
InMail – Find-Me Follow-Me	Remote (System) Upgrade
InMail – Language Setting	Repeat Redial
InMail – Park and Page	
InMail – Upload Download Audio	Softkeys
Instant Access Application (IAA)	Speed Dial – System/Group/Station
Intercom	Speed Dial – Telephone Book
IP Multiline Station (SIP)	Station Hunt
IP Multiline Station (SIP) – ML440 Cordless	Station Message Detail Recording
	Station Name Assignment – User Programmable
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Richard Brush 530-223-2979 Ext 140 rbrush@gaynortelesys.com

**HAMILTON UNIFIED SCHOOL DISTRICT
REGULAR BOARD MEETING
MINUTES**

Wednesday, July 22, 2020

5:30 p.m. Public session for purposes of opening the meeting only via Zoom:
5:30 p.m. Closed session to discuss closed session items listed below via Zoom (For Board Only)
6:00 p.m. Reconvene to open session no **later** than 6:30 p.m. via Facebook Live or Zoom (see below)

As authorized by the Governor's Emergency Executive Orders issued on March 12 and 17, 2020, the Hamilton Unified School District Board of Education will conduct Board of Education meetings by video conference until further notice. Please join the meeting by attending the livestream via Facebook Live on the District's Facebook page or through the below Zoom link or dial by phone as listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/87230653873?pwd=RjhKNnZVbGtDN25SR1lvazl3V1NGdz09>

Meeting ID: 872 3065 3873
Password: 2MXf1x

or Dial in:

+1 929 436 2866 US
Meeting ID: 872 3065 3873
Password: 932264

1.0 OPENING BUSINESS:

- a. Call to order and roll call [at 5:32 p.m.](#)

<input checked="" type="checkbox"/> Gabriel Leal, President	<input checked="" type="checkbox"/> Hubert "Wendall" Lower, Clerk	<input checked="" type="checkbox"/> Rod Boone
<input checked="" type="checkbox"/> Genaro Reyes	<input checked="" type="checkbox"/> Ray Odom	

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. [None](#)

4.0 **ADJOURN TO CLOSED SESSION:** To consider qualified matters.

- a. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
- b. Public Employee Performance Evaluation. Government Code section 54957, subdivision (b)(1). Superintendent.
- c. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
- d. 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.
- e. *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. [None](#)

5.0 PUBLIC SESSION/FLAG SALUTE: [Lead by Mr. Reyes](#)

6.0 ADOPT THE AGENDA: (M)

Motion to adopt the agenda by Mr. Boone 2nd by Mr. Reyes.

Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

7.0 COMMUNICATIONS/REPORTS:

- a. Board Member Comments/Reports. *None*
- b. District Reports (written)
 - i. Technology Report by Frank James & Derek Hawley (p. 4)
 - ii. Operations Report by Alan Joksch (p. 5)
- c. Principal and Dean of Student Reports (written)
 - i. Sylvia Robles, Adult School (p. 6)
- d. Chief Business Official Report by Kristen Hamman (p. 7)
- e. Superintendent Report by Jeremy Powell (hand out)
 - i. Dr. Powell reviewed the Governor’s Safe Schools Plan for Pandemic
 - ii. Mr. Leal asked if teacher COVID testing would take place before or after school.
 - iii. Dr. Powell replied that the district would work with the County Health Officer.
 - iv. Dr. Powell reviewed the CA Department of Public Health framework chart of responses to contact with infected people.
 - v. Mr. Leal asked if someone can’t get a test if they wait for a test.
 - vi. Dr. Powell replied that we would refer them to the County Department of Health.
 - vii. Mr. Lower asked if someone has a positive test, what about HIPAA
 - viii. Dr. Powell replied that we would have to follow HIPAA. We can notify people without violating HIPAA.
 - ix. Dr. Powell reviewed Learning Loss Mitigation Funds and how they are to be used as well as CARES Act funding.
 - x. Dr. Powell exclaimed his pride of the team at HUSD for their tremendous input for how to best use these funds.
 - xi. Mr. Odom asked about Boys and Girls Club spending and if it would come out of the general fund or is this additional.
 - xii. Dr. Powell replied that the ACES Grant can only be used.
 - xiii. Mr. Leal asked if we stay a whole semester in Distance Learning, how do we spend the Learning Loss Mitigation Funds.
 - xiv. Dr. Powell replied that through this process we are learning to be flexible and that if we are still Distance Learning in the fall we could leverage the funding in different ways.
 - xv. Dr. Powell also mentioned that he was impressed that we’ve received quite a bit PPE that Alan picked up from GCOE last week. He also reviewed quantities of PPE onsite.
 - xvi. Ms. Llamas saw some signs and decals and asked if there is money allotted for signage. And what about the “littles”.
 - xvii. Dr. Powell replied that we will have PD Days 8/6, 8/7 and 8/10 where the District will go over health and safety for staff and what to go over with students.
 - xviii. Ms. B. Godinez suggested that we could use a liaison and part-time teacher.
 - xix. Dr. Powell replied that the Learning Loss Mitigation Funds are only to fund items through December 2020 and that contracts are usually a year but that we could maybe put it out there for teachers to sign a half year contract.
 - xx. Ms. B. Godinez asked if these funds would allow HEPA filters in classrooms.
 - xxi. Dr. Powell said that we could look into that and that he would reach out to the County.
 - xxii. Ms. Mello commented that she would love to see some funds added to the SPED department while on Distance Learning.
 - xxiii. Dr. Powell continued that he has reached out and contracted with GCOE to review tech trainings.
 - xxiv. Mr. Langan suggested a Distance Learning Coordinator.
 - xxv. Dr. Powell replied that this was a good idea.
 - xxvi. Mr. Leal reminded everyone that Public Comment will open up later in the agenda.
 - xxvii. Dr. Powell continued to review HUSD Return to School Framework Updates.
 - xxviii. School will start 8/11/2020 with Distance Learning.

- xxix. Once we are allowed by the Governor or the County Health Department to return to school, the District will make a decision by the third Monday of each month with our expectations to return with a Blended Model or, upon parent request, Independent Study.
- xxx. Additional discussion regarding the framework continued with comments from the audience.

8.0 PRESENTATIONS:

- a. None

9.0 CORRESPONDENCE:

- a. None

10.0 INFORMATION ITEMS:

- a. HUSD Enrollment History for 5 years (p. 8)
- b. Bond Status (Fund 21) Update (p. 9)
- c. HHS Site Expansion Permitting Status Update – Mike Cannon (p. 11)
- d. Roy Boone Memorial Barn Project Update – Mike Cannon (p. 13)

11.0 DISCUSSION ITEMS:

- a. None

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.

- a. Mr. Leal confirmed that, yes, we do take all of your comments.
- b. Vanessa Ortiz commented that she works for the county office and is speaking as a parent and community member. She asked if the preschool will be Distance Learning.
- c. Dr. Powell replied that we are looking into that as rules evolve and change and that we will be reaching out as soon as we have information.
- d. Ms. Ortiz also expressed that the parent liaison position is essential. Many families are nervous. She supports bringing that position back.
- e. Kylie Paulos seconded Ms. Ortiz’s statement and asserted that taking away the liaison would be detrimental to the community. Also, she is happy to hear that part-time is better than no time.
- f. Maria Llamas commented that she felt due to losing seven teachers last year and that they work directly with parents, she felt the liaison position was not necessary. She also identified herself as the HES Site Rep for the Unit.
- g. Steve Wood from Golden State Risk Management commented that Assembly Bill 1384 is supported by GSRMA and asked if the board would consider supporting it. Letters of support need to be received by July 24th.
- h. Ms. Paulos asked what support we have for social emotional needs.
- i. Dr. Powell noted that she is referring to the clinician support from the mitigation funds.

