

Eureka City Schools Board of Education

2100 J Street - Eureka, CA 95501

Regular Meeting

6:30 PM

May 19, 2022

AGENDA

A. CALL TO ORDER OF OPEN SESSION (5:00 p.m. - Room 116)

B. PUBLIC COMMENT ON CLOSED SESSION ITEMS

C. CLOSED SESSION (Room 118)

- (1) Employee Discipline, Dismissal, Release, Accept the Resignation of a Public Employee (GC § 54957)
- (2) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. L(12)
- (3) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. L(12)
- (4) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)
- (5) Conference with Real Property Negotiator Superintendent Van Vleck Regarding Jacobs Building Property Concerning Price and/or Terms of Payment (GC § 54956.8) (Interested Parties: City of Eureka / Lead Negotiator: Brian Gerving and California Highway Patrol / Lead Negotiator: NaTonya Forbes)
- (6) Conference with Legal Counsel – Anticipated Litigation, One Case (GC § 54956.9) - Significant Exposure to Litigation Pursuant to Gov. Code §54956.9(d) (2)

D. BOARD RECESS | 6:00-6:30 p.m. - Attend Chamber Mixer, Hosted by Eureka High School (Welding Shop) (1915 J Street)

E. RECONVENE TO OPEN SESSION (6:30 p.m. - Room 116)

F. REPORT OUT FROM CLOSED SESSION

G. PLEDGE OF ALLEGIANCE TO THE FLAG - Lafayette Elementary School

H. PUBLIC HEARING

- (7) Notice of Public Hearing and of Proposal For Implementing School Facilities Fees as Authorized By Education Code Sections 17620 And Government Codes 65995

I. ADJUSTMENT TO THE AGENDA

The Board of Trustees reserves the right to change the order in which agenda items are

discussed and/or acted upon at this meeting. Subject to further action by the Board, this meeting will proceed as provided in this agenda. Items may be added to this agenda for discussion or action only as permitted by law.

(8) Approval of Agenda

J. INFORMATION

(9) Student Reports

(10) Superintendent's Reports

(11) Board Members' Reports

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

**** IN ORDER TO ADDRESS THE BOARD, PLEASE COMPLETE THE GREEN SPEAKER'S FORM AT THE DOOR AND GIVE TO THE BOARD PRESIDENT.***

Individual speakers shall be allowed three (3) minutes to address the Board on each non-agenda or agenda item. The Board shall limit the total time for public input on each item to twenty (20) minutes (BB 9323(b)).

L. CONSENT CALENDAR

(12) Approval of Personnel Report No.14

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

(13) Approval and Adoption of the School Calendar and Schedule of Holidays for the 2023-2024 School Year

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

(14) Approval of Resolution #21-22-031, Revised Date for Observance of Abraham Lincoln's Birthday in 2023-2024 School Calendar

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

(15) Approval of Minutes from the Regular Meeting on April 27, 2022

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

(16) Approval of April 2022 Warrants

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(17) Approval of Memorandum of Understanding between Eureka City Schools and Cutten Elementary School: "Out of the Box" Drop Off at Sequoia Zoo

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

(18) Approval of Intent to Apply for the 2022-23 Agricultural Career Technical Education Incentive Grant – Eureka High School

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (19) Approval of AP Statistics Curriculum, BFW

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (20) Approval of Elementary Social Studies Curriculum Adoption, TCI

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (21) Approval to Accept Donation to Eureka High School: Auto Shop Program

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (22) Approval of Corp Yard Solar/Microgrid Project Change Order

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (23) Approval to Accept Donation to Lafayette Elementary from McCrea Subaru/Adopt A Classroom

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (24) Approval of Revised Classified and Certificated Management Salary Schedules Due to Changes in Work Days

Referred to the Board by:

Renae Will, Director of Personnel Services and Public Affairs

- (25) Approval to Surplus Middle School Science Textbooks

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (26) Approval of Intent to Apply for 2022-23 Carl D. Perkins Career and Technical Education Grant

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (27) Approval of Declaration of Equipment as Surplus and Authorization to Sell

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

M. DISCUSSION/ACTION

- (28) Resolution #21-22-028; Adopting Level 1 Developer Fee Justification Study

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (29) Resolution #21-22-030; Establishing and Adopting School Facilities Fees

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (30) Accept Low Bid for Zane Building 1 Roof Project

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (31) Resolution #21-22-029; Adopt an Initial Study/Mitigated Negative Declaration Pursuant to the California Environmental Quality Act for the Eureka High School - Albee Stadium Renovation Project

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (32) Process for Filling Board Member Vacancies

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

N. DISCUSSION

- (33) Citizens' Oversight Committee (COC) Annual Report to the Board

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (34) Food Services Department Update

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (35) Enrollment Update

Referred to the Board by:

Paul Ziegler, Assistant Superintendent of Business Services

- (36) Local Control Accountability Plan Update

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (37) Annual District English Learner Advisory Committee (DELAC) Presentation

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (38) Annual CTE Report (Career and Technology Plan for Secondary Schools including Continuation High School and Dual Enrollment)

Referred to the Board by:

Gary Storts, Assistant Superintendent of Educational Services

- (39) Policy Updates from CSBA - December 2021 and Revisions to BB 9400 (First Review)

Referred to the Board by:

Fred Van Vleck, Ed.D., Superintendent

O. CLOSED SESSION (continued)

P. RECONVENING OF OPEN SESSION (continued)

Q. REPORT OUT FROM CLOSED SESSION (continued)

R. INFORMATIONAL ONLY ITEMS

(40) Information Only: June 2022 - Review of CDE Calendar of Events

S. ADJOURNMENT

Notice: Documents and materials relating to an open session agenda that are provided to the Board less than 72 hours prior to a regular meeting will be available for public inspection and copying at the Eureka City Schools District Office, Superintendent's Office (Room 108), 2100 J Street, Eureka, CA 95501.

Notice: Eureka City Schools adheres to the Americans with Disabilities Act. Should you require special accommodations or auxiliary aids and services in order to participate in the Board meeting, please contact the Superintendent's Office (Room 108) in writing three days prior to the meeting at 2100 J Street, Eureka, CA 95501.

Notice: Regular Board meetings may be digitally recorded. Per Board policy, recordings may be erased or destroyed 30 days after the meeting.

Notice: The Governing Board reserves the right to take action on any item listed on this agenda.

AGENDA ITEM

Agenda Title: Notice of Public Hearing and of Proposal For Implementing
School Facilities Fees as Authorized By Education Code Sections
17620 And Government Codes 65995

Meeting Date: May 19, 2022

Item:

ATTACHMENTS:

Description

- ▣ Notice of Public Hearing



FOR IMMEDIATE POSTING

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING AND OF PROPOSAL FOR IMPLEMENTING SCHOOL FACILITIES FEES AS AUTHORIZED BY EDUCATION CODE SECTIONS 17620 AND GOVERNMENT CODES 65995

PLEASE TAKE NOTICE that immediately following a public hearing on the matter, a proposed resolution(s) will be considered by the Governing Board of Eureka City School District at its regular meeting on **May 19, 2022**, at **6:30 p.m.**, which if adopted by the Board will implement development fees established by the District against residential construction and reconstruction at \$4.79 per square foot and against new commercial or industrial construction at \$0.78 a square foot. Education Code Section 17620 and Government Code Section 65995 authorize the proposed fees. Data pertaining to the cost of school facilities is available for inspection during regular business hours at the District's administrative offices. The fee, if approved by the Governing Board, will become effective on July 18, 2022, which is 60 days after the proposed adoption of the resolution levying such fee by the Governing Board.

Contact:

Paul Ziegler
Assistant Superintendent of Business Services
Eureka City Schools
Tel: 707-441-2412

Posted: 04/18/22 (30 Days)
(Remove on 05/20/22)

AGENDA ITEM

Agenda Title: Approval of Personnel Report No.14

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Personnel Action Report No.14.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

N/A

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: RECRUITMENT, SELECTION, PROFESSIONAL DEVELOPMENT, AND RETENTION OF QUALITY STAFF

HISTORY *(list previous staff or board action(s) with dates if possible)*

N/A

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

N/A

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will, Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- Personnel Report No.14

**EUREKA CITY SCHOOLS
PERSONNEL REPORT NO. 14
May 19, 2022**

The following personnel are submitted to the Board of Education of the Eureka City Schools for approval:

CERTIFICATED PERSONNEL

RETIREMENTS

Lovfald, Sandy	Teacher, 1.0 FTE, (EHS), eff. 6/18/22
Sauer, Aletta	Teacher, 0.8 FTE, (EHS), eff. 6/18/22

RESIGNATIONS

Carroll, Gabrielle	Probationary I Teacher, 1.0 FTE, (Lafayette), eff. 6/18/2022
Hunnicutt, Laura	Probationary I Education Specialist, 1.0 FTE, (Winship), eff. 6/17/22

ASSIGNMENTS

Benavides, Destinee	Temporary Elementary Teacher, 1.0 FTE, (TBD), eff. 8/17/22 – 6/18/22
Conrad, Lauren	Temporary Elementary Teacher, 1.0 FTE, (TBD), eff. 8/17/22 – 6/18/22
Crandell, Molly	Temporary Elementary Teacher, 1.0 FTE, (TBD), eff. 8/17/22 – 6/18/22
Cummesky, Morgan	Temporary Elementary Teacher, 1.0 FTE, (TBD), eff. 8/17/22 – 6/18/22
Fox, Sarah	Probationary I Elementary Teacher, 1.0 FTE, (TBD), eff. 8/17/22
Funk, Asher	School Psychologist, 1.0 FTE, (District), eff. 8/12/22
Lovio-Coley, Alysia	Probationary I Education Specialist, 1.0 FTE, (District), eff. 8/17/22
Tenorio, Julio	Probationary I Education Specialist, 1.0 FTE, (District), eff. 8/17/22
Wright, Laura	Probationary I Life Skills II/Education Specialist, 1.0 FTE, (EHS), eff. 8/17/22

LEAVES OF ABSENCE

Cruz, Guadalupe	From: Special Day Class Teacher, 1.0 FTE, (Alice Birney) To: Pregnancy Disability Leave, 1.0 FTE, eff. 4/29/22
Tetzlaff, Amy	From: Teacher, 1.0 FTE, (Lafayette) To: FMLA, 1.0 FTE, eff. 5/4/22 – 5/13/22
Wolven, Jodi	From: FMLA, 0.5 FTE To: School Nurse, 0.5 FTE, (District), eff. 5/10/22

DAY TO DAY SUBSTITUTE TEACHERS

Kampfer, Aria	Day-to-Day Substitute Teacher, (District), eff. 4/20/22 – 6/17/22
Reyes, Shakira	Day-to-Day Substitute Teacher, (District), eff. 4/12/22 – 6/17/22

Weinstein, Noah Day-to-Day Substitute Teacher, (District), eff. 5/6/22 – 6/17/22

COACHES

Hentley, Nathan JV Boys Basketball Head Coach, (EHS), eff. 2021 – 2022

CLASSIFIED PERSONNEL

ASSIGNMENTS

Baker, Shaun	Stage Tech/Custodian (Eureka High), 8 hrs/day, eff. 4/29/22
Guidry, Jade	Monitor (Zane), 2.75 hrs/day, eff. 5/5/22
Palmer, Eric	Instr Asst Special Ed III(DW) 6.75 hrs/day, eff. 4/22/22
Riggins, Elizabeth	Sr. Accounts Clerk A/R (DO), 8 hrs/day, eff. 5/16/22
Smit, Nicole	Elementary Secretary (Washington), 8 hrs/day, eff. 4/27/22

AGENDA ITEM

Agenda Title: Approval and Adoption of the School Calendar and Schedule of Holidays for the 2023-2024 School Year
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve and adopt the proposed 2023-2024 calendar and schedule of holidays.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The calendar was negotiated and agreed upon by the Eureka Teachers Association and Eureka City Schools.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: RECRUITMENT, SELECTION, PROFESSIONAL DEVELOPMENT, AND RETENTION OF QUALITY STAFF

HISTORY *(list previous staff or board action(s) with dates if possible)*

Annual adoption.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

N/A

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will, Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- ▣ Schedule of Holidays -2023-2024
- ▣ 2023-2024 School Year Calendar



SCHEDULE OF HOLIDAYS

2023-2024 School Year

(Classified, Confidential, and Management Personnel)

Date	Holiday
Tuesday, July 4, 2023	Fourth of July
Monday, September 4, 2023	Labor Day
Friday, November 10, 2023	Veterans' Day Observed
Thursday, November 23, 2023	Thanksgiving Day
Friday, November 24, 2023	Local Holiday
Friday, December 22, 2023	Christmas Eve Observed
Monday, December 25, 2023	Christmas Day Observed
Monday, January 1, 2024	New Year's Holiday Observed
Monday, January 15, 2024	Martin Luther King Day
Monday, February 19, 2024	Presidents' Day (Washington)
Tuesday, February 20, 2024	Local Holiday (Lincoln Observed)
Monday, May 27, 2024	Memorial Day
Wednesday, June 19, 2024	Juneteenth