13.0 ACTION ITEMS:

- a. Approve HUSD Return to School Framework (hand out)
 - i. Dr. Powell noted that this is not a final draft but a guideline. Changes will be coming out.

Motion to approve the framework by Mr. Lower 2nd by Mr. Odom. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- b. Approve Request to Advertise and Hire Short-term, Temporary Classified Positions for 2020-21 School Year for Reasons Related to COVID-19, Using One-time Funds for COVID-19 CARES ACT Funding (p. 14)

Motion to approve the request by Mr. Boone 2nd by Mr. Reyes. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- c. Approve Substitute Teacher Pay Increase Proposal 2020-21 School Year (p. 15)
 - i. Mr. Lower asked how many subs a year get hired
 - ii. Dr. Powell replied that there were less than 10 days last year where we didn’t need one

- iii. Mr. Odom noted that substitute teachers are underpaid across the nation
- iv. Mr. Lower asked that if we are having a hard time, why stop at such a small increase
- v. Dr. Powell agreed with Mr. Lower and stated that we wanted to be conservative but would look at a larger increase if the board recommended it
- vi. Mr. Odom noted that great subs are worth their weight in gold

Motion to approve the increase to \$120 per day by Mr. Odom 2nd by Mr. Reyes. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- d. Approve 2020-21 Education Protection Act (EPA) Spending Plan (p. 16)

Motion to approve the EPA Spending Plan by Mr. Boone 2nd by Mr. Lower. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- e. Approve Butte-Glenn Community College District, College and Career Access Pathways Partnership Agreement Appendix for 2020-21 School Year. (p. 17)

Motion to approve the agreement by Mr. Lower 2nd by Mr. Reyes. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- f. Approve NVBS Revised Quote (p. 27)

Motion to approve the NVBS Revised Quote by Mr. Lower 2nd by Mr. Boone. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- i. Mike Cannon asked if the board approved the quote with or without the floor.
- ii. Mr. Boone commented that he believed it was the quote without.
- iii. It was decided to clarify by taking another vote

Motion to re-approve the NVBS Revised Quote with alternate option by Mr. Boone 2nd by Mr. Lower. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- g. Approve Robertson-Erikson Engineering Contract for Roy Boone Memorial Barn (p. 32)

- i. Mr. Odom commented that there are a lot of assumptions in this contract and that if we run into problems we will have to change the order. He asked if we have money for contingencies.
- ii. Dr. Powell replied that we held back 15% for contingencies and that he is confident in this collaborative.
- iii. Mike Cannon commented that these were the engineers

Motion to approve the contract by Mr. Boone 2nd by Mr. Lower. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- h. Approve EFPM Roy Boone Memorial Barn Services Contract (p. 39)

Motion to approve the EFPM contract by Mr. Boone 2nd by Mr. Lower. Motion Carried 4-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: absent
Odom: AYE	

- i. CSBA Policies Review and Adopt 2nd Readings (p. 51)

- i. Board Policy and Administrative Regulation 0430: Comprehensive Local Plan for Special Education
 - 1. Recommend Option 3

- ii. Board Policy and Administrative Regulation 1312.3: Uniform Complaint Procedures
 - 1. Recommend Option 2
- iii. Exhibit (1) 1312.3: (New Policy) Uniform Complaint Procedures
- iv. Exhibit (2) 1312.3: (New Policy) Uniform Complaint Procedures
- v. Administrative Regulation 1312.4: Williams Uniform Complaint Procedures
- vi. Exhibit (3) 1312.4: Williams Uniform Complaint Procedures
 - 1. Recommend Delete Exhibit
- vii. Exhibit (4) 1312.4: Williams Uniform Complaint Procedures
 - 1. Recommend Delete Exhibit
- viii. Board Policy and Administrative Regulation 1340: Access to District Records
- ix. Administrative Regulation 3231: (New) Impact Aid
- x. Board Policies and Exhibits 4112.9, 4212.9, 4312.9: Employee Notifications
- xi. Board Policy and Administrative Regulation 4113: Assignment
- xii. Board Policies, Administrative Regulations and Exhibits 4119.42, 4219.42, 1319.42: Exposure Control Plan for Bloodborne Pathogens
- xiii. Board Policies and Administrative Regulations 4119.43, 4219.43, 4319.43: Universal Precautions
- xiv. Board Policies 4151, 4251, 4351: Employee Compensation
- xv. Board Policy 5141.5 (New Policy): Mental Health
- xvi. Board Policy and Administrative Regulation 5145.3: Nondiscrimination/Harassment
- xvii. Board Policy and Administrative Regulation 6020: Parent Involvement
- xviii. Board Policy and Administrative Regulation 6115: Ceremonies and Observances
- xix. Administrative Regulation (New Regulation) 6173.4: Title VI Indian Education Program

Motion to approve the CSBA policies 13i-xix by Mr. Boone 2nd by Mr. Reyes. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

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.

- a. Minutes from Regular Board Meeting on Wednesday, June 24, 2020 (p. 56)
- b. Minutes from Special Board Meeting on Wednesday, June 24, 2020 (p. 65)
- c. Certificated 2020-21 Salary Schedule (p. 67)
- d. Classified 2020-21 Salary Schedule (p. 68)
- e. Classified Confidential/Management 2020-21 Salary Schedule (p. 69)
- f. Administration/Principal 2020-21 Salary Schedule (p. 70)
- g. Chief Business Official 2020-21 Salary Schedule (p. 71)
- h. Superintendent 2020-21 Salary Schedule (p. 72)
- i. Open Purchase Orders for 2020-21 School Year (p. 73)
- j. Warrants and Expenditures (p. 75)
- k. Interdistrict Transfers (new only; elementary students reapply annually).
 - i. Out
 - 1. Hamilton Elementary School
 - a. none
 - 2. Hamilton High School
 - a. 1 x 9th Grade
 - b. 1 x 11th Grade
 - ii. In
 - 1. Hamilton Elementary School
 - a. none
 - 2. Hamilton High School
 - a. 2 x 9th Grade
- l. Personnel Actions as Presented:
 - i. New hires:
 - 1. None
 - ii. Resignations/Retirement:

1. Matthew Jarvis

Varsity Head Football Coach

HHS

Motion to approve the consent agenda by Mr. Boone 2nd by Mr. Reyes.

Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

15.0 ADJOURNMENT: at 7:59 p.m. in memory of Mr. Gail Zimmerman, one-time board member who passed away July 1st. Mr. Oseguera also added in memory of Martin Haro and Eduardo Padilla.