Board Adopted: May 19, 2022

Sent District-Wide/Posted on Website: TBD

Eureka City Schools
2023-2024
Board Adopted 5/19/22

Month	Mon	Tue	Wed	Thu	Fri	Days Taught	Holidays
	14	15	16	17	{▶18}	180	8/18/23 Elem, MS Teachers' Duty Day
August 21 to September 15 First Month	21 28 [4] 11	22 29 5 12	23 30 6 13	24 31 7 14	25 1 8 15	19	School Starts 8/21/23 Labor Day 9/04/23
September 18 to October 13 Second Month	18 25 2 9	19 26 3 10	20 27 4 11	21 28 5 12	22 29 6 13	19	 Staff Dev Day 10/09/23
October 16 to November 10 Third Month	16 23 30 6	17 24 31 7	18 25 1 8	19 26 2 9	{20} 27 3 [10]	18	 Staff Dev Day 11/1/23 Veteran's Day Observed 11/10/23
November 13 to December 8 Fourth Month	13 20 27 4	14 21 28 5	15 22 29 6	16 [23] 30 7	17~ (24) 1 8	15	 Thanksgiving Break 11/20/23-11/24/23
December 11 to January 5 Fifth Month	11 18 [25] [1]	12 19 (26) 2	13 20 27 3	14 21 28 4	15 22 29 5	9	 Winter Break 12/22/23-1/05/24
January 8 to February 2 Sixth Month	8 [15] 22 29	9 16 23 30	10 17 24 31	11 18 25 1	12 {19} 26 2	19	 Martin Luther King Jr. Day 1/15/24
February 5 to March 1 Seventh Month	5 12 [19] 26	6 13 (20) 27	7 14 21 28	8 15 22 29	9 16 23 1	15	 Presidents' Week 2/19/24-2/23/24
March 4 to March 29 Eighth Month	4 11 18 25	5 12 19 26	6 13 20 27	7 14 21 28	8~ 15 22 {29}	19	 Staff Dev Day 03/15/2024
April 1 to April 26 Ninth Month	1 8 15 22	2 9 16 23	3 10 17 24	4 11 18 25	5 12 19 26	15	 Spring Break 4/15/24-4/19/24
April 29 to May 24 Tenth Month	29 6 13 20	30 7 14 21	1 8 15 22	2 9 16 23	3 10 17 24	19	 No School, No Teacher Duty
May 27 to June 13 Eleventh Month	[27] 3 10 17	28 4 11 18	29 5 12 [19]	30 6 {13}~ 20	31 7 [▶14] 21	13	Memorial Day 5/27/24 Last Day of Instruction 6/13/24 6/14/24 EHS Teachers' Duty Day 6/19/24 Juneteenth

	Trimester	Quarter / Semester
~ End of Trimester	~1st Tri 61 Days	} 1st Qtr 43 Days
} End of Quarter	8/21/23 - 11/17/23	8/21/23 - 10/20/23
[] Legal Holiday	~2nd Tri 58 Days	} 2nd Qtr 46 Days
() Local Holiday	11/27/23 - 3/8/24	10/23/23 - 1/19/24
{▶} Possible Teacher Duty Day	~3rd Tri 61 Days	} 3rd Qtr 44 Days
No School	3/11/24 - 6/13/24	1/22/24 - 3/29/24
No School-Teacher Duty	180 Days	} 4th Qtr 47 Days
No School-No Teacher Duty		4/01/24 - 6/13/24
		180 Days

*Note: Duty day for elementary, middle school, and Zoe Barnum teachers only 8/18/23. Duty day for Eureka High School teachers only 6/14/24. All teachers work six non-instruction duty days.

AGENDA ITEM

Agenda Title: Approval of Resolution #21-22-031, Revised Date for Observance of Abraham Lincoln's Birthday in 2023-2024 School Calendar
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Resolution #21-22-031, revising the date for the observance of Abraham Lincoln's Birthday by the closure of Eureka City Schools on Tuesday, February 20, 2024 in the 2023-2024 School Year.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The 2023-2024 school calendar does not close school on Monday or Friday of the week in which February 12 occurs, in observance of Lincoln's birthday. Except for Veteran's Day, the Governing Board may revise the date upon which the schools of the district close in observance of any of the holidays identified in Education Code Section 37220 by adoption of a resolution. This resolution authorizes the closure of Eureka City School District on Tuesday, February 20, 2024, in honor of Lincoln's birthday.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Eureka City Schools' annual adoption of resolutions changing the closure of school in observance of Abraham Lincoln began in the spring of 1995 when the adopted school calendar included school closure during the remainder of the week of President Day.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this action.

WHO *(list the name of the contact person(s), job title, and site location)*

Renae Will, Director of Personnel and Public Affairs

ATTACHMENTS:

Description

- ▣ Resolution 21-22-031

Eureka City Schools
RESOLUTION #21-22-031
OBSERVANCE OF LINCOLN'S BIRTHDAY

WHEREAS, the Eureka City Schools Board of Trustees has adopted the 2023-2024 School Calendar; and

WHEREAS, Education Code requires that the public schools shall close on the Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day";

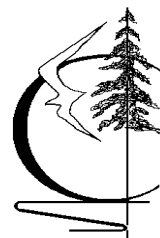
WHEREAS, the adopted 2023-2024 School Calendar observes Lincoln's Birthday by closing Eureka City Schools on Tuesday, February 20, 2024, in the 2023-2023 school year; and

WHEREAS, California Education Code § 37220(e) reads: "The governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observation of any holiday."

NOW, THEREFORE, BE IT RESOLVED, the schools of the Eureka City Schools will hold exercises in memory of Abraham Lincoln and George Washington on Friday, February 16, 2024, and will observe Lincoln's Birthday by closing Eureka City Schools on Tuesday, February 20, 2024.

This Resolution was passed by the Eureka City School District Board of Trustees on the 19th day of May, 2022.

Fred Van Vleck, Ed.D., Superintendent
Secretary to the Board of Education



AGENDA ITEM

Agenda Title: Approval of Minutes from the Regular Meeting on April 27, 2022

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the minutes from the Regular Meeting on April 27, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Not applicable.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D. - Superintendent

ATTACHMENTS:

Description

- Minutes - April 27, 2022

Eureka City Schools | Board of Education

District Office - 2100 J Street - Eureka, CA 95501

Regular Meeting

6:30 PM

April 27, 2022

MINUTES

A. EMPLOYEE RECEPTION (4:15 p.m.) - Lincoln Cafeteria

B. CALL TO ORDER OF OPEN SESSION

Trustee Duncan called the open session to order at 4:45 p.m.

Members Present: Duncan, Johnson, Fernandez, Ollivier

Members Absent: Taplin

Staff Present: Van Vleck, Ziegler, Storts, Will, Harris

C. BOARD RECOGNITION

- (1) Newly Hired, Newly Permanent Certificated and Classified Employees

Renae Will, Director of Personnel Services and Public Affairs, introduced Principals and Directors, who welcomed the newly hired, newly permanent certificated and classified employees from each school site.

D. PUBLIC COMMENT ON CLOSED SESSION ITEMS

No public comment on closed session Items.

E. CLOSED SESSION (Closed to Public)

President Ollivier moved the meeting to closed session to discuss closed session items.

- (2) Employee Discipline, Dismissal, Release, Accept the Resignation of a Public Employee (GC § 54957)
- (3) Public Employee Appointment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. M(13)
- (4) Public Employment (Gov. Code §54957) - See Personnel Action Report Consent Agenda Item No. M(13)
- (5) Conference with Labor Negotiator Superintendent Van Vleck Regarding Eureka Teachers Association, Classified White and Blue Collar Units, and/or Unrepresented Employees (Confidential and Classified and Certificated Management) (GC § 54957.6)

- (6) Conference with Superintendent – Potential Litigation, One Case (GC § 54956.9)
- (7) Conference with Real Property Negotiator (Gov. Code §54956.8) -
Property: Jacobs Property (674 Allard Ave. Eureka, CA 95501), Agency
Negotiator: Fred Van Vleck, Ed.D., Negotiating Parties: California Highway
Patrol / Lead Negotiator: NaTonya Forbes, Under Negotiation: Concerning
Price and/or Terms of Payment

F. RECONVENING OF OPEN SESSION (Cafeteria)

President Ollivier reconvened the meeting at 6:35 p.m.

Members Present: Johnson, Ollivier, Fernandez, Duncan

Members Absent: Taplin, Watson

Staff Present: Van Vleck, Ziegler, Storts, Will, Leonard, Harris

G. REPORT OUT FROM CLOSED SESSION

During the previous closed session, the Board acted to authorize the District Superintendent, or designee, to notify an administrative employee, the Principal of Alternative Education, 0.5 FTE, pursuant to Education Code Section 44951, that he or she will be released from his or her position and reassigned to a non-administrative teaching position for the 2022-2023 school year. The vote was Fernandez, Duncan, Ollivier, Johnson – yes. Trustee Taplin was absent.

During the previous closed session, the Board acted to authorize the District Superintendent, or designee, to notify an administrative employee, Counseling Services Director, 0.5 FTE, pursuant to Education Code Section 44951, that he or she will be released from his or her position and reassigned to a non-administrative teaching position for the 2022-2023 school year. The vote was Fernandez, Duncan, Johnson – yes. Trustee Ollivier – no. Trustee Taplin was absent.

H. PLEDGE OF ALLEGIANCE TO THE FLAG – Winzler Children’s Center

Students from Winzler Children’s Center led the Board in the pledge of allegiance.

I. PUBLIC HEARING

- (8) Public Comment re: Title VI Indian Education Grant Renewal Application for the 2022-2023 School Year

No public comment.

J. ADJUSTMENTS TO THE AGENDA

- (9) Approval of the Agenda

No adjustments to the Agenda.

It was M/S by Johnson/Duncan to approve the Agenda. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: yes 4, noes 0, absent 1 (Taplin). Motion carried.

K. INFORMATION

- (10) Student Reports – The Board received a recorded report from the EHS FFA student representative, Robert Norris.
- (11) Superintendent's Report – Van Vleck provided an update on the EHS Principal Interview Panel which consisted of members of the community, administrators, parents, etc. South Bay is having the Superintendent Interviews at the end of the week. He thanked ECS Cabinet team and District Office staff for their hard work on items impacted by the Shared Services Agreement.

(12) Board Members' Reports

Duncan attended a site visit to Alice Birney and watched his daughter teach, which was exciting.

Fernandez had an opportunity to speak with teachers and staff about being more open and accessible as Board members.

Ollivier attended the Every Student Succeeding breakfast, which went well. The EHS student nominee will be moving up and representing the District at the State-level.

Johnson also attending the Every Student Succeeding breakfast and notes it is inspiring to see both the students and the staff going above and beyond. She is appreciative of everyone's hard work. It was exciting to be back at the Ingomar Club attending the event in person.

L. PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment.

M. CONSENT CALENDAR

It was M/S by Johnson/Fernandez to approve the following Consent Calendar items, moving Item M(25) to D/A as N(25):

- (13) Approval of Personnel Action Report No. 13
Referred to the Board by:
Renaë Will, Director of Personnel Services and Public Affairs
- (14) Approval of Minutes from the Regular Meeting on March 31, 2022 and Special Meeting on April 20, 2022
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

- (15) Approval of Grant Intent to Apply: Learning Communities for School Success Program, Cohort 6
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (16) Approval of Resolution #21-22-023, Specifications of the Election Order for November 8, 2022 for Three Seats on the Governing Board
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
- (17) Approval of March 2022 Warrants
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (18) Approval of Receipt of Grant Award Notification: After School Education and Safety Program
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (19) Approval of Revised Board Meeting Dates and Times for January 2022 through December 2022 (May Board Meeting Moved from May 12, 2022 to May 19, 2022)
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
- (20) Approval of Pre-Qualified Lease-Leaseback Contractors and Subcontractors; EHS Science Building Project
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (21) Approval of Partnership Agreement Between the Wiyot Tribe and Eureka City Schools for the Humboldt Bay Youth Community Project Grant
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services
- (22) Approval of Recommendation for Science Curriculum Adoption, Amplify
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services
- (23) Approval of Grant Award Notification (GAN): Career Technical Education Incentive Grant (CTEIG)
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services
- (24) Approval of the Agreement between the Marshall Family Resource Center and the Mattole Valley Resource Center
Referred to the Board by:
John Leonard, Director of Student Services

- ~~(25) Approval of Agreement Between Fulcrom Management Solutions Inc. (Thought Exchange) and Eureka City Schools
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services
(Item Moved from Consent to D/A)~~

- (26) Approval of Field Trip Request: AVID Class of 2022 Senior Trip - Eureka High School
Referred to the Board by:
Renaë Will, Director of Personnel Services and Public Affairs

Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: yes 4, noes 0, absent 1 (Taplin). Motion carried.

N. DISCUSSION/ACTION

- (25) Approval of Agreement Between Fulcrom Management Solutions, Inc. (Thought Exchange) and Eureka City Schools
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services
(Moved from Consent to D/A)

Storts provided information on the agreement with ThoughtExchange, aka Fulcrom Management Solutions, Inc. He notes this platform provides an innovative way to get feedback and levels any perception of power. Participates are able to provide answers that are then rated by other attendees, which creates a deeper dialogue. The program can be utilized in various languages.

It was M/S by Fernandez/Duncan to approve the Agreement Between Fulcrom Management Solutions Inc. (Thought Exchange) and Eureka City Schools. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (27) Certification of the 2020-2021 Audit Findings Corrective Plans and Recommendations
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

Ziegler provided an update to the Board on the 2020-2021 Audit Findings Corrective Plans and Recommendations.

It was M/S by Johnson/Duncan to approve the Certification of the 2020-2021 Audit Findings Corrective Plans and Recommendations. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (28) Designation of Citizens' Oversight Committee (COC) Members
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

The next two items related to the District's Citizens' Oversight Committee (COC). It is requested the Board approve the designation of new members.

It was M/S by Johnson/Duncan to approve the Designation of Citizens' Oversight Committee (COC) Members. Student Board Representative: aye 1, no 0, absent 0. Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (29) Appointment of New Member to the Citizens' Oversight Committee (COC)
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

The Board is asked to approve the appointment of Wendy Harper to the COC.

It was M/S by Ollivier/Fernandez to approve the Appointment of New Member to the Citizens' Oversight Committee (COC). Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (30) Resolution #21-22-027; Establish Fund 73, Foundation Private Purpose Trust Fund
Referred to the Board by:
Paul Ziegler, Assistant Superintendent of Business Services

It was M/S by Johnson/Duncan to approve the Resolution #21-22-027; Establish Fund 73, Foundation Private Purpose Trust Fund. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (31) Resolution and Decision Not to Reemploy Classified Employees (Resolution 21-22-026)
Referred to the Board by:
Renaë Will, Director of Personnel Services and Public Affairs

Will notes the classified layoff process is different this year. The Board approved this action in March but must come to the Board a second time in order to be final.

It was M/S by Duncan/Fernandez to approve the Resolution and Decision Not to Reemploy Classified Employees (Resolution 21-22-026). Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

- (32) Board's Nomination for Election Ballot for the 2022 CSBA Delegate Assembly Run-off Election
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent
Van Vleck provided background on this item and notes there are three runoff candidates.

It was M/S by Johnson/Fernandez to approve the Board's Nomination of Lisa Ollivier for Election Ballot for the 2022 CSBA Delegate Assembly Run-off Election. Student Board Representative: yes 0, no 0, absent 1 (Watson). Governing Board: ayes 4, noes 0, absent 1 (Taplin). Motion carried.

O. DISCUSSION

- (33) Annual Report on Advancement Via Individual Determination (AVID)
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided an annual update to the Board on the Advancement Via Individual Determination (AVID). He reviewed an overview of AVID, implementation efforts at the elementary and secondary sites, next steps, etc.

- (34) Adult Education Program Report
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided an overview of the Adult Education Program at ECS. He reviewed the various programs, current enrollment, review of funding, etc.

- (35) Visual and Performing Arts Update
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided the annual update to the Board on visual and performing arts around the District. He reviewed visual and performing arts classes at the middle schools and both high schools. Trustee Fernandez would like to see a CTE visual and performing arts pathway in the future.

- (36) Local Control Accountability Plan Update
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided an update to the Board on the District's LCAP. The District will be sending it off to HCOE for first review and it will be ready for public preview at the beginning of June.

- (37) Discussion on AP Statistics Curriculum, BFW
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts provided information the curriculum review process and the feedback received. Per the Board's direction, this will come back to the Board on Consent.

- (38) Discussion on Elementary Social Studies Curriculum Adoption, TCI
Referred to the Board by:
Gary Storts, Assistant Superintendent of Educational Services

Storts reviewed the pilot review process, the team involved in the process, and the strengths/weaknesses of the textbooks being compared. There were two rounds conducted in this pilot. There is overwhelming support for the TCI curriculum and it is the pilot team's recommendation the Board adopt TCI. Per the Board's direction, this will come back to the Board on Consent.

- (39) Eureka City Schools Music Programs
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

This item was requested by Jocelyn Gibbons at a recent Board meeting. Van Vleck provided a review of the current programs and changes that came out of negotiations. The District will be moving forward in changing the model, which would be a 75 minutes per week model for grades 4/5 (instead of 150 minutes for grades 4/5). In grades TK-3, the music teachers will co-teach music with the regular teachers. The minutes will be based on the amount of time left for the two fulltime music teachers after their schedule has 75 minutes/week for grades 4/5. Superintendent Van Vleck cautioned the Board that this will likely be an area of reduction as funding becomes more scarce.

Jocelyn Gibbons addressed the Board on the merits of music for students in the TK-3. She encouraged the Board to support music in TK-3.

The Board notes it is encouraging for music to be present at the TK-3 grades.

- (40) Climate at Eureka High School
Referred to the Board by:
Fred Van Vleck, Ed.D., Superintendent

President Ollivier notes the Board has read and reviewed the emails sent to the Board. Trustee Fernandez has met with a few of the concerned teachers and believes there is a request from the teachers for more open communication. No teachers were present to comment.

P. CLOSED SESSION

Closed session did not continue.

Q. RECONVENING OF OPEN SESSION

Not applicable. Closed session did not continue.

R. REPORT OUT FROM CLOSED SESSION

Not applicable. Closed session did not continue.

S. INFORMATIONAL ONLY ITEMS

(41) Information Only: May 2022 - Review of CDE Calendar of Events

T. ADJOURNMENT

President Ollivier adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Fred Van Vleck, Ed.D.
Secretary of the Board of Education

Micalyn Harris, Recording Secretary

AGENDA ITEM

Agenda Title: Approval of April 2022 Warrants

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the attached list of warrants issued during the month of April 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Education Code section 17605 allows the District's Board to "adopt a rule, delegating to any officer or employee...the authority to purchase supplies, materials, apparatus, equipment, and services" that do not exceed the amount specified in section 20111 of the Public Contract Code. However, Education Code 35161 requires the Board to retain "ultimate responsibility over the performance of those powers or duties so delegated". As a result, it is recommended that the Governing Board ratify or approve actions taken by the designees.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

This issue was discussed at the February 27, 2014 Board meeting. It was agreed that the Warrant listings would come to the Board for review and approval on a monthly basis.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

For April 2022, the District issued 296 warrants totaling \$2,609,390.91.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▢ April 2022 Warrants

Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000165703	04/04/2022	A-Z BUS SALES INC.	01-4362	OPEN PO: Blue Bird school bus replacement parts		1,001.43
3000165704	04/04/2022	ACSA ASSOC OF CA SCHOOL ADMIN	01-5300	INVOICE ACSA MEMBERSHIPS		501.95
3000165705	04/04/2022	COAST LEAGUE	01-4200	sports C/R facility rental		385.00
3000165706	04/04/2022	Cox, Christopher M	01-5201	FEB 2022 MILEAGE	66.51	
				JAN 2022 MILEAGE	79.09	
				MAR 2022 MILEAGE	84.53	230.13
3000165707	04/04/2022	EUREKA NAPA AUTO	01-4362	supplies and parts for vehicles		20.90
3000165708	04/04/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		848.20
3000165709	04/04/2022	HUMBOLDT FIRE DISTRICT #1	01-5800	INVOICE: Contracted Services		252.68
3000165710	04/04/2022	MCDONALD, JILL	23-6271	EHS ALBEE STADIUM CONSULTING		1,250.00
3000165711	04/04/2022	MISSION LINEN	12-5800	Open PO for Mission Linen biweekly rug service		18.31
3000165712	04/04/2022	OpenArt	01-5800	CREATE HUMB. PROJ		9,264.60
3000165713	04/04/2022	OTIS ELEVATOR CO.	01-5637	ELEVATOR SERVICE		606.60
3000165714	04/04/2022	PETERS, SARAH	01-5201	MAR 2022 MILES		458.40
3000165715	04/04/2022	PIERSON BLDG CENTER	01-4377	Blanket PO for supplies and materials	73.33	
			01-4381	Blanket PO for supplies and materials	329.06	
			23-6200	Supplies for AB Bell/PA	52.42	454.81
3000165716	04/04/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		3,987.06
3000165717	04/04/2022	T-MOBILE	01-5921	STUDENT HOTSPOTS		16,920.00
3000165718	04/04/2022	U.S. BANK CORPORATE PMT	01-4310	BALL BAGS	83.00	
				BATTERIES	18.09	
				BINDERS	177.96	
				BOOKS	738.99	
				CABLE TIES	10.89	
				CLASS LIBRARY SUPPL	370.22	
				CLASS SUPPLIES	215.32	
				CLASSROOM SUPPL	82.68	
				COVID KIDS MASKS	1,039.20	
				COVID MASKS	1,037.86	
				DIGITAL JOURNALISM	290.52	
				DIGITAL MEDIA SUPPLIES	652.38	
				EMOTIONAL RESILIENCE BOOK	22.83	
				EMPLOYEE OF YEAR AWARD	94.80	
				FACE MASKS	201.94	
				HDMI CABLES 25'	87.12	
				HDMI CABLES 40'	130.34	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000165718	04/04/2022	U.S. BANK CORPORATE PMT		ICE CHESTS	21.82	
				ICE MACHINE NURSE OFF	109.24	
				LCSSP MATH SUPPLIES	74.16	
				LIBRARY SUPPLIES	65.16	
				LIBRARY SUPPLIES UNDER \$500 EA	809.50	
				MINI PHONE TRI POD	25.83	
				OFFIC ESUPPLIES	12.91	
				OFFICE EQUIP.	75.40	
				OFFICE SUPPL	96.02	
				OFFICE SUPPLIES	74.69	
				ORGANIZERS/TRAYS	233.71	
				PBIS AWARDS	239.87	
				PBIS STUDENT AWARDS	227.46	
				PBIS STUDENT INCENTIVES	42.44	
				PE SUPPLIES	515.46	
				PLAYGROUND EQUIP	43.04	
				PORTABLE SPEAKER	113.13	
				POSITIVE CLIMATE BOOKS	142.44	
				SENSORY ITEMS	29.34	
				SITE DEV. BOOK	61.40	
				SITE VISIT REFRESHMENTS	112.25	
				STORAGE TRAYS	128.16	
				STUDENT INCENTIVES	173.16	
				TRIPOD FOR VIDEO	161.50	
				TRIPOD MOUNT	169.62	
			01-4341	COVID - ZOOM LICENSES DISTANCE	199.90	
				COLLAB		
				SOFTWARE AZULE FEB 2022 CLOUD	464.72	
				BACKUPS		
			01-4362	KEY CABINET LOCK BX	206.86	
			01-4400	HDMI CAMERA/BATTERY/CHGR	1,180.91	
				RETURNED USB DUPLICATOR	1,156.73-	
			01-5207	CIS MATH TXTBKS	103.14	
			11-5210	ACSA CONF TRVL	369.00	
				ACSA HOTEL	84.36	
			13-4310	CAF OFFICE SUPPL	162.78	
				CK SUPPLIES	100.45	
			13-4396	CLEANING SUPPL	27.29	

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000165718	04/04/2022	U.S. BANK CORPORATE PMT		CLEANING SUPPLIES	75.97	
			13-4710	FOOD - CATERING	54.34	
				FOOD - LUNCH PROG	3.45	
				FOOD CATERING	54.36	
				Unpaid Tax	30.88-	10,911.77
3000165719	04/04/2022	VERIZON WIRELESS	01-5921	ALL VERIZON LINES	50.67	
			01-5922	ALL VERIZON LINES	1,562.52	1,613.19
3000166073	04/07/2022	ADVANCED SECURITY SYSTEMS	01-5804	Security monitoring - Corp / DO / Tech / Freezer	831.00	
				SECURITY MONITORING - EHS/WINSHIP/ZANE/ZOE	2,263.50	
				Security Monitoring - Elementary sites	991.50	
			13-5804	Security monitoring - Corp / DO / Tech / Freezer	76.50	4,162.50
3000166074	04/07/2022	Amazon Capital Services	01-4310	CLASS SUPPLIES	48.67	
				OFFICE SUPPLIES	416.08	
				ORDER: Create Humboldt	276.12	
				REPORT COVERS	236.55	
				SENSORY ITEMS	2,246.56	
				SENSORY TOYS	879.60	
			01-4400	Water hydration station for AB	932.49	5,036.07
3000166075	04/07/2022	Behrens, Edith L	01-5201	MILEAGE		28.49
3000166076	04/07/2022	Boyd, Sarah J	01-5201	MILEAGE		38.96
3000166077	04/07/2022	BROWN, MORGAN	01-5800	TRANSLATING		793.75
3000166078	04/07/2022	Chase, Laura L	13-5201	MILEAGE		20.00
3000166079	04/07/2022	CHERIE DONAHUE	01-4310	CULINARY CLASS SUPPLIES		1,390.57
3000166080	04/07/2022	COSTCO WHOLESALE MEMBERSHIP	01-5300	MEMBERSHIP		240.00
3000166081	04/07/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		5,997.55
3000166082	04/07/2022	CUMMINS INC	01-5637	QUOTE: Tech Center Cummins Service 2021-2022		645.16
3000166083	04/07/2022	da Costa, Mario J	01-5210	CASBO CONF. TRVL		535.96
3000166084	04/07/2022	Doyle, Brian	01-5201	MILEAGE		25.91
3000166085	04/07/2022	Dutra, Laurie J	13-5201	MILEAGE		115.71
3000166086	04/07/2022	EATON CORPORATION	01-5637	ORDER: EHS MDF Eaton Battery Maint 2021-2022		2,628.73
3000166087	04/07/2022	EMPLOYMENT DEV. DEPT	01-9540	Q1 2022 SUI		38,104.48
3000166088	04/07/2022	EMPLOYMENT DEV. DEPT DE9	01-9543	Q1 2022 SDI		28,881.06