X

Wendell Lower
Clerk

X

Jeremy Powell, Ed.D.
Superintendent

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit BGR DD	T9MPS	Liq Amt	Net Amount
000889/00	BANK OF NEW YORK MELLON	000000000							
	PV-000001	06/30/2020	INV#252-2301949;8/1/20-7/31/21	21-0000-0-0000-8500-5890-000-000-000000	NN			750.00	
			TOTAL PAYMENT AMOUNT					750.00 *	750.00
000053/00	CALIFORNIA WATER SERVICE CO								
210052	PO-000422	07/01/2020	JULY 7314177777	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	575.82
210052	PO-000422	07/01/2020	JULY 3624177777AE	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	11.31
210052	PO-000422	07/01/2020	JULY 7314177777HS	2	01-0000-0-0000-8100-5590-100-000-000000	NN	P	0.00	863.72
210052	PO-000422	07/01/2020	JULY 4141117777PS LITE	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	51.63
210052	PO-000422	07/01/2020	JULY 3141117777PS LITE	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	51.63
210052	PO-000422	07/01/2020	JULY 0669843652	3	01-0000-0-0000-8100-5590-800-000-000000	NN	P	0.00	1,632.25
210052	PO-000422	07/01/2020	JULY 4328876467	3	01-0000-0-0000-8100-5590-800-000-000000	NN	P	0.00	90.43
210052	PO-000422	07/01/2020	JULY 6314177777EB	4	01-0000-0-0000-8100-5590-300-000-000000	NN	P	0.00	169.29
			TOTAL PAYMENT AMOUNT					3,446.08 *	3,446.08
000613/00	COMCAST-INTERNET SERVICE								
	PO-000439	07/01/2020	JULY 103688601	1	01-0000-0-0000-2700-5990-000-000-000000	NN	P	0.00	8,847.56
			TOTAL PAYMENT AMOUNT					8,847.56 *	8,847.56
001381/00	FERGUSON PLUMBING	000000000							
210068	PO-021131	07/01/2020	B411717;75G WATER HEATER	1	01-8150-0-0000-8100-4400-000-000-000000	NN	F	2,115.21	2,115.21
			TOTAL PAYMENT AMOUNT					2,115.21 *	2,115.21
000201/00	FOLLETT SCHOOL SOLUTIONS INC								
210009	PO-021108	07/01/2020	7/1-6/30/21;1405550	1	01-0000-0-1110-2420-5890-800-026-000000	NN	F	744.93	744.83
210009	PO-021108	07/01/2020	7/1-6/30/21;1405550	2	01-0000-0-1110-2420-5890-100-026-000000	NN	F	744.93	744.83
			TOTAL PAYMENT AMOUNT					1,489.66 *	1,489.66
001023/00	FP MAILING SOLUTIONS								
210054	PO-000424	07/01/2020	JULY-SEPT;RI104531101	1	01-0000-0-0000-2700-5620-000-000-000000	NN	P	0.00	66.92
210054	PO-000424	07/01/2020	JULY-SEPT;RI104531101	2	01-0000-0-1110-1000-5620-100-000-000000	NN	P	0.00	100.39
			TOTAL PAYMENT AMOUNT					167.31 *	167.31

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount
000209/00	GOLD STAR FOODS								
CL-000022	07/06/2020	3371906	13-5310-0-0000-3700-5890-000-000-00000	NN	P			35.10	35.10
CL-000022	07/06/2020	3373025	13-5310-0-0000-3700-5890-000-000-00000	NN	F			4.50	4.50
TOTAL PAYMENT AMOUNT								39.60 *	39.60
000113/00	HAMILTON CITY COMMUNITY SVC								
210047	PO-000414	07/01/2020	JULY-AUG ROAD 203	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P	0.00	642.85
210047	PO-000414	07/01/2020	JULY-AUG ROAD 203	2	01-0000-0-0000-8100-5590-100-000-00000	NN	P	0.00	964.28
210047	PO-000414	07/01/2020	JULY-AUG 277 CAPAY	3	01-0000-0-0000-8100-5590-800-000-00000	NN	P	0.00	2,295.90
210047	PO-000414	07/01/2020	JULY-AUG 290 6TH	4	01-0000-0-0000-8100-5590-300-000-00000	NN	P	0.00	76.53
210047	PO-000414	07/01/2020	JULY-AUG 535 SAC	5	11-6391-0-4110-8100-5590-000-000-00000	NN	P	0.00	76.53
210047	PO-000414	07/01/2020	JULY-AUG 300 6TH	6	12-6105-0-1110-8100-5590-000-000-00000	NN	P	0.00	76.53
TOTAL PAYMENT AMOUNT								4,132.62 *	4,132.62
000072/00	HILLYARD INC								
CL-000018	06/30/2020	603940274	01-3210-0-1110-1000-4300-000-000-00000	NN	F			415.06	415.06
PO-000412	07/01/2020	603948809	1 01-8150-0-0000-8100-4300-000-000-00000	NN	P			0.00	1,073.00
TOTAL PAYMENT AMOUNT								1,488.06 *	1,488.06
001003/00	INFINITY COMMUNICATIONS & CONS								
210069	PO-021135	07/01/2020	JULY-SEPT;10948	1	01-9150-0-0000-2420-5890-000-000-00000	NN	P	1,575.00	1,575.00
TOTAL PAYMENT AMOUNT								1,575.00 *	1,575.00
000973/00	JIVE COMMUNICATIONS INC		020783048						
PO-000442	07/01/2020	JULY 2020-IN6000804517	1 01-0000-0-0000-2700-5990-000-000-00000	NN	P			0.00	1,772.30
TOTAL PAYMENT AMOUNT								1,772.30 *	1,772.30
000309/00	OFFICE DEPOT INC								
CL-000011	07/16/2020	102337585001	01-0000-0-1110-1000-4300-800-000-00000	NN	F			0.00	42.89
TOTAL PAYMENT AMOUNT								42.89 *	42.89

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef
Req Reference	Date	Description	Fd Res Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount

000027/00	ORLAND HARDWARE							
CL-000019	05/29/2020	435464			01-8150-0-0000-8100-4300-000-000-000000	NN P	53.30	53.30
CL-000019	06/01/2020	435742			01-8150-0-0000-8100-4300-000-000-000000	NN P	220.83	220.83
CL-000019	06/12/2020	436994			01-8150-0-0000-8100-4300-000-000-000000	NN F	93.59	93.59
CL-000020	06/12/2020	435833			01-0350-0-6000-1000-4300-000-053-000000	NN P	25.91	25.91
CL-000020	06/03/2020	K35937			01-0350-0-6000-1000-4300-000-053-000000	NN P	80.31	80.31
CL-000020	06/03/2020	436058			01-0350-0-6000-1000-4300-000-053-000000	NN P	29.03	29.03
CL-000020	06/05/2020	436133			01-0350-0-6000-1000-4300-000-053-000000	NN P	12.60	12.60
CL-000020	06/08/2020	436516			01-0350-0-6000-1000-4300-000-053-000000	NN F	23.81	23.81
CL-000021	06/02/2020	435777			01-7010-0-3800-1000-4300-000-000-000000	NN F	24.60	24.60
TOTAL PAYMENT AMOUNT							563.98 *	563.98