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000166089	04/07/2022	ENTERPRISE RENT-A-CAR ATTN: ACCTS RECEIVABLE	01-5618	OPEN PO ATHLETICS TRAVEL		1,380.98
3000166090	04/07/2022	EUREKA ACE HARDWARE	01-4362	Transp. open PO: Parts and supplies		21.72
3000166091	04/07/2022	EUREKA RUBBER STAMP CO	01-4310	BLANKET PO FOR MATERIALS AND SUPPLIES.		174.79
3000166092	04/07/2022	Gast, Jamie K	01-4310	STUDENT REWARD		27.60
3000166093	04/07/2022	Gonsalves, Kari A	01-4310	LIBRARY BOOKS		279.00
3000166094	04/07/2022	GOSSELIN AND SONS	01-4366	OPEN PO: replacement and repair of tires		2,089.50
3000166095	04/07/2022	Grant, Janis	01-5201	MILEAGE		29.71
3000166096	04/07/2022	Hammons, Trevor	01-4310	PBIS AWARDS		50.20
3000166097	04/07/2022	Harris, Micalyn T	01-5201	MILEAGE		33.91
3000166098	04/07/2022	HUMBOLDT COMM SERVICES DIST	01-5530	WATER - GRANT/WINSHIP/LAF		802.80
3000166099	04/07/2022	JACK SCHREDER & ASSOC	01-5800	Professional services Contracted Services		1,526.25
3000166100	04/07/2022	JAKE PASQUINI	01-5861	FINGERPRINTING		35.00
3000166101	04/07/2022	JENNIE MULLEN	01-5861	FINGERPRINTING		25.00
3000166102	04/07/2022	Johnson, Jennifer L	01-5210	FFA STATE CONV. TRVL		579.69
3000166103	04/07/2022	JOSEPH, LAURA	01-5800	BOARD POLICY UPDATES		1,200.00
3000166104	04/07/2022	Khounsinvong, Chellyn N	13-5201	MILEAGE		34.87
3000166105	04/07/2022	Kobernik, Jenny L	01-5201	MILEAGE		22.87
3000166106	04/07/2022	McCarthy, Leonard R	13-5201	MILEAGE		15.68
3000166107	04/07/2022	McHugh, Daniel C	13-5201	MILEAGE		28.78
3000166108	04/07/2022	MENDES SUPPLY	01-9320	VFS Restock		3,969.59
3000166109	04/07/2022	MIA BELLA CUPCAKES	01-4310	GRAD 2022 CUPCAKES		209.92
3000166110	04/07/2022	Miller, Heather J	01-5201	MILEAGE		39.07
3000166111	04/07/2022	Moak, Ashlee A	01-5201	MILEAGE		33.16
3000166112	04/07/2022	Omnitemp Refrigeration Inc	Cancelled	Fin Condenser		14,284.00 *
		Cancelled on 04/14/2022, Cancel Register # AP04142022				
3000166113	04/07/2022	PACIFIC GAS AND ELECTRIC	01-5520	OPEN PO - ELECTRICITY COSTS - ALL SITES	39,728.47	
			12-5520	OPEN PO - ELECTRICITY COSTS - ALL SITES	548.94	40,277.41
3000166114	04/07/2022	Pelren, Harmony	01-5201	MILEAGE		49.14
3000166115	04/07/2022	PETERS, SARAH	01-5201	MILEAGE	1,172.76	
				NAEA CONV. TRVL	389.26	1,562.02
3000166116	04/07/2022	PETTY CASH	13-4396	KITCHEN SUPPLIES PETTY CASH		10.91
3000166117	04/07/2022	PETTY CASH	13-4710	KITCHEN - FOOD PETTY CASH		69.49
3000166118	04/07/2022	PETTY CASH	01-4374	CLOROX WIPES		16.38
3000166119	04/07/2022	PETTY CASH	01-4374	CUSTODIAL SUPP		13.09

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000166120	04/07/2022	PETTY CASH	01-4381	MAINT. SUPPLIES		18.42
3000166121	04/07/2022	PETTY CASH	01-4377	CUSTODIAL SUPPLIES		13.84
3000166122	04/07/2022	PETTY CASH	01-4381	MAINT. SUPPL		4.87
3000166123	04/07/2022	PIONEER HEALTHCARE SVCS ACCOUNTING OFFICE	01-5800	OPEN PO for SLP contracted services		3,440.00
3000166124	04/07/2022	Puzz, Kristi J	01-4310	CLASS SUPPLIES		41.73
3000166125	04/07/2022	RAMONE'S BAKERY & CAFE	01-4393	LEADERSHIP MTG	584.77	
				STAFF DEV. REFRESH	271.87	856.64
3000166126	04/07/2022	RAY MORGAN CO.	01-4453	WAREHOUSE COPIER/PRINTER		5,222.59
3000166127	04/07/2022	Rollings, Jacquelyn R	01-4310	PBIS PRIZES		19.99
3000166128	04/07/2022	Roper, Hallyann G	01-4310	ELAC MTG SUPPLIES		91.72
3000166129	04/07/2022	S & L FOOD SALES CO.	13-4396	BLANKET PO: Food and Supplies	1,782.47	
			13-4710	BLANKET PO: Food and Supplies	4,209.58	5,992.05
3000166130	04/07/2022	SCHOLASTIC BOOK FAIRS 10	95-4310	SCHOLASTIC BOOK FAIR		3,155.29
3000166131	04/07/2022	SCHOOL SPECIALTY LLC	01-9320	VFS Restock		805.38
3000166132	04/07/2022	Severn, Karen E	01-5201	MILEAGE		14.27
3000166133	04/07/2022	SHN CONSULTING ENGINEERS	23-6271	INVOICE: Engineering Fees		24,457.50
3000166134	04/07/2022	SHUSTER, DELNO M D/B/A S.H.C. LAUNDROMATS	01-5800	LAUNDRY CARDS		5,000.00
3000166135	04/07/2022	SILKE COMMUNICATIONS	01-4351	Radios for Micalyn & Jeanette		986.79
3000166136	04/07/2022	SPECIALTY TRAFFIC SYSTEMS	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		87.35
3000166137	04/07/2022	STAPLES CREDIT	01-4310	Supplies - School/Office		140.90
3000166138	04/07/2022	STOVER, PAUL DBA SMOKEY'S CLN GV TECH	01-4362	Invoice# 032122 Smokey's	2,699.79	
			01-5633	Invoice# 032122 Smokey's	770.21	3,470.00
3000166139	04/07/2022	SYSCO	13-4710	BLANKET PO: Food and Supplies		4,400.48
3000166140	04/07/2022	Torres, Ben Joaquin	13-5201	MILEAGE		20.59
3000166141	04/07/2022	U.S. BANK EQUIPMENT	01-5623	A.B. COPIER LEASE 500-0564851	2,015.46	
				BRIDGES - COPIER LEASE 500-0589727	194.65	
				CORP YARD COPIER LEASE 500-0582294	111.29	
			11-5637	CNA COPIER LEASE 500-0589729	204.80	
			12-5623	OPEN PO - WCC COPIER LEASE 500-0559297	290.76	2,816.96
3000166142	04/07/2022	VALLEY PACIFIC	01-4310	MFRC GAS CARDS		4,000.00
3000166143	04/07/2022	Zystro, Lisa M	01-5201	MILEAGE		93.07
3000166388	04/11/2022	Adams, Mark C	01-5201	COVID MILEAGE		9.88
3000166389	04/11/2022	ADVANCED SECURITY SYSTEMS	01-4400	EHS NEW FIRE ALARM		1,032.95

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Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000166390	04/11/2022	Allen, Katherine D	01-5201	MILEAGE		41.00
3000166391	04/11/2022	BALFOUR	01-4310	EHS LOTTERY OPEN PO GRADUATION		1,810.48
3000166392	04/11/2022	Berti, Jessica L	01-5201	MILEAGE		15.97
3000166393	04/11/2022	BICOASTAL MEDIA	01-5831	ADVERTISING		200.00
3000166394	04/11/2022	BRINK'S INCORPORATED *	01-5800	Open PO - Courier Service		300.72
3000166395	04/11/2022	CALIF SCHOOLS DENTAL COALITION KEENAN & ASSOCIATES, ADMIN	68-9135	MAY DENTAL INS.		40,375.00
3000166396	04/11/2022	CALIF. SCHOOLS VISION COALITN KEENAN & ASSOCIATES, ADMIN	67-9135	MAY VISION INS.		6,245.00
3000166397	04/11/2022	CDW-G	01-4310	TV Screen		20.86
3000166398	04/11/2022	CITY OF EUREKA	01-5800	POLICE SERVICES		3,570.00
3000166399	04/11/2022	COASTAL BUSINESS SYS INC	01-5623	Folding machine lease		284.19
3000166400	04/11/2022	DEMCO	01-4310	ORDER: Library Supplies Demco		378.03
3000166401	04/11/2022	DOCUMENT TRACKING SERVICES	01-5800	OPEN PO for translated documents		945.00
3000166402	04/11/2022	DON'S RENT ALL	01-4381	BLANKET PO - Grounds	69.89	
			01-5881	MAR 2022 F/C	7.18	77.07
3000166403	04/11/2022	E.L.ACHIEVE INC.	01-4310	E.L. Achieve Language Logs, Unit 3 & 4		4,326.30
3000166404	04/11/2022	EUREKA ACE HARDWARE	01-4310	BLANKET PO AG	140.37	
			01-4381	MAINT. OPEN PO FOR SUPPLIES	31.83	172.20
3000166405	04/11/2022	EUREKA NAPA AUTO	01-4362	supplies and parts for vehicles		114.22
3000166406	04/11/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		611.99
3000166407	04/11/2022	GANTENBEIN, JESSICA	01-5800	EHS WASC CONSULTANT		190.71
3000166408	04/11/2022	GOPHER SPORTS	01-4310	ORDER Sparke PE Curriculum		130,842.00
3000166409	04/11/2022	GOSSELIN AND SONS	01-4381	INVOICES: Tires		1,393.78
3000166410	04/11/2022	Hamlin, Angie B	01-5861	FINGERPRINTING		25.00
3000166411	04/11/2022	HERITAGE SCHOOLS, INC	01-5852	OPEN PO for invoicing		15,529.00
3000166412	04/11/2022	HUMBOLDT WASTE MANAGEMENT AUTH	01-5511	OPEN PO for Waste Disposal	7,772.74	
			01-5560	Green Waste Disposal	7.20	7,779.94
3000166413	04/11/2022	JONES, MICHAEL	01-5800	EHS WASC CONSULTING		244.53
3000166414	04/11/2022	JOY ANDERSON	01-5861	FINGERPRT REIMB		25.00
3000166415	04/11/2022	JULIA LEONARD	01-5861	FINGERPRINTING		25.00
3000166416	04/11/2022	Lockard, Keri	01-4310	MFRC SUPPLIES	451.92	
			01-5201	MILEAGE	54.22	506.14
3000166417	04/11/2022	NORTHCOAST PARTNERS INC D/B/A CRYSTAL SPRINGS BOTTLED WATER	01-5800	OPEN PO - CRYSTAL SPRINGS WATER		683.00
3000166418	04/11/2022	Omniteam Refrigeration Inc	01-6400	DEPOSIT ON CONDENSER		7,142.00
3000166419	04/11/2022	PARADIGM HEALTH CARE SERVICES	01-5800	OPEN PO FOR LEA BILLING		157.46

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3000166420	04/11/2022	Pearson Clinical Assessment NCS	01-4314	OPEN PO for testing supplies		211.25
		Pearson inc.				
3000166421	04/11/2022	PIERSON BLDG CENTER	01-4374	CUSTODIAL SUPPLIES	41.98	
			01-4377	Blanket PO for supplies and materials	16.35	
			01-4381	Blanket PO for supplies and materials	108.34	166.67
3000166422	04/11/2022	POWELL LANDSCAPE MATERIALS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		122.91
3000166423	04/11/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		43.56
3000166424	04/11/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		7,246.46
3000166425	04/11/2022	Ray Gaskin Service	01-6400	Garbage truck purchase		167,330.58
3000166426	04/11/2022	SAMMY'S BBQ & CATERING	01-4392	PD LUNCH FOR EHS		994.17
3000166427	04/11/2022	SEQUOIA FLORAL INTERNATIONAL	01-4310	BLANKET PO AG		1,044.35
3000166428	04/11/2022	SHRED AWARE LLC	01-5800	INVOICE; Open PO: Contracted Services		152.44
3000166429	04/11/2022	SISC III	01-9537	APRIL MEDICAL INS.		598,404.00
3000166430	04/11/2022	SYSCO	13-4396	BLANKET PO: Food and Supplies	419.28	
			13-4710	BLANKET PO: Food and Supplies	4,883.11	5,302.39
3000166431	04/11/2022	Van Vleck, Frederick J	01-5210	DIST ADMIN SUPERINTENDENT'S SUMMIT		52.00
3000166432	04/11/2022	VIETTI, HAROLD	01-5800	EHS WASC CONSULTING		417.67
3000166433	04/11/2022	WES GREEN LANDSCAPING	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		621.43
3000166758	04/14/2022	A-Z BUS SALES INC.	01-4362	OPEN PO: Blue Bird school bus replacement parts		55.41
3000166759	04/14/2022	ACSA ASSOC OF CA SCHOOL ADMIN	01-5300	acsa mbrships		501.95
3000166760	04/14/2022	Adams, Mark C	01-4310	BAG FOR TESTS		21.73
3000166761	04/14/2022	ANIXTER INC	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		1,321.53
3000166762	04/14/2022	Boone, Paige E	01-4310	STUDENT REWARDS		15.27
3000166763	04/14/2022	BRAVO, JENNIFER	01-5800	OPEN PO FOR INTERPRETING SERVICES		37.50
3000166764	04/14/2022	Breyer, Katherine L	01-4310	CLASS SUPPLIES	130.98	
				CLASSROOM SUPPLIES	25.81	156.79
3000166765	04/14/2022	BUSWEST	01-4362	OPEN PO: Thomas school bus replacement parts		99.41
3000166766	04/14/2022	CAMPTON ELECTRIC	01-4381	BLANKET PO FOR MATERIALS	168.18	
			23-4453	Bond Lafayette Bell/PA System	103.18	
				BOND Lafayette Bell/PA Supplies	154.26	425.62
3000166767	04/14/2022	CDW-G	01-4341	Chromebox for Meetings Renewal 2022		1,104.00
3000166768	04/14/2022	CITY OF EUREKA	01-5530	D.O. WATER	714.99	

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3000166768	04/14/2022	CITY OF EUREKA		WATER - EHS	2,804.05	
				WATER - WASHINGTON	2,567.46	6,086.50
3000166769	04/14/2022	Cruz, Sarah L	01-4310	CLASSROOM SUPPLIES		78.19
3000166770	04/14/2022	Deandreis, Mary	01-4310	MUSIC CLASS SUPPLIES	185.69	
			01-5201	MILEAGE	243.94	429.63
3000166771	04/14/2022	EUREKA NAPA AUTO	01-4362	supplies and parts for vehicles		10.01
3000166772	04/14/2022	EUREKA OXYGEN	01-5623	Open PO for tank rentals	193.00	
			23-6170	INVOICE: Bond - Winship Fence	93.06	286.06
3000166773	04/14/2022	FASTENAL COMPANY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		4.17
3000166774	04/14/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		6,649.86
3000166775	04/14/2022	HENSELL MATERIALS	01-4377	Blanket PO for parts and materials	1.45	
			01-4381	Blanket PO for parts and materials	163.29	164.74
3000166776	04/14/2022	KEENAN SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		199.39
3000166777	04/14/2022	Lovfald, Sandra K	01-5210	STATE FFA TRVL		478.00
3000166778	04/14/2022	MILLER FARMS NURSERY	23-6170	BOND - Winship Fence	43.08	
				BOND - Winship Fence	22.58	65.66
3000166779	04/14/2022	Moua, Pang	95-4310	HOLIDAY CELEBRATION SUPPL		35.24
3000166780	04/14/2022	PACIFIC GAS AND ELECTRIC CO Attn: SELF-GENERATION PROG	01-6250	PG&E self-generation incentive prog.		5,243.00
3000166781	04/14/2022	PERRY SHIMANOFF D/B/A MANAGEMENT & COMM CONSULTANTS	01-5637	INVOICE: SPMMS SOFTWARE LICENSE		3,500.00
3000166782	04/14/2022	PETERS, MARGARET	01-5201	CREATE - MILEAGE	40.95	
				CREATE - MILEAGE	58.50	
				CREATE MILEAGE	56.00	
				MILEAGE	58.50	
			01-5800	Create Humb. Project	4,000.00	
			01-5861	FINGERPRINTING	20.00	4,233.95
3000166783	04/14/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials	91.83	
			23-6170	BOND Winship fence supplies	19.63	111.46
3000166784	04/14/2022	PIONEER HEALTHCARE SVCS ACCOUNTING OFFICE	01-5800	OPEN PO for SLP contracted services		2,752.00
3000166785	04/14/2022	PLATT ELEC SUPPLY INC	23-4453	BOND Lafayette Bell/PA Supplies	354.00	
				INVOICES: BOND Lafayette Bell/PA Supplies	29.76	383.76
3000166786	04/14/2022	POWELL LANDSCAPE MATERIALS	23-6170	INVOICE: Supplies for Winship Fence		52.44
3000166787	04/14/2022	PRESENCE LEARNING INC	01-5800	OPEN PO for Speech Services		37,208.65

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3000166788	04/14/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		513.50
3000166789	04/14/2022	RAY MORGAN CO.	01-4310	INVOICE: LIBRARY STAPLES	257.83	
				ZOE LC COPIER SUPPLIES	359.67	
			01-5637	(Open PO - don't mail) EHS COPIER MAINT	1,783.80	
				(Open PO - no need to mail) MFRC	313.23	
				COPIER MAINT		
				BUS SVCS COPIER AGR	682.88	
				EHS COPIER MAINT	446.02	
				HR COPIER MAINT AGR	719.21	
				LAF COPIER MAINT	2,528.43	
				OPEN PO - LEARNING CENTER RAY	361.66	
				MORGAN MAINT AGR		
				OPEN PO - WASH - COPIER MAINT	79.63	
				OPEN PO - WINSHIP COPIER MAINT	1,219.06	
				OPEN PO: GRANT MAINT AGR	1,296.14	
				RECEPTION - RAY MORGAN AGR	916.87	
				SUPER MAINT AGR	232.25	
				TECH MAINT AGR	74.54	
				ZANE - RAY MORGAN MAINT AGR	1,269.12	12,540.34
3000166790	04/14/2022	S & L FOOD SALES CO.	13-4396	BLANKET PO: Food and Supplies	2,104.73	
			13-4710	BLANKET PO: Food and Supplies	4,578.01	6,682.74
3000166791	04/14/2022	Sarvinski, Alissa	01-5210	STATE FFA TRVL		274.00
3000166792	04/14/2022	SCHMIDBAUER LUMBER CO	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	63.25	
			23-6170	Bond - Winship Fence	176.20	
				INVOICES: Bond - Winship Fence	18.70	258.15
3000166793	04/14/2022	SHAFER'S HARDWARE	01-4377	MAINT. OPEN PO FOR SUPPLIES		68.76
3000166794	04/14/2022	Shamp, Kyle J	01-5210	STATE FFA TRVL		382.00
3000166795	04/14/2022	SMITH, NAREISSA L	01-5800	PROF DEV ABE TEACHERS		375.00
3000166796	04/14/2022	SYSCO	13-4396	BLANKET PO: Food and Supplies	272.69	
			13-4710	BLANKET PO: Food and Supplies	2,271.72	2,544.41
3000166797	04/14/2022	THERMO FLUIDS	01-5800	INVOICE: PICK UP & DISPOSAL OF WASTE OIL		146.56
3000166798	04/14/2022	THRIFTY SUPPLY CO	01-4381	OPEN PO FOR MAINT. SUPPLIES		417.05
3000166799	04/14/2022	Turpin, Russell D	01-4310	MATH CLASS SUPPLIES		451.87
3000166800	04/14/2022	U.S. BANK EQUIPMENT	01-5623	EHS COPIER / FAX ACCESS		181.26
3000166801	04/14/2022	UNITED RENTALS	01-5623	BLANKET PO FOR MATERIALS AND SUPPLIES		2,399.75

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3000166802	04/14/2022	VALLEY PACIFIC	01-4364	OPEN PO FOR FUEL	7,974.82	
			01-4365	OPEN PO FOR FUEL	4,519.64	
				TECH - DIESEL FOR GENERATOR	445.05	
			01-4381	OPEN PO FOR FUEL	356.47	13,295.98
3000166803	04/14/2022	Van Vleck, Kristine M	01-4310	SCHOOL GREENHS SUPPL		327.74
3000166804	04/14/2022	Wagner, Tammi Z	01-4310	STU ART PROJ		1,000.59
3000167033	04/18/2022	AMERICAN STAR	01-5851	OPEN PO FOR SECURITY SVCS		3,082.00
3000167034	04/18/2022	BANK OF MARIN	23-6250	Escrow Fees		43,150.11
3000167035	04/18/2022	CAMPTON ELECTRIC	23-4453	INVOICE: BOND LAFAYETTE BELL/PA SUPPLIES		10.15
3000167036	04/18/2022	CDW-G	01-4310	Washington Ele CAASPP	544.33	
			01-4445	Admin and Tech Laptops	6,078.72	
				Quotes 1C5SMF4 & 1C5PQPQ - Tech items	4,052.48	10,675.53
3000167037	04/18/2022	CITY OF EUREKA	11-5861	OPEN PO - CNA FINGERPRINTING		603.00
3000167038	04/18/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		5,025.54
3000167039	04/18/2022	EUREKA NAPA AUTO	01-4362	supplies and parts for vehicles		380.86
3000167040	04/18/2022	EUREKA READY MIX	23-6170	INVOICE: BOND WINSHIP FENCING MATERIALS		575.11
3000167041	04/18/2022	HEINEMANN	01-4310	JB (FPC Independent Reading for Grant)	6,268.04	
				JB TO ORDER: SUPPLMENTAL FPC FOR LAF	302.55	6,570.59
3000167042	04/18/2022	IXL Learning	01-4110	Please Order		1,745.00
3000167043	04/18/2022	JOSTEN'S	01-4310	Open PO for Josten's Diploma Covers		220.52
3000167044	04/18/2022	MISSION LINEN	12-5800	Open PO for Mission Linen biweekly rug service		18.31
3000167045	04/18/2022	NORTH COAST CLINICS NETWORK ATTN HNFRC	01-5800	(INVOICE) FRC Grant Coordination Yearly Support		3,500.00
3000167046	04/18/2022	POWERSCHOOL GROUP LLC	01-5207	PowerSchool University 5 participants		11,600.00
3000167047	04/18/2022	QUADIENT LEASING	01-5623	LEASE ON POSTAGE MACHINE		1,599.95
3000167048	04/18/2022	U.S. BANK EQUIPMENT	01-5623	EHS COPIER / FAX ACCESS		1,640.54
3000167230	04/21/2022	THOMPSON BUILDERS	23-6250	PROPOSAL (& Open PO) - Contractor's Fee		819,852.10
3000167231	04/21/2022	U.S. BANK CORPORATE PMT	01-4310	5TH GR CURRICULUM	239.57	
				BOTTLED WATER	9.40	
				BUS PASS FOR JS MCK V	21.00	
				CIS / H&H SUPPLIES	37.47	
				CLASS SUPPLIES	721.69	
				CLASSROOM FOLDERS	80.37	

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3000167231	04/21/2022	U.S. BANK CORPORATE PMT		CLASSROOM LIB MOVIE	149.95	
				CLASSROOM SUPPLIES	245.88	
				COUNTING MAGNETS	41.76	
				ERASERS	12.90	
				EUREKA RUBBER STAMP	50.88	
				EYE GLASSES FOR STUDENT	50.00	
				FLAGS	76.94	
				GOALS - STRATEGY BOOK	25.97	
				H & H SUPPLIES	47.17	
				INK PADS FOR CLASS	28.51	
				KEYBOARD/MOUSE	58.98	
				LICE KITS FOR SITES	394.50	
				MAGNETIC LETTERS AND BOARD	142.77	
				MAILING SUPPLIES	41.48	
				MASCOT UNIFORM	108.20	
				MAT/SUPPLIES	438.25	
				MCK V GIFT CARD	50.00	
				MFRC COSTCO SUPPLIES	818.35	
				MFRC PANTRY FOOD	143.47	
				MFRC SUPPLIES	104.20	
				MONITOR MTG THRU LUNCH	97.86	
				MUSIC SUPPLIES	18.42	
				NOISE BLOCKING HEADPHONES	31.72	
				OFFICE SUPPL	26.21	
				OFFICE SUPPLIES	165.11	
				PBIS STUDENT AWARDS	76.44	
				PLASTIC BINS PENCILS	395.76	
				READING POSTERS	167.23	
				REFRESH - SITE VISIT	53.50	
				ROSS GIFT CARDS	50.00	
				SHELVES FOR PRINCIPAL'S OFFICE	21.54	
				SHELVES RETURNED	21.54-	
				SITE SUPPLIES	29.18	
				SPED STUDENT SUPPLIES	34.96	
				SPEECH SUPPLIES	49.16	
				STU OF MONTH AWARDS	24.00	
				STUDENT OF THE MONTH	24.00	