000134/00	QUILL CORPORATION							
CL-000013	06/30/2020	8181217			01-0000-0-1110-1000-4300-000-008-000000	NN P	35.59	35.59
CL-000013	06/29/2020	8143368			01-0000-0-1110-1000-4300-000-008-000000	NN P	35.59	35.59
CL-000013	06/30/2020	8218867			01-0000-0-1110-1000-4300-000-008-000000	NN P	262.32	262.32
CL-000013	06/30/2020	8219197			01-0000-0-1110-1000-4300-000-008-000000	NN P	27.77	27.77
CL-000013	06/29/2020	8174404			01-0000-0-1110-1000-4300-000-008-000000	NN P	62.18	62.18
CL-000013	06/30/2020	8181599			01-0000-0-1110-1000-4300-000-008-000000	NN F	31.08	31.08
210034	PO-021103	07/01/2020	8394105		1 01-3210-0-1110-1000-4300-000-000-000000	NN F	321.73	187.63
TOTAL PAYMENT AMOUNT							642.16 *	642.16

000137/00	SCHOOL SERVICES OF CALIF INC							
PO-000426	07/01/2020	JULY 2020-0125599-IN			1 01-0000-0-1110-1000-5890-000-000-000000	NN P	0.00	320.00
TOTAL PAYMENT AMOUNT							320.00 *	320.00

000377/00	WASTE MANAGEMENT							
210044	PO-000402	07/01/2020	JULY PS/ELLAB 40238905009		1 01-0000-0-0000-8100-5590-000-000-000000	NN P	0.00	272.01
210044	PO-000402	07/01/2020	JULY HYW32&CANAL;40236285003		1 01-0000-0-0000-8100-5590-000-000-000000	NN P	0.00	435.22
210044	PO-000402	07/01/2020	JULY HYW32&CANAL;40236285003		2 01-0000-0-0000-8100-5590-100-000-000000	NN P	0.00	652.84
210044	PO-000402	07/01/2020	JULY 2NDST;40238215004		3 01-0000-0-0000-8100-5590-800-000-000000	NN P	0.00	210.04
210044	PO-000402	07/01/2020	JULY 277CAPAY;40238285009		3 01-0000-0-0000-8100-5590-800-000-000000	NN P	0.00	272.01
TOTAL PAYMENT AMOUNT							1,842.12 *	1,842.12

TOTAL BATCH PAYMENT	29,234.55 ***	0.00	29,234.55
TOTAL DISTRICT PAYMENT	29,234.55 ****	0.00	29,234.55
TOTAL FOR ALL DISTRICTS:	29,234.55 ****		

Number of checks to be printed: 16, not counting voids due to stub overflows.

Printed: 07/16/2020 15:22:09

0.00	29,234.55
Chris Torres	7/16/20
Prepared by	Date
29,234.55	
Authorized by	Date

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount

001075/00	AT&T									
	PO-000403	07/12/2020	JULY HS-15015555	1	01-0000-0-0000-2700-5990-000-000-000000	NN	P	0.00	110.23	
	PO-000403	07/12/2020	JULY ELEM-15016999	1	01-0000-0-0000-2700-5990-000-000-000000	NN	P	0.00	40.18	
	TOTAL PAYMENT AMOUNT								150.41 *	150.41

000332/00 BOARD OF EQUALIZATION

	CL-000039	06/30/2020	CAFE SALES TAX DUE 6/30/20		13-5310-0-0000- 0000-9511 ³⁷⁰⁰⁻⁵³⁹⁰ -000-000-000000	NN	F	52.82	52.82	
	CL-000040	06/30/2020	SALES TAX ADJ 6/30/20		01-0000-0-1110-1000-5890-000-000-000000	NN	F	1.11	1.11	
	CL-000041	06/30/2020	FUEL TAX;QTE 2 2020		01-0000-0-0000-3600-5890-000-000-000000	NN	F	231.00	231.00	
	CL-000042	06/30/2020	INTEREST LATE 18-19		01-0000-0-1110-1000-5890-000-000-000000	NN	F	35.37	35.37	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-0000-0-0000-0000-9511-000-000-000000	NN			82.39	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-0001-0-0000-0000-9511-000-000-000000	NN			40.90	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-0801-0-0000-0000-9511-000-000-000000	NN			126.98	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-1100-0-0000-0000-9511-000-000-000000	NN			16.80	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-1400-0-0000-0000-9511-000-000-000000	NN			8.89	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-0350-0-0000-0000-9511-000-000-000000	NN			93.08	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-3210-0-0000-0000-9511-000-000-000000	NN			103.76	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-3550-0-0000-0000-9511-000-000-000000	NN			228.16	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-4128-0-0000-0000-9511-000-000-000000	NN			26.08	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-7813-0-0000-0000-9511-000-000-000000	NN			46.18	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-8150-0-0000-0000-9511-000-000-000000	NN			72.54	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-9150-0-0000-0000-9511-000-000-000000	NN			57.27	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		01-9812-0-0000-0000-9511-000-000-000000	NN			30.11	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		11-6391-0-0000-0000-9511-000-000-000000	NN			23.57	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		12-6105-0-0000-0000-9511-000-000-000000	NN			2.27	
	PV-000002	06/30/2020	19-20 USE TAX DUE 6/30/20		13-5310-0-0000-0000-9511-000-000-000000	NN			428.09	
	TOTAL PAYMENT AMOUNT								1,707.37 *	1,707.37

001442/00 COLLEGE BOARD 000000000

	CL-000043	06/30/2020	EP97160576		01-0000-0-1110-1000-5890-100-000-000000	NN	F	53.00	53.00	
	TOTAL PAYMENT AMOUNT								53.00 *	53.00

000414/00 HERFF JONES LLC

	CL-000007	07/09/2020	INV#1030594;COVERS		01-0000-0-1110-1000-4300-100-000-000000	NN	F	1,026.08	1,026.08	
	TOTAL PAYMENT AMOUNT								1,026.08 *	1,026.08