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3000167231	04/21/2022	U.S. BANK CORPORATE PMT		STUDENT PAINTS	127.80	
				STUDENT SUPPLIES	852.45	
				TEACHER SUPPLIES	590.49	
				TEACHING SUPPLIES	76.32	
				THERAPUTTY	30.98	
				WHITEBOARD	450.94	
			01-4314	RETURNED ASSESSMENT MATERIALS	801.39-	
			01-4352	COVID - TESTS SHIPPING	9.45	
				COVID TESTS SHIPPING	18.90	
				RETURN POSTAGE	38.55	
				UPS PICKUP FEE	7.00	
			01-4362	KEYBOX KEYS	66.15	
			01-4374	CUSTODIAL SUPP	120.29	
				CUSTODIAL SUPPL	122.09	
				TRASH CAN LIDS	298.58	
			01-4381	ROOF VENT - LAF	74.14	
				SHOP PLUMBING WRENCH	103.57	
				STEEL ROPE CY SHOP	33.54	
				WINDOW LOCKS LH	20.18	
				WINDOW LOCKS RH	26.53	
			01-4392	P.D. BEVERAGES	20.07	
				P.D. FOOD	272.89	
				P.D. LUNCH	49.50	
				P.D. REFRESHMENTS 3-7-22	92.44	
			01-4393	DISC PROFILE P.D.	72.00	
				LEADERSHIP MTG REFRESHMTS	183.13	
				MTG THRU LUNCH	50.26	
				TRAINING REFRESHMENTS	159.56	
			01-4400	COVID BOTTLER FILLER A.B.	549.08	
			01-5207	TRAINING REGISTRATION	465.00	
			01-5209	MCK V FAMILY LODGING	182.18	
			01-5210	CASBO TRAVEL	639.00	
				CONF. REG. FEE	425.00	
				CONF. TRAVEL AIRFARE	990.40	
				CONFERENCE TRAVL	808.20	
				CREDIT - FLIGHT CANCEL	473.20-	
				FLIGHT CANCELLATION	138.00-	

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3000167231	04/21/2022	U.S. BANK CORPORATE PMT		HOTEL POWERSCHOOL CONF	856.44	
				HOTEL - CONFERENCE	306.54	
				HOTEL ADD'L CHARGE LINE #6	.96	
				HOTEL CANCELLATION CREDIT	406.37-	
				POWERSCHOOL	285.48	
				POWERSCHOOL CONF	480.20	
				POWERSCHOOL CONF TRVL	960.40	
				POWESCHOOL CONF.	480.20	
				TRIP INSURANCE	124.84	
			01-5800	CPR COURSES	1,260.00	
				REDWOOD LEGAL - SVCS	95.00	
				REDWOOD LEGAL SVCS	95.00	
			01-5831	ADVERTISING	634.81	
				ADVERTISING TRUCK 37	5.00	
			01-5881	LATE FEE	21.70	
			01-5950	POSTAGE	7.38	
			11-4310	ADULT ED	65.45	
			13-4396	TOTES	692.01	
				WARMER SWITCH	40.95	
			13-4710	FOOD	605.35	
			95-4310	CLASS LIBRARY SUPP	25.87	
				LIBRARY BOOK	15.00	
				Unpaid Tax	46.49-	18,603.00
3000167564	04/25/2022	AMERICAN FIDELITY ADMIN. SERVICES	01-5800	Contracted Services		669.80
3000167565	04/25/2022	AMN HEALTHCARE ALLIED INC	01-5800	OPEN PO for SLP contracted service invoices		3,800.00
3000167566	04/25/2022	AT&T	01-5922	OPEN PO - 831 - DISTRICT WAN		3,695.20
3000167567	04/25/2022	Baker, Shaun C	01-5861	FINGERPRINTING		25.00
3000167568	04/25/2022	Boyer, Lucia M	95-4310	BIO LAB SUPPL		15.75
3000167569	04/25/2022	Brown, Darcy A	01-5207	CONF. REGISTRATION		119.00
3000167570	04/25/2022	Charles Mikeal Confer	01-5800	OPEN PO for Invoicing		450.00
3000167571	04/25/2022	CITY OF EUREKA	01-5530	D.O. WATER	787.65	
				WATER - ALICE BIRNEY	1,441.59	
				WATER - EHS	6,126.24	
				WATER - TECH CENTER	467.51	
				WATER - ZANE	2,364.59	
				WATER - ZOE	557.56	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000167571	04/25/2022	CITY OF EUREKA	12-5530	WATER - WINZLER CC	183.77	11,928.91
3000167572	04/25/2022	CITY OF EUREKA - ALARMS	01-5800	INVOICE: Contracted Services		20.00
3000167573	04/25/2022	CITY OF EUREKA - ALARMS	01-5300	ZOE ALARM PERMIT FEE		70.00
3000167574	04/25/2022	Davis, Lora A	01-5861	FINGERPRINTING		25.00
3000167575	04/25/2022	DOJ OFFICE OF THE ATTORNEY GENERAL	01-5861	Open PO for Volunteer Fingerprinting		804.00
3000167576	04/25/2022	DON'S RENT ALL	01-4381	BLANKET PO - Grounds	.61-	
			01-5623	BLANKET PO - Grounds	300.44	299.83
3000167577	04/25/2022	EUREKA ACE HARDWARE	01-4377	MAINT. OPEN PO FOR SUPPLIES		86.16
3000167578	04/25/2022	EUREKA NAPA AUTO	01-4362	supplies and parts for vehicles		531.35
3000167579	04/25/2022	FASTENAL COMPANY	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES	27.87	
			01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	162.38	190.25
3000167580	04/25/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		265.44
3000167581	04/25/2022	GOLD STAR FOODS	13-4710	BLANKET PO - Food purchases		4,383.40
3000167582	04/25/2022	HUNTER COMMUNICATIONS	01-5800	OPEN PO - FIBER PROJ - EHS STADIUM		4,617.45
3000167583	04/25/2022	J.W. PEPPER & SON INC.	01-4310	EHS LOTTERY BLANKET PO FOR SUPPLIES		174.74
3000167584	04/25/2022	James, Tiffany G	01-5720	CASBO TRAVEL		235.00
3000167585	04/25/2022	KEENAN SUPPLY	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES.		28.53
3000167586	04/25/2022	LYNNE GERBER DBA COLOR ME RAD PRINT CO	01-4310	INVOICE: Sweatshirts/Deposit		311.36
3000167587	04/25/2022	MANTOVA'S TWO STREET MUSIC	01-4310	EHS Lottery: music supplies	58.98	
				INVOICE:EHS Lottery: music supplies	37.10	96.08
3000167588	04/25/2022	MENDES SUPPLY	01-4374	ORDER: Winship Gym floor finish	3,621.91	
				ORDER: Zane Gym floor finish	3,733.10	7,355.01
3000167589	04/25/2022	Morris, Licia R	01-5861	FINGERPRINTING		25.00
3000167590	04/25/2022	PIERSON BLDG CENTER	01-4381	Blanket PO for supplies and materials		155.24
3000167591	04/25/2022	PIONEER HEALTHCARE SVCS ACCOUNTING OFFICE	01-5800	OPEN PO for SLP contracted services		3,440.00
3000167592	04/25/2022	POWELL LANDSCAPE MATERIALS	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		26.77
3000167593	04/25/2022	PPG ARCHITECTURAL FINISHES, IN	01-4381	BLANKET PO for Maintenance		38.38
3000167594	04/25/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases		2,508.17
3000167595	04/25/2022	RAY MORGAN CO.	01-4310	ROOM 17 PRINTER	1,067.37	
			01-5637	CY SECRETARY COPIER MAINT/USE	408.79	

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000167595	04/25/2022	RAY MORGAN CO.		RM 105/106 RAY MORGAN MAINT AGR	591.73	
			01-5800	WAREHS COPIER AGR/USE	30.21	
			13-5637	C.K .COPIER MAINT/USEAGE	470.12	2,568.22
3000167596	04/25/2022	Sarvinski, Alissa	01-4310	HYDROPONICS SUPPL		266.42
3000167597	04/25/2022	SCHMIDBAUER LUMBER CO	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES	2.92-	
			01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES	402.11	399.19
3000167598	04/25/2022	SHAFER'S HARDWARE	01-4377	MAINT. OPEN PO FOR SUPPLIES	38.22	
			01-4381	MAINT. OPEN PO FOR SUPPLIES	32.09	70.31
3000167599	04/25/2022	SHN CONSULTING ENGINEERS	23-6271	INVOICE: Engineering Fees		10,577.15
3000167600	04/25/2022	SILKE COMMUNICATIONS	01-4310	Pay invoice		630.62
3000167601	04/25/2022	SPURR	01-5511	Open PO Spurr All Sites	40,641.67	
			12-5511	Open PO Spurr All Sites	363.28	41,004.95
3000167602	04/25/2022	STAPLES CREDIT	01-4310	Supplies - School/Office		179.43
3000167603	04/25/2022	STATE WATER RESOUCES CONTROL BOARD	23-6232	INVOICE: Permit Fee		652.00
3000167604	04/25/2022	SUDDENLINK COMMUNICATIONS	01-5922	SUDDENLINK - INTERNET		253.56
3000167605	04/25/2022	SYSCO	13-4396	BLANKET PO: Food and Supplies	1,396.27	
			13-4710	BLANKET PO: Food and Supplies	2,859.44	4,255.71
3000167606	04/25/2022	THRIFTY SUPPLY CO	01-4381	OPEN PO FOR MAINT. SUPPLIES		184.14
3000167607	04/25/2022	TIMES STANDARD	01-5831	INVOICE: Advertisement		307.34
3000167608	04/25/2022	U.S. BANK CORPORATE PMT	01-4310	AMAZON PRIME	54.19	
				BROCHURE HOLDER	43.69	
				CHART STANDS	473.58	
				CHART STANDS/POCKET CHARTS	475.20	
				COLORED PLASTIC CLOTHESPINS	18.96	
				HAND PUPPETS	91.18	
				HANGERS	51.98	
				INDIAN ED SUPPLIES	76.46	
				JUMP ROPES	57.64	
				OFFICE SUPPLIES	97.94	
				PLANTS	23.13	
				POCKET CHARTS	40.98	
				SPARKEL/GLITTER BORDERS	5.45	
				SPORTS BALLS	274.96	
				STAINLESS STEEL CUPS	21.84	
				STUDENT BOOKS	77.56	

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000167608	04/25/2022	U.S. BANK CORPORATE PMT		STUDENT SUPPLIES	117.86	
				TABLET CHROMEBOOK	677.34	
			01-4312	AMAZON PRIME	14.19	
			01-4351	OFFICE SUPPLIES	622.15	
			01-4392	TRAINING FOOD	219.98	
			01-4393	CABINET LUNCH	197.03	
				CABINET MTG REFRESH	15.85	
				CABINET MTG REFRESH	25.85	
				COLLABORATION REFRESH	55.20	
				EXEC MTG FOOD	35.90	
				EXEC. MTG FOOD	58.49	
				P.D. LUNCH	25.54	
				SPEC BOARD MTG LUNCH	63.17	
				WASC REFRESHMENTS	143.25	
				WASC/PD REFRESH	81.51	
			01-5100	ASES - WINSHIP	559.62	
				ASES - WINSHIP	2,701.76	
			01-5207	ACSA CONF	369.00	
			01-5210	ACSA HOTEL HOLD	84.36	
				CABINET SNACKS	86.77	
			01-5831	ADVERTISING	91.62	
			95-4310	ASES - A.B.	331.85	
				ASES - GRANT	770.03	9,233.06
3000167609	04/25/2022	ULTIMATE GRAD COMPANY	01-4310	Open PO for Tassels		429.71
3000167610	04/25/2022	UNITED RENTALS	01-5623	BLANKET PO FOR MATERIALS AND SUPPLIES		643.55
3000167611	04/25/2022	WESTERN CHAIN SAW	01-4377	BLANKET PO FOR MATERIALS AND SUPPLIES		252.72
3000167612	04/25/2022	Ziegler, Paul A	01-5210	CASBO CONF TRAVEL		1,129.90
3000167981	04/28/2022	ARBOLITO LLC DBA SUPERIOR INSTALLS	01-5633	CAMERA INSTALL KIT		1,030.73
3000167982	04/28/2022	Biesecker, Alyssa C	01-5861	FINGERPRINTING		25.00
3000167983	04/28/2022	Bricco, June L	95-4310	WINSHIP ASES		177.62
3000167984	04/28/2022	Brown, Darcy A	01-4310	CLASS SUPPLIES		174.29
3000167985	04/28/2022	CDE	13-4710	BLANKET PO: Commodity Food purchases		1,863.90
3000167986	04/28/2022	CDW-G	01-4445	ORDER: Tech Computers	443.48	
				Tech Equip	1,362.12	1,805.60
3000167987	04/28/2022	Cox, Ashlynn R	95-4310	CHEMISTRY SUPPLIES		20.74

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000167988	04/28/2022	CRAVEN, JOHN W D/B/A CRAVEN CONSTRUCTION	23-6210	Inspector Fees		21,784.65
3000167989	04/28/2022	Cringle, Nancy L	01-5210	MEAL PER DIEM 4/2/22		74.00
3000167990	04/28/2022	CRYSTAL CREAMERY	13-4710	BLANKET PO: Dairy purchases		4,374.08
3000167991	04/28/2022	Dean-Mervinsky, Jennifer M	01-4310	CLASS SUPPLIES		57.93
3000167992	04/28/2022	DECA	01-5210	DECA ADVISOR CONF.		751.63
3000167993	04/28/2022	Devlin, Katie C	01-5203	Heritage Treatment Ctr Trvl		274.00
3000167994	04/28/2022	DGA	01-4310	Disc Golf-PE		2,768.33
3000167995	04/28/2022	DON'S RENT ALL	23-6170	*BOND INVOICE* WINSHIP FENCE SUPPLIES	101.60	
				BOND - WINSHIP FENCE SUPPLIES	306.95	408.55
3000167996	04/28/2022	Ferreira, Jennifer P	01-5210	TRACK MEET PER DIEM		74.00
3000167997	04/28/2022	FRANZ FAMILY BAKERIES	13-4710	BLANKET PO: Bread purchases		240.40
3000167998	04/28/2022	Ivanov, Lucee B	01-4310	REFRESH FOR CLIMATE EVENT		27.19
3000167999	04/28/2022	JACK SCHREDER & ASSOC	01-5800	Consulting fee	277.50	
				INVOICE: Contracted Services	6,675.00	6,952.50
3000168000	04/28/2022	MELAINA VALDEZ	01-5861	FINGERPRINTING		25.00
3000168001	04/28/2022	MENDES SUPPLY	01-4374	Open PO for Mendes Supply	93.28	
			01-4376	BLANKET PO LAUNDRY	642.08	
			01-9320	VFS Restock	5,980.11	
			12-4374	ORDER: Paper towels for meal time	46.41	6,761.88
3000168002	04/28/2022	MILL YARD, THE	01-4381	BLANKET PO FOR MATERIALS AND SUPPLIES		723.29
3000168003	04/28/2022	Moak, Ashlee A	01-5201	CAL ABA CONF	366.21	
			01-5203	CAL ABA CONF.	217.00	
			01-5207	CAL ABA CONF REGIST	350.00	933.21
3000168004	04/28/2022	NORTH COAST FLOORING	01-4381	EHS AG BLDG REPAIR		826.00
3000168005	04/28/2022	PIERSON BLDG CENTER	23-6170	*BOND WINSHIP FENCE SUPPLIES		35.80
3000168006	04/28/2022	PLATINUM PACKAGING GROUP	13-4396	Paper Food Trays		8,336.50
3000168007	04/28/2022	PLATT ELEC SUPPLY INC	01-4381	MAINTENANCE - BLANKET PO		188.02
3000168008	04/28/2022	PRO PACIFIC FRESH	13-4710	BLANKET PO: Food purchases	4,388.00	
				Food purchases	3,134.75	7,522.75
3000168009	04/28/2022	QUADIENT LEASING	01-5950	PREPAID POSTAGE		11,000.00
3000168010	04/28/2022	RAMONE'S BAKERY & CAFE	01-4393	EXEC MTG REFRESHMTS	139.67	
				PD REFRESHMENTS	339.90	
				WASC VISIT REFRESHMTS	173.00	652.57
3000168011	04/28/2022	RAY MORGAN CO.	01-5637	OPEN PO - WASH - COPIER MAINT	2,072.85	
			11-5637	ADULT SCHOOL COPIER MAINT AGR	96.20	2,169.05

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
3000168012	04/28/2022	REMI VISTA INC	01-5852	OPEN PO for Remi Vista		4,600.00
3000168013	04/28/2022	Reyna-Torres, Hilda E	01-4310	CLASS SUPPLIES		50.72
3000168014	04/28/2022	Rice, Elizabeth N	01-5861	FINGERPRINTING		25.00
3000168015	04/28/2022	Schlesiger, Heidi	01-4310	BOOK BAGS		28.38
3000168016	04/28/2022	SCHMIDBAUER LUMBER CO	23-6170	BOND WINSHIP FENCE SUPPLIES		17.86
3000168017	04/28/2022	SCHOLASTIC BOOK FAIRS 10	95-4310	BOOK FAIR A.B.		2,578.24
3000168018	04/28/2022	SchoolFix	01-9320	VFS Restock		498.30
3000168019	04/28/2022	SHN CONSULTING ENGINEERS	23-6271	Engineering Fees	12,476.95	
				INVOICE: Engineering Fees	1,423.75	13,900.70
3000168020	04/28/2022	SILKE COMMUNICATIONS	01-5100	ZANE ASES WALKIES		1,499.30
3000168021	04/28/2022	Staiano, Mauro R	01-4310	EHS ENGLISH CLASS SUPPL REIMB		612.63
3000168022	04/28/2022	STATE WATER RESOUCES CONTROL BOARD	01-5884	Storm water testing		1,738.00
3000168023	04/28/2022	Steeves, Robert L	01-4374	CUSTODIAL SUPPL		37.23
3000168024	04/28/2022	STOVER, PAUL DBA SMOKEY'S CLN GV TECH	01-5633	smokey's invoice		280.00
3000168025	04/28/2022	Toomata, Kristina S	95-4310	ASES A.B. SUPPLIES		420.02
3000168026	04/28/2022	ULTIMATE GRAD COMPANY	01-4310	GRAD TASSELS		266.03
3000168027	04/28/2022	Wagner, Tammi Z	01-5210	FFA TRIP TO SAC		122.02
3000168028	04/28/2022	WEST SHIELD ADOLESCENT SVCS	01-5800	Student Trasnportation to facility		6,491.35
3000168029	04/28/2022	WILLDAN ENERGY SOLUTIONS	01-6250	WILLDAN PROJ	36,000.00	
				WILLDAY PROJ WK COMPL TO DATE	18,000.00	
			40-6405	WILLDAY PROJ WK COMPL TO DATE	14,000.00	68,000.00
Total Number of Checks					297	<u><u>2,623,674.91</u></u>

	Count	Amount
Cancel	1	14,284.00
Net Issue		<u>2,609,390.91</u>

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	238	1,508,386.87
11	ADULT EDUCATION FUND	5	1,422.81
12	CHILD DEVELOPMENT FUND	7	1,469.78
13	CAFETERIA FUND	34	92,232.18
23	EUREKA CITY SCHOOLS ME/	21	937,790.99

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Checks Dated 04/01/2022 through 04/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
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Fund Recap

Fund	Description	Check Count	Expensed Amount
40	CAPITAL OUTLAY FUND	1	14,000.00
67	SELF INSURANCE FUND-VISI	1	6,245.00
68	SELF INSURANCE FUND-DEN	1	40,375.00
95	STUDENT BODY FUND	9	7,545.65
Total Number of Checks		296	2,609,468.28
Less Unpaid Tax Liability			77.37
Net (Check Amount)			2,609,390.91

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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AGENDA ITEM

Agenda Title: Approval of Memorandum of Understanding between Eureka City Schools and Cutten Elementary School: "Out of the Box" Drop Off at Sequoia Zoo

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the agreement between ECS and Cutten School District regarding bus drop off of Cutten students to the Zoo "Out of the Box" Afterschool Program for the 2022-23 school year.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Cutten School District has received requests from Ridgewood School parents to have their students dropped off at the "Out of the Box" after school program at Sequoia Park Zoo. As the Sequoia Park Zoo is located within Eureka City School boundaries, Cutten is requesting that their bus be allowed to stop on Russell Street, near the zoo, so that personnel from the program can meet their children.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

The original MOU put in place for 2017-18 was approved at the September 7, 2017 Board meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

▣ MOU

MEMORANDUM OF UNDERSTANDING BETWEEN
EUREKA CITY SCHOOLS
AND
CUTTEN ELEMENTARY SCHOOL

This Memorandum of Understanding (MOU) is entered into as of May 19, 2022, by and between Eureka City Schools (ECS) and Cutten School District (Cutten), and sets forth the terms and understanding between the two parties.

Background

Cutten School District has received requests from Ridgewood School parents to have their students dropped off at the “Out of the Box” after school program at Sequoia Park Zoo. As the Sequoia Park Zoo is located within Eureka City School boundaries, Cutten is requesting that their bus be allowed to stop on Russell Street, near the zoo, so that personnel from the program can meet the children there.

Eureka City Schools is willing to accede to the request under the following condition:

The number of Ridgewood students that will be dropped off by bus at the Out of the Box program shall be limited to eight students. Cutten will not increase the number of participating students without the express written permission of Eureka City Schools.

Duration

This MOU will remain in effect through the 2022-23 school year, and may be modified by mutual consent of authorized officials from ECS and Cutten.

_____ Signature Fred Van Vleck, Ed.D, Secretary to the Board Eureka City Schools	Date: _____
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_____ Signature Becky MacQuarrie, Superintendent Cutten School District	Date: _____
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AGENDA ITEM

Agenda Title: Approval of Intent to Apply for the 2022-23 Agricultural Career Technical Education Incentive Grant – Eureka High School
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the 2022-23 Agricultural Incentive Grant Application.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This grant is used to supplement services and supplies to the EHS Agriculture Program.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

This has been an annual application since 2004.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The grant request is \$13,776.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Grant Intent to Apply Form

GRANT INTENT TO APPLY

Grant Name: Agriculture Incentive Grant

Start/End Date: July 1st 2022-June 30th 2023

Responsible School/Dept. Eureka High School- Agriculture Department

Grant Description: We are applying for the Agriculture Incentive Grant which we have been receiving since the grant began to support the agriculture department. Student and teacher travel as well as fieldtrips, conferences and other supports.

FUNDING

Type	Source	Amount
<input type="checkbox"/> Federal		
<input checked="" type="checkbox"/> State	Agriculture Incentive Grant	\$13,776
<input type="checkbox"/> Local		
<input checked="" type="checkbox"/> Match	Perkins	\$13,776
Other		
TOTAL		\$27,552

BUDGET SUMMARY

Staffing Information:

	FTE	Classification/Position Title	Amount
<input type="checkbox"/> Existing Staff <input type="checkbox"/> New Staff	_____	_____	\$_____
<input type="checkbox"/> Existing Staff <input type="checkbox"/> New Staff	_____	_____	\$_____
<input type="checkbox"/> Existing Staff <input type="checkbox"/> New Staff	_____	_____	\$_____

Grant Non-Salary Costs:

Reimbursements:

Indirect Cost: _____% \$ _____

Other _____ \$ _____

APPROVED: _____
ECS Administration

AGENDA ITEM

Agenda Title: Approval of AP Statistics Curriculum, BFW

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is being asked to approve the adoption of The Practice of Statistics, Sixth Edition as the new AP Statistics program for use the AP Statistics course. The Curriculum Committee approved the recommended AP Statistics Curriculum, textbook on March 8th, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Three AP Statistics textbooks were piloted in order to replace a textbook in use that is out of date by over 19 years.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 2: MATH AND SCIENCE PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the second time the Board of Trustees will have the opportunity to review this item.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The cost of the books and the online component (8 years) is \$8,732.34.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

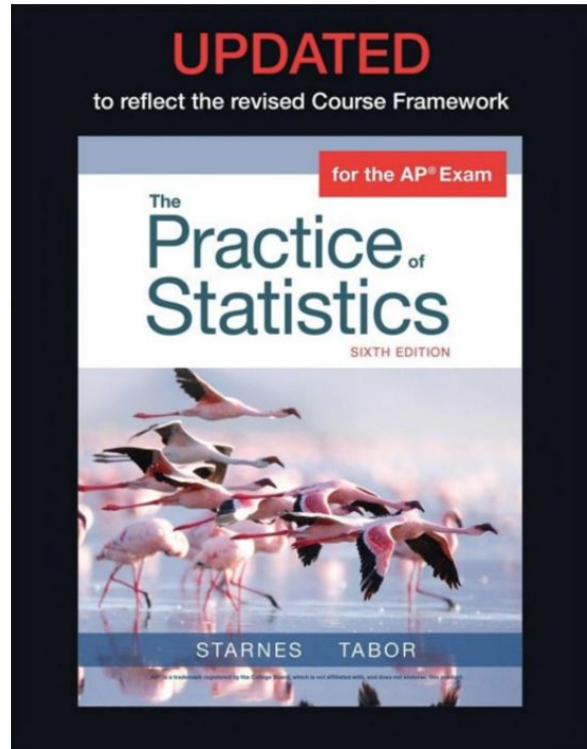
Description

- ▣ AP Statistics Curriculum, BFW Presentation

EHS Textbook Adoption

AP Statistics

The Practice of Statistics Updated 6th Edition



Sapling Learning

CAErk - Eureka HS - Updated - The Practice of Statistics - 6e - Dustin Kuehn

UPDATED Practice of Statistics 6th Edition Starnes, Tabor **FULL Version**

Upcoming Assignments & Events

Name	Available From	Due Date
Section 11.2 Recommended Assignment	Mar 2, 2022 08:30 AM	Mar 3, 2022 08:30 AM
Chapter 11 Practice Test	Mar 3, 2022 08:30 AM	Mar 4, 2022 08:30 AM
Chapter 10 Practice Test	-	Mar 4, 2022 09:57 AM

☐ Student Resources

- ☒ Practice Using Sapling Learning
- ☒ Student Resources
- ☒ Student Help

☐ Teacher Resources

Below you will find a link to the full e-book for the Annotated Teacher's Edition and Teacher Resources. These resources (and anything in gray font) are only viewable by teachers and hidden from students. Please refer to our Support Community page for Getting Started on customizing this course.

For detailed guidance on getting the most from Sapling, see the PD: Sapling "how to" videos.