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef
Req Reference	Date	Description	Fd Res Y Goal Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount	
001510/00	RAY MORGAN COMPANY							
210046	PO-000413	07/01/2020	JULY DIST;2992279	1 01-0000-0-0000-2700-5620-000-000-00000	NN P	0.00	166.44	
210046	PO-000413	07/01/2020	JULY HS;2992279	2 01-0000-0-1110-1000-5620-100-000-00000	NN P	0.00	370.12	
210046	PO-000413	07/01/2020	JULY ELEM;2992279	3 01-0000-0-1110-1000-5620-800-000-00000	NN P	0.00	995.19	
210046	PO-000413	07/01/2020	JULY ELLAB;2992279	4 01-0000-0-3200-1000-5620-300-000-00000	NN P	0.00	104.03	
210046	PO-000413	07/01/2020	JULY DIST COPY	7 01-0000-0-0000-2700-4300-000-000-00000	NN P	0.00	11.74	
210046	PO-000413	07/01/2020	JULY HS COPY	8 01-0000-0-1110-1000-4300-100-000-00000	NN P	0.00	55.98	
210046	PO-000413	07/01/2020	JULY ELEM COPY	9 01-0000-0-1110-1000-4300-800-000-00000	NN P	0.00	50.31	
210046	PO-000413	07/01/2020	JULY ELLAB COPY	10 01-0000-0-3200-1000-4300-300-000-00000	NN P	0.00	5.23	
210046	PO-000413	07/15/2020	AUG DIST:3019456	1 01-0000-0-0000-2700-5620-000-000-00000	NN P	0.00	166.44	
210046	PO-000413	07/15/2020	AUG HS:3019456	2 01-0000-0-1110-1000-5620-100-000-00000	NN P	0.00	370.12	
210046	PO-000413	07/15/2020	AUG ELEM:3019456	3 01-0000-0-1110-1000-5620-800-000-00000	NN P	0.00	995.19	
210046	PO-000413	07/15/2020	AUG ELLAB:3019456	4 01-0000-0-3200-1000-5620-300-000-00000	NN P	0.00	104.03	
210046	PO-000413	07/15/2020	AUG DIST COPY:3019456	7 01-0000-0-0000-2700-4300-000-000-00000	NN P	0.00	41.98	
210046	PO-000413	07/15/2020	AUG HS COPY:3019456	8 01-0000-0-1110-1000-4300-100-000-00000	NN P	0.00	65.60	
210046	PO-000413	07/15/2020	AUG ELEM COPY:3019456	9 01-0000-0-1110-1000-4300-800-000-00000	NN P	0.00	1.61	
210046	PO-000413	07/15/2020	AUG ELLAB COPY:3019456	10 01-0000-0-3200-1000-4300-300-000-00000	NN P	0.00	0.07	
210046	PO-000413	07/01/2020	JULY ADULTED;2992279	5 11-6391-0-4110-1000-5620-000-000-00000	NN P	0.00	202.58	
210046	PO-000413	07/01/2020	JULY ADULTED COPY	11 11-6391-0-4110-1000-4300-000-000-00000	NN P	0.00	10.59	
210046	PO-000413	07/15/2020	AUG ADULTED:3019456	5 11-6391-0-4110-1000-5620-000-000-00000	NN P	0.00	202.58	
210046	PO-000413	07/15/2020	AUG ADULTED COPY:3019456	11 11-6391-0-4110-1000-4300-000-000-00000	NN P	0.00	16.81	
210046	PO-000413	07/01/2020	JULY PRESCH;2992279	6 12-6105-0-1110-1000-5620-000-000-00000	NN P	0.00	104.02	
210046	PO-000413	07/01/2020	JULY PRESCH COPY	12 12-6105-0-1110-1000-4300-000-000-00000	NN P	0.00	5.23	
210046	PO-000413	07/15/2020	AUG PRESCH:3019456	6 12-6105-0-1110-1000-5620-000-000-00000	NN P	0.00	104.02	
210046	PO-000413	07/15/2020	AUG PRESCH COPY:3019456	12 12-6105-0-1110-1000-4300-000-000-00000	NN P	0.00	0.05	
TOTAL PAYMENT AMOUNT				4,149.96 *			4,149.96	

000786/00	YOUR FENCE STORE	000000000						
210048	PO-021127	07/14/2020	200714954-FENCE SLATS	1 01-8150-0-0000-8100-4300-000-000-00000	NN F	1,390.86	1,390.86	
TOTAL PAYMENT AMOUNT				1,390.86 *			1,390.86	

TOTAL BATCH PAYMENT	8,477.68 ***	0.00	8,477.68
TOTAL DISTRICT PAYMENT	8,477.68 ****	0.00	8,477.68
TOTAL FOR ALL DISTRICTS:	8,477.68 ****	0.00	8,477.68

Number of checks to be printed: 6, not counting voids due to stub overflows.
 Printed: 07/23/2020 16:00:01

Chris Jones 7/23/20
 Prepared by _____ Date _____
 Authorized by _____ Date _____

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE	ES	E-Term	E-ExtRef		
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit	BdR	DD	T9MPS	Liq Amt	Net Amount
000100/00	ACCREDITING COMMISSION										
	PV-000003	07/16/2020	INV1301135-ANNUAL MEMBERSHIP	01-0000-0-0000-2700-5300-100-000-00000	NN						1,070.00
	TOTAL PAYMENT AMOUNT										1,070.00 *
000010/00	ALHAMBRA & SIERRA SPRINGS										
210045	PO-000406	07/27/2020	JULY DIST 9858589 072720	1	01-0000-0-0000-2700-4300-000-000-00000	NN	P			0.00	10.00
210045	PO-000406	07/27/2020	JULY HS 9858589 072720	2	01-0000-0-0000-2700-4300-100-000-00000	NN	P			0.00	15.00
210045	PO-000406	07/27/2020	JULY ELEM 9858589 072720	3	01-0000-0-0000-2700-4300-800-000-00000	NN	P			0.00	58.00
210045	PO-000406	07/27/2020	JULY MAINT 9858589 072720	5	01-8150-0-0000-8100-4300-000-000-00000	NN	P			0.00	16.00
210045	PO-000406	07/27/2020	JULY AD-ED 9858589 072720	6	11-6391-0-4110-1000-4300-000-000-00000	NN	P			0.00	10.50
	TOTAL PAYMENT AMOUNT										109.50 *
001008/00	BILL TAYLOR 530622500										
	CL-000044	02/03/2020	BUS DRIVER TRAIN 725027	01-0000-0-0000-3600-5890-000-000-00000	NY	P				240.00	240.00
	CL-000044	06/26/2020	BUS DRIVER TRAIN 725029	01-0000-0-0000-3600-5890-000-000-00000	NY	F				280.00	280.00
	TOTAL PAYMENT AMOUNT										520.00 *
001296/00	BOYS & GIRLS CLUB OF 680294846										
	CL-000047	06/30/2020	JUNE 2020;SPARKS/ASES	01-0000-0-1110-1000-5890-000-049-00000	NY	F				4,084.40	4,084.40
	TOTAL PAYMENT AMOUNT										4,084.40 *
001161/00	CHICO SPRINKLER INC										
210049	PO-000419	07/20/2020	108199	1	01-8150-0-0000-8100-4300-000-000-00000	NN	P			0.00	594.38
	TOTAL PAYMENT AMOUNT										594.38 *
002047/00	DANNIS WOLIVER KELLEY 943172834										
	CL-000045	06/30/2020	JUNE LEGAL FEES	01-0000-0-0000-7110-5815-000-000-00000	NE	F				1,549.50	1,549.50
	CL-000046	06/30/2020	JUNE LEGAL FEES	21-0000-0-0000-8500-5815-000-000-00000	NE	F				9,317.00	9,317.00
	TOTAL PAYMENT AMOUNT										10,866.50 *
000072/00	HILLYARD INC										
	PO-000412	07/21/2020	603967393	1	01-8150-0-0000-8100-4300-000-000-00000	NN	P			0.00	102.70
	PO-000412	07/22/2020	603967394	1	01-8150-0-0000-8100-4300-000-000-00000	NN	P			0.00	607.36
	TOTAL PAYMENT AMOUNT										710.06 *

Vendor/Addr Req Reference	Remit name Date	Description	Tax ID num	Deposit type Fd Res	Y Goal	ABA num Func Obj	Account num Sit Bdr DD	T9MPS	EE ES	E-Term Liq Amt	E-ExtRef Net Amount
000801/00	HUNT & SONS INC		942209320								
	PO-000400	07/23/2020 550928-PARK FUEL		2		01-0000-0-0000-8100-4392-000-000-00000	NN P			0.00	420.13
		TOTAL PAYMENT AMOUNT					420.13 *				420.13
000349/00	LARKIN AUTO ELECTRIC		564958031								
	PO-000401	07/23/2020 2302-06 FORD		1		01-8150-0-0000-8100-5630-000-000-00000	NY P			0.00	100.00
	PO-000401	07/23/2020 2304-05 FORD		1		01-8150-0-0000-8100-5630-000-000-00000	NY P			0.00	190.04
	PO-000401	07/29/2020 12432-BATTERY		2		01-8150-0-0000-8100-4300-000-000-00000	NY P			0.00	207.96
	PO-000401	07/22/2020 2303-06 FORD FUSION		1		01-8150-0-0000-8100-5630-000-000-00000	NY P			0.00	211.29
		TOTAL PAYMENT AMOUNT					709.29 *				709.29
000096/00	MILLER GLASS INC										
	PV-000004	07/16/2020 3-331006;HS/DIST OFFICE				01-3210-0-1110-1000-4300-000-000-00000	NN				386.18
	PV-000004	07/16/2020 3-331006;HS/DIST OFFICE				01-3210-0-1110-1000-4300-100-000-00000	NN				579.26
		TOTAL PAYMENT AMOUNT					965.44 *				965.44
000524/00	MJB WELDING SUPPLY										
	210067 PO-021133	07/23/2020 01304107-FACE SHIELDS		1		01-3210-0-1110-1000-4300-000-000-00000	NN P			345.35	345.35
		TOTAL PAYMENT AMOUNT					345.35 *				345.35
000012/00	NAPA AUTO PARTS										
	PO-000418	07/10/2020 718929		1		01-8150-0-0000-8100-4300-000-000-00000	NN P			0.00	43.06
		TOTAL PAYMENT AMOUNT					43.06 *				43.06
000084/00	PG&E										
	PO-000416	07/24/2020 JULY DIST 9921774729-6		1		01-0000-0-0000-8100-5590-000-000-00000	NN P			0.00	3,462.42
	PO-000416	07/24/2020 JULY HS 9921774729-6		2		01-0000-0-0000-8100-5590-100-000-00000	NN P			0.00	5,287.33
		TOTAL PAYMENT AMOUNT					8,749.75 *				8,749.75
000512/00	PLATT ELECTRIC SUPPLY INC										
	PO-000432	07/15/2020 Z682889		1		01-8150-0-0000-8100-4300-000-000-00000	NN P			0.00	653.84
		TOTAL PAYMENT AMOUNT					653.84 *				653.84

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount

000683/00	RENAISSANCE LEARNING INC								
210058	PO-021129	07/16/2020	INV5168972-702911	1	01-4127-0-1110-1000-5890-800-000-00000	NN	F	10,982.50	10,982.50
TOTAL PAYMENT AMOUNT								10,982.50 *	10,982.50

001382/00 U S BANK CORPORATE

CL-000048	06/30/2020	VERIDESK CR/RD			01-0000-0-1110-1000-4400-100-000-00000	NN	F	1,061.78	1,061.78
CL-000049	06/30/2020	JUNE ZOOM MEMBERSHIP			01-0000-0-0000-7150-5890-000-000-00000	NN	F	14.99	14.99
PO-000447	07/10/2020	CLASS ADS			1 01-0000-0-0000-7400-5830-000-000-00000	NN	P	0.00	20.00
210035	PO-021109	07/10/2020	MICROPHONES/BOARD MTGS	1	01-3210-0-0000-7110-4300-000-000-00000	NN	F	165.06	165.06
PV-000005	06/30/2020	4246044555628555-JUNE/JULY			01-0000-0-0000-8100-4392-000-000-00000	NN			73.35
PV-000005	06/30/2020	4246044555628555-JUNE/JULY			01-8150-0-0000-8100-5890-000-000-00000	NN			7.00
PV-000005	06/30/2020	4246044555628555-JUNE/JULY			01-0000-0-1110-1000-4300-000-000-00000	NN			39.66
PV-000005	06/30/2020	4246044555628555-JUNE/JULY			01-7010-0-3800-1000-4392-000-000-00000	NN			117.97
TOTAL PAYMENT AMOUNT								1,499.81 *	1,499.81

000824/00 WOODBURN PRESS LTD

210036	PO-021119	07/13/2020	13321-PLANNER/WALL CHARTS	1	01-9812-0-1110-1000-4300-800-000-00000	YN	F	190.04	177.02
TOTAL PAYMENT AMOUNT								177.02 *	177.02
TOTAL USE TAX AMOUNT									12.83

TOTAL BATCH PAYMENT	42,501.03 ***	0.00	42,501.03
TOTAL USE TAX AMOUNT			12.83

TOTAL DISTRICT PAYMENT	42,501.03 ****	0.00	42,501.03
TOTAL USE TAX AMOUNT			12.83

TOTAL FOR ALL DISTRICTS:	42,501.03 ****	0.00	42,501.03
TOTAL USE TAX AMOUNT			12.83

Number of checks to be printed: 17, not counting voids due to stub overflows.

Printed: 07/30/2020 18:26:29

<i>Chris Series</i>	7/30/20
Prepared by	Date
Authorized by	Date

Batch status: A All

From batch: 0006

To batch: 0006

Include Revolving Cash: Y

Include Address: N

Include Object Desc: N

Include Vendor TIN: Y

Include Audit Date and Time in Sort: N

012 HAMILTON UNIFIED SCHOOL DIST. J28943
 BATCH 6: AUGUST 26, 2020

ACCOUNTS PAYABLE PRELIST
 BATCH: 0006 BATCH 6: AUGUST 26, 2020

APY500 L.00.18 08/06/20 15:29 PAGE 1
 << Open >>

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount
000008/00	CALIFORNIA'S VALUED TRUST H/W								
PO-000444	08/06/2020	AUGUST 2020	1	01-0000-0-0000-0000-9571-000-000-00000	NN P			0.00	29,426.62
PO-000444	08/06/2020	AUGUST 2020	2	01-0000-0-0000-0000-9572-000-000-00000	NN P			0.00	50,730.32
PO-000444	08/06/2020	AUGUST 2020	3	01-0000-0-0000-0000-9573-000-000-00000	NN P			0.00	10,807.71
TOTAL PAYMENT AMOUNT									90,964.65 *
000522/00	LESLIE ANDERSON-MILLS	573472011							
PO-000433	08/06/2020	AUGUST 2020 - CASH IN LIEU	1	01-0000-0-1110-1000-3701-000-000-00000	NY P			0.00	791.67
TOTAL PAYMENT AMOUNT									791.67 *
000584/00	STANDARD								
PO-000408	08/06/2020	AUGUST 2020	1	01-0000-0-0000-0000-9573-000-000-00000	NN P			0.00	274.68
TOTAL PAYMENT AMOUNT									274.68 *
TOTAL BATCH PAYMENT						92,031.00 ***	0.00	92,031.00	
TOTAL DISTRICT PAYMENT						92,031.00 ****	0.00	92,031.00	
TOTAL FOR ALL DISTRICTS:						92,031.00 ****	0.00	92,031.00	
Number of checks to be printed: 3, not counting voids due to stub overflows.									92,031.00

<i>John Tom</i>	8/16/20
Prepared by	Date
Authorized by	Date

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE	ES	E-Term	E-ExtRef
Req Reference	Date	Description	Fd Res	Y Goal	Sit Bdr DD	T9MPS	Liq Amt	Net	Amount
000909/00	ACCELERATE LEARNING INC	000000000							
210081	PO-021138	07/28/2020	47896;GRK-8SCIENCE/KITS	1	01-6300-0-1110-1000-4100-800-000-00000	NN	F	58,431.66	54,134.85
			TOTAL PAYMENT AMOUNT		54,134.85 *				54,134.85
002020/00	BENCHMARK EDUCATION COMPANY								
210007	PO-021132	08/04/2020	400137-6YR/25SEAT/GR3	1	01-0001-0-1110-1000-4200-800-000-00000	NN	F	8,081.29	8,081.29
210014	PO-021136	07/31/2020	399528;K-1 DECODEABLES	1	01-3010-0-1110-1000-4200-800-000-00000	NN	F	590.95	590.95
			TOTAL PAYMENT AMOUNT		8,672.24 *				8,672.24
000053/00	CALIFORNIA WATER SERVICE CO								
210052	PO-000422	08/01/2020	AUG 73141777777;DIST	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P	0.00	704.48
210052	PO-000422	08/01/2020	AUG 73141777777;HS	2	01-0000-0-0000-8100-5590-100-000-00000	NN	P	0.00	1,056.71
210052	PO-000422	08/01/2020	AUG 31411177777;PS LITE	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P	0.00	51.63
210052	PO-000422	08/01/2020	AUG 41411177777;PS LITE	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P	0.00	51.63
210052	PO-000422	08/01/2020	AUG 36241777777;AE	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P	0.00	25.85
210052	PO-000422	08/01/2020	AUG 4328876467;ELEM	3	01-0000-0-0000-8100-5590-800-000-00000	NN	P	0.00	416.22
210052	PO-000422	08/01/2020	AUG 0669843652;ELEM	3	01-0000-0-0000-8100-5590-800-000-00000	NN	P	0.00	1,381.16
210052	PO-000422	08/01/2020	AUG 6314177777EB	4	01-0000-0-0000-8100-5590-300-000-00000	NN	P	0.00	275.12
			TOTAL PAYMENT AMOUNT		3,962.80 *				3,962.80
000047/00	CENGAGE LEARNING	592124491							
210079	PO-021157	08/04/2020	71059069;PLANT&SOIL TEXT	2	01-7420-0-1110-1000-4100-100-000-00000	NN	F	269.31	285.73
210079	PO-021157	08/04/2020	71059069;PLANT&SOIL TEXT	1	01-6300-0-1110-1000-4100-100-000-00000	NN	F	5,116.87	5,089.71
210080	PO-021158	08/04/2020	NO.71054559;AG MECHAN SETEXT	1	01-7420-0-1110-1000-4100-100-000-00000	NN	P	1,800.00	1,800.00
			TOTAL PAYMENT AMOUNT		7,175.44 *				7,175.44
002024/00	CHICO PRINTING								
210039	PO-021123	07/22/2020	27058;A/E FALL SCHED 2021	1	11-6391-0-4110-1000-4300-000-000-00000	NN	F	858.00	858.00
			TOTAL PAYMENT AMOUNT		858.00 *				858.00
001442/00	COLLEGE BOARD	000000000							
CL-000051	06/30/2020	ES95681816			01-0000-0-1110-1000-5890-100-107-00000	NN	F	292.50	292.50
CL-000052	06/30/2020	ES95681816			01-0000-0-1110-1000-5890-100-000-00000	NN	F	188.00	188.00
CL-000053	06/30/2020	ES95681816			01-0000-0-1110-1000-5890-000-000-00000	NN	F	376.00	376.00
CL-000054	06/30/2020	ES95681816			01-0000-0-1110-1000-5890-100-000-00000	NN	F	397.00	397.00
			TOTAL PAYMENT AMOUNT		1,253.50 *				1,253.50

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date			Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount
000613/00	COMCAST-INTERNET SERVICE									
	PO-000439	08/01/2020	AUG 105417620		1	01-0000-0-0000-2700-5990-000-000-00000	NN	P	0.00	8,047.52
						TOTAL PAYMENT AMOUNT				8,047.52 *
001072/00	CORNING FORD									
	PV-000006	07/22/2020	192558;FORD EXPED/TEST		01	0000-0-0000-8100-5630-000-000-00000	NN			882.60
						TOTAL PAYMENT AMOUNT				882.60 *
000424/00	DELL MARKETING		742616805							
	210041	PO-021151	08/08/2020	10414562227-CONF ROOM MONITOR	1	01-9812-0-1110-1000-4400-800-000-00000	NN	F	3,536.69	3,536.69
						TOTAL PAYMENT AMOUNT				3,536.69 *
001042/00	EDUCATIONAL FACILITIES PROGRAM		050597395							
	210029	PO-021150	08/03/2020	JULY HRS;INV#12 2018BOND PROJ	1	21-0000-0-0000-8500-5890-000-000-00000	NY	P	3,360.00	3,360.00
	210099	PO-021167	08/03/2020	JULY HRS;INV#12 BOONE BARN	1	01-6387-0-3800-8500-5890-000-000-00000	NY	P	1,120.00	1,120.00
						TOTAL PAYMENT AMOUNT				4,480.00 *
000209/00	GOLD STAR FOODS									
	CL-000050	06/30/2020	3395127;JUNE STATE FEE		13	5310-0-0000-3700-5890-000-000-00000	NN	F	24.30	24.30
						TOTAL PAYMENT AMOUNT				24.30 *
000445/00	IT SAVVY									
	210013	PO-021106	08/03/2020	01202349;PALO ALTO RENEWAL	1	01-9150-0-0000-2420-5890-000-000-00000	NN	F	3,724.00	4,321.74
						TOTAL PAYMENT AMOUNT				4,321.74 *
000973/00	JIVE COMMUNICATIONS INC		020783048							
	PO-000442	08/01/2020	AUG 2020-IN6000853143		1	01-0000-0-0000-2700-5990-000-000-00000	NN	P	0.00	1,772.30
						TOTAL PAYMENT AMOUNT				1,772.30 *

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef		
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount	
000592/00	MISSION UNIFORM & LINEN									
	PO-000405	08/06/2020	512991483	1	13-5310-0-0000-3700-4300-000-000-00000	NN P		0.00	77.65	
	TOTAL PAYMENT AMOUNT								77.65 *	77.65
000309/00	OFFICE DEPOT INC									
	210012	PO-021100	07/24/2020	109791497001;LAM	POUCH/SIGNS	4	01-3210-0-1110-1000-4300-000-000-00000	NN P	0.00	133.42
	TOTAL PAYMENT AMOUNT								133.42 *	133.42
000027/00	ORLAND HARDWARE									
	PO-000417	07/10/2020	439796	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	189.36	
	PO-000417	07/10/2020	439797	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	60.65	
	PO-000417	07/17/2020	440527	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	43.27	
	PO-000417	07/17/2020	440528-COVID	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	82.71	
	PO-000417	07/23/2020	441134	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	127.95	
	TOTAL PAYMENT AMOUNT								503.94 *	503.94
000084/00	PG&E									
	PO-000416	07/31/2020	JULY ELEM 3699672995-4	4	01-0000-0-0000-8100-5590-800-000-00000	NN P		0.00	4,987.43	
	TOTAL PAYMENT AMOUNT								4,987.43 *	4,987.43
000512/00	PLATT ELECTRIC SUPPLY INC									
	PO-000432	07/28/2020	Z690905	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	412.23	
	PO-000432	07/23/2020	Z688371	1	01-8150-0-0000-8100-4300-000-000-00000	NN P		0.00	241.03	
	TOTAL PAYMENT AMOUNT								653.26 *	653.26
000134/00	QUILL CORPORATION									
	PO-021125	07/30/2020	9120049;COVID SIGNS	5	01-3210-0-1110-1000-4300-000-000-00000	NN P		0.00	207.83	
	PO-021125	07/30/2020	9123144;NO TOUCH THERM	5	01-3210-0-1110-1000-4300-000-000-00000	NN P		0.00	187.63	
	PO-021125	08/03/2020	8870815;NO TOUCH THERM	5	01-3210-0-1110-1000-4300-000-000-00000	NN P		0.00	187.63	
	PO-021125	07/22/2020	9036124	3	01-0000-0-1110-1000-4300-000-000-00000	NN P		0.00	320.86	
210064	PO-021162	08/05/2020	9283733	1	01-0000-0-3200-1000-4300-300-000-00000	NN P		0.00	19.69	
210097	PO-021165	08/06/2020	9325341-BR SIGNS	2	01-0000-0-1110-1000-4300-800-000-00000	NN P		34.26	34.26	
210105	PO-021169	08/05/2020	9283588	1	01-0000-0-1110-1000-4300-800-000-00000	NN P		62.31	62.31	
210105	PO-021169	08/05/2020	9282730	1	01-0000-0-1110-1000-4300-800-000-00000	NN P		38.29	38.29	
	TOTAL PAYMENT AMOUNT								1,058.50 *	1,058.50

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	EE ES	E-Term	E-ExtRef	
Req Reference	Date	Description	Fd Res	Y Goal	Func Obj	Sit Bdr DD	T9MPS	Liq Amt	Net Amount
001510/00	RAY MORGAN COMPANY								
210046	PO-000413	08/03/2020	REV CM#20	7	01-0000-0-0000-2700-4300-000-0000-000000	NN	P	0.00	26.42
210046	PO-000413	08/03/2020	REV CM#21	8	01-0000-0-1110-1000-4300-100-000-000000	NN	P	0.00	62.21
TOTAL PAYMENT AMOUNT								88.63	88.63
000144/00	ROBERTSON ERICKSON INC 822988190								
210030	PO-021152	07/01/2020	6850;PARCEL MAP	1	21-0000-0-0000-8500-6100-000-000-000000	NY	P	1,650.00	1,650.00
TOTAL PAYMENT AMOUNT								1,650.00	1,650.00
000335/00	SAVVAS LEARNING COMPANY LLC 000000000								
210026	PO-021117	08/03/2020	4026143470;READIDADES 1	1	01-6300-0-1110-1000-4200-100-000-000000	NN	P	716.75	716.75
210025	PO-021140	08/05/2020	7027192504	1	01-0001-0-1110-1000-4100-800-000-000000	NN	P	2,576.65	2,576.65
210108	PO-021173	08/07/2020	70271957880;DCW/LECT	1	01-7420-0-1110-1000-4200-100-000-000000	NN	F	1,135.72	1,135.72
TOTAL PAYMENT AMOUNT								4,429.12	4,429.12
000137/00	SCHOOL SERVICES OF CALIF INC								
	PO-000426	08/01/2020	AUG 2020-0126132-IN	1	01-0000-0-1110-1000-5890-000-000-000000	NN	P	0.00	320.00
TOTAL PAYMENT AMOUNT								320.00	320.00
000171/00	SUBSCRIPTION SERVICES OF AM								
210089	PO-021154	07/28/2020	9175048;HS LIB MAG SUBSCRIP	1	01-0000-0-1110-2420-4300-100-026-000000	NN	F	568.73	568.73
TOTAL PAYMENT AMOUNT								568.73	568.73
000377/00	WASTE MANAGEMENT								
210044	PO-000402	08/01/2020	AUG PS/ELLAB 40238905009	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	265.38
210044	PO-000402	08/01/2020	AUG DIST HWY32;40236285003	1	01-0000-0-0000-8100-5590-000-000-000000	NN	P	0.00	424.60
210044	PO-000402	08/01/2020	AUG HS HWY32;40236285003	2	01-0000-0-0000-8100-5590-100-000-000000	NN	P	0.00	636.92
210044	PO-000402	08/01/2020	AUG 2NDST:40238215004	3	01-0000-0-0000-8100-5590-800-000-000000	NN	P	0.00	204.92
210044	PO-000402	08/01/2020	AUG 277CAPAY;40238285009	3	01-0000-0-0000-8100-5590-800-000-000000	NN	P	0.00	265.38
TOTAL PAYMENT AMOUNT								1,797.20	1,797.20

012 HAMILTON UNIFIED SCHOOL DIST. J29183
 BATCH 7:AUGUST 24 2020

ACCOUNTS PAYABLE PRELIST
 BATCH: 0007 BATCH 7:AUGUST 24 2020

APY500 L.00.19 08/13/20 15:44 PAGE 5
 << Open >>

Vendor/Addr	Remit name	Req Reference	Date	Description	Tax ID num	Deposit type	ABA num	Account num	EE	ES	E-Term	E-ExtRef
							Fd Res Y Goal Func Obj	Sit BdR DD	T9MPS		Liq Amt	Net Amount
001078/00	WILGUS FIRE CONTROL INC				942412079							
210114	PO-021176	07/01/2020	129212-FIRE EQUIP SERVICE			1	01-8150-0-0000-8100-5630-800-000-00000	NN P			507.95	507.95
210114	PO-021176	07/01/2020	32959-FIRE EQUIP SERVICE			1	01-8150-0-0000-8100-5630-800-000-00000	NN F			223.48	223.48
TOTAL PAYMENT AMOUNT											731.43	731.43

TOTAL BATCH PAYMENT	116,121.29 ***	0.00	116,121.29
TOTAL DISTRICT PAYMENT	116,121.29 ****	0.00	116,121.29
TOTAL FOR ALL DISTRICTS:	116,121.29 ****	0.00	116,121.29
			116,121.29

Number of checks to be printed: 26, not counting voids due to stub overflows.
 Printed: 08/13/2020 17:37:50

Prepared by	<i>Chris Sevier</i>	Date	8/13/20
Authorized by		Date	

Hamilton Unified School District

Quarterly Report on Williams Uniform Complaints

(Education Code § 35186)

Person completing this form: Jeremy Powell

Title: Superintendent

Quarterly Report Submission Date:

(check one)

January 2020

April 2020

July 2020

October 2020

Date for information to be reported publicly at governing board meeting: August 28, 2020

Please check the box that applies:

No complaints were filed with any school in the district during the quarter indicated above.

Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

	Total No. of Complaints	No. Resolved	No. Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		

Dr. Jeremy Powell, Superintendent

Date Signed