- ☐ Annotated Teacher's Edition for Updated The Practice of Statistics, 6E
- ☐ Alignment Resources to 2019 Course Framework

Calendar

March 2022

Events Key

- Global
- Course
- Group
- User

Student Resources

- Student Resources
- Student Help
- How Do Interactive Assignments Work?
- How do I access my e-book?
- How can I download my e-book to read offline?

eTextbook

“The Pilot of 3 Planes”

Pilot 1: *OpenIntro Statistics: Advanced High School Statistics*

Authors: Diez, David M., Christopher D. Barr, and Mine Cetinkaya-Rundel, Publisher: OpenIntro

Chapter 4 - Sampling Distributions of Sample Proportions and Sample Means

AP Framework Correlation: Unit 5 Sampling Distributions

Student Data: Assessment Results

MCQ Ave: 29%

FRQ Ave: 74%

Overall Test Ave: 51.5%

Program Evaluation

Focus: 2

Coherence: 2.2

Rigor: 3

Support: 1.875

Total: 9.075/16

Crash and Burn :-)

Advanced High School Statistics

Second Edition,

with updates based on AP[®] Statistics Course Framework

David Diez

Data Scientist

OpenIntro

Mine Çetinkaya-Rundel

Associate Professor of the Practice, Duke University

Professional Educator, RStudio

Leah Dorazio

Statistics and Computer Science Teacher

San Francisco University High School

Christopher D Barr

Investment Analyst

Varadero Capital

Pros:

- Online accessibility.
- Videos within online text were hyperlinked and helpful for the students who were able to view them.

Cons:

- Hyperlinked Videos did not work for all students. Browser issue?
- Students felt it was annoying navigating through the 600 pages of online text (One student found keyboard shortcuts to be able to jump from page to page, but that requires knowledge of keyboard shortcuts, and will it work for everyone?)
- No MCQ practice, which showed on the test.
- No AP Practice Problems.
- Very few problems to be able to assign for Homework and they were very repetitive (No gradual release like our current text), so students did not get a full grasp of the concepts.
- I was unable to become a “Verified Teacher” (as Google Sites did not count) so could not access the online teacher resources.

Pilot 2: *Introduction to Statistics and Data Analysis, AP Edition*

Authors: Peck, Roxy, Chris Olsen, and Jay Devor, Publisher: National Geographic/Cengage Learning

Chapters 9, 10, and 11 - Inference for Population Proportions

AP Framework Correlation: Unit 6 Inference for Categorical Data - Proportions

Student Data: Assessment Results

MCQ Ave: 60.2%

FRQ Ave: 61.0%

Overall Test Ave: 61.7%

Much better flight but
with some issues

Program Evaluation

Focus: 4

Coherence: 3.4

Rigor: 4

Support: 2.375

Total: 13.775/16



Pros:

- Pre-Made PowerPoints to aid with instruction
- MCQ and FRQ exercises
- Plenty of FRQ to choose from for each section and chapter.
- Practice “AP FRQ Question 6” Investigative Tasks in each “AP Progress Check”
- Exercises already set up as specific “Homework Sets”

Cons:

- Very confusing and hard to navigate through the online resources.
- MCQ questions are not within each section or even Chapter. Only for “AP Progress Checks”.
- Certain Pre-Made PowerPoints are missing or do not match Textbook Section.
- Pre-Made Power Points hard to manipulate/alter to my liking.
- Pre-Made PowerPoints are often just screen shots of the textbook making it very hard for students to read.
- Two different online platforms for teaching resources. Some here, others there.
- No Pre-Made tests or test generator.
- No Practice AP Tests, just “AP Progress Checks” which can already be found on AP Classroom.
- Questions available online did not always match the ones I assigned in the textbook.

Pilot 3: *The Practice of Statistics Updated 6th Edition*

Authors: Starnes and Tabor, Publisher: BFW

Chapters 10 and 11 - Inference for Population Means

AP Framework Correlation: Unit 7 Inference for Quantitative Data - Means

Student Data: Assessment Results

MCQ Ave: 100%!!

FRQ Ave: 90.77%

Overall Test Ave: 92.36%

Program Evaluation

Focus: 4

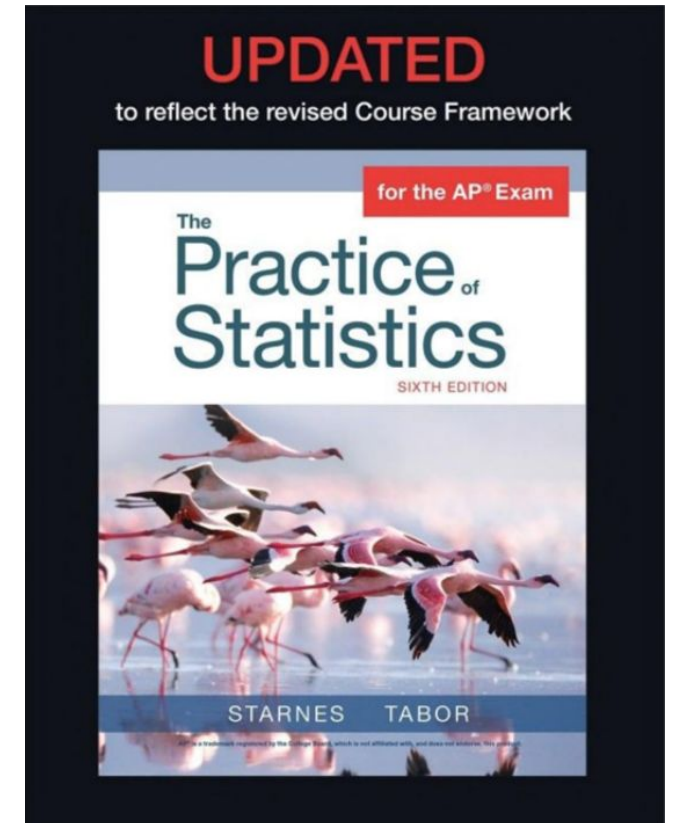
Coherence: 3.8

Rigor: 4

Support: 3.75

Total: 15.55/16

WINNER!!



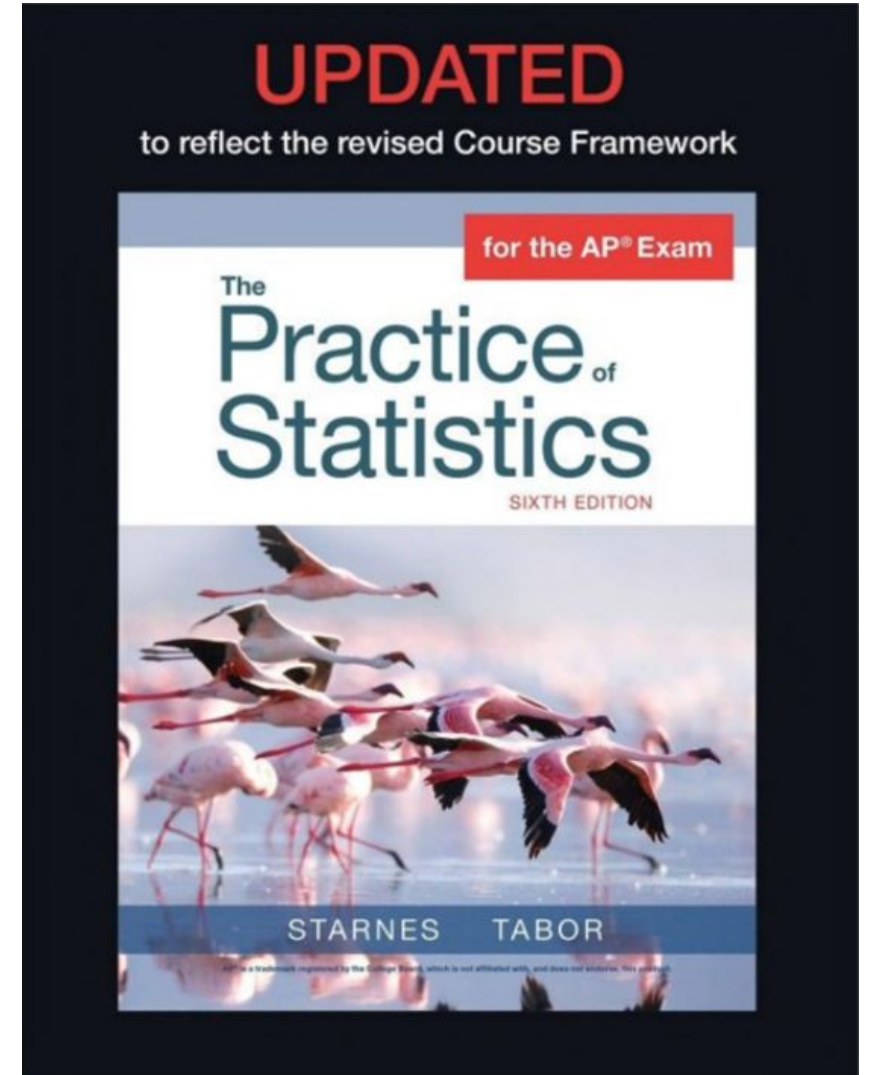
Pros:

- Pre-Made PowerPoints to aid with instruction
- Pre-Made PowerPoints are not screenshots of the book.
- Pre-Made PowerPoints are easy to manipulate and alter to my liking.
- MCQ and FRQ exercises exist for EACH SECTION.
- Plenty of FRQ to choose from for each section and chapter.
- Practice AP Test at the end of EACH Chapter.
- Practice AP Free-Response Questions for each concept (FRAPPY)
- Online E-text available offline as a PDF.
- Online E-text is very easy to navigate.
- Online E-text very interactive for students (embedded videos, students can also highlight, take notes, annotate, etc.)
- Online Text reader preferences: Font, Font Size, Read Aloud, Print Pages
- Online Assignments are easy to navigate
- All student and Teacher resources are in one place and easy to find/navigate
- Everything in the text matches online.
- Online Resources for students are more than I can ever have imagined: Alternative examples, videos, pre-Made Flashcards, Statistical Applets, TI-84 Calculator “how-to” help, etc.
- Online Training with Real Trainers always available – easy scheduling.
- Lots of Data on Student Performance!
- Students receive Error-specific feedback on incorrect problems online.
- Pre-Made Assessments (Quizzes/Tests) and Assessment Test Bank available for teacher

Cons

- 2 Students said that sometimes the e-text was “un-responsive”. Not sure if it’s a site issue or Wi-Fi issue.

Student and Teacher Resources



[Chapter Review Exercise Videos](#)

[Errata](#)

[Extra Chapters](#)

[Flashcards](#)

[FRAPPY! Student Samples](#)

[Statistical Applets](#)

[Extra Applets](#)

[TI-84 Technology Corners](#)

[TI-Nspire Technology Corner/Videos](#)

[Worked Example Videos](#)

[Worked Exercise Videos](#)

Student Resources by Type

You can also view [resources by chapter](#)

Chapter Review Exercise Videos

- [UPD_TPS6e Review Exercise R1.1](#)
- [UPD_TPS6e Review Exercise R1.2](#)
- [UPD_TPS6e Review Exercise R1.3](#)
- [UPD_TPS6e Review Exercise R1.4](#)
- [UPD_TPS6e Review Exercise R1.5](#)
- [UPD_TPS6e Review Exercise R1.6](#)
- [UPD_TPS6e Review Exercise R1.7](#)
- [UPD_TPS6e Review Exercise R1.8](#)
- [UPD_TPS6e Review Exercise R1.9](#)
- [UPD_TPS6e Review Exercise R1.10](#)
- [UPD_TPS6e Review Exercise R2.1](#)
- [UPD_TPS6e Review Exercise R2.2](#)
- [UPD_TPS6e Review Exercise R2.3](#)
- [UPD_TPS6e Review Exercise R2.4](#)
- [UPD_TPS6e Review Exercise R2.5](#)
- [UPD_TPS6e Review Exercise R2.6](#)
- [UPD_TPS6e Review Exercise R2.7](#)
- [UPD_TPS6e Review Exercise R2.8](#)
- [UPD_TPS6e Review Exercise R2.9](#)
- [UPD_TPS6e Review Exercise R3.1](#)
- [UPD_TPS6e Review Exercise R3.2](#)

Student Input: They said the resources were amazing and greatly helped with their understanding of the material, especially with Multiple Choice.

Starnes, The Practice of Statistics, 6e Update Edition | Teacher Resources By Type

Statistics Teaching Resources Related to the Coronavirus			Updated TPS 6e AP Daily Video Alignment			Activity Overview Videos		Alternate Examples	
Chapter Review Exercise Videos		Correlation	Errata	Extra Chapters	Flashcards	FRAPPY! Resources		FRAPPY! Student Samples	
Free-Response Question Index		Full Solutions	Statistical Applets		Extra Applets	Lecture Presentation Slides		PD Videos	Sapling "How-To" Videos
Teacher Resource Materials		Tests and Quizzes	TI-84 Technology Corner Videos			TI-Nspire Technology Corner/Videos		Worked Example Videos	
Worked Exercise Videos									

Teacher Resources By Type

You can also view [resources by chapter](#)

Statistics Teaching Resources Related to the Coronavirus

- [Statistics Teaching Resources Related to the Coronavirus](#)

[back to top](#)

Updated TPS 6e AP Daily Video Alignment

- [Updated TPS 6e AP Daily Video Alignment](#)

[back to top](#)

Activity Overview Videos

- [PD Activity Overview- Hiring discrimination](#)
- [PD Activity Overview- Hiring discrimination_Part 2](#)
- [PD Activity Overview - Mean as a "balancing point"](#)
- [PD Activity Overview - Team Challenge](#)
- [PD Activity Overview - Where do I stand?](#)
- [PD Activity Overview - What's so special about Normal distributions?](#)

CAErk - Eureka HS - Updated - The Practice of Statistics - 6e - Dustin Kuehn



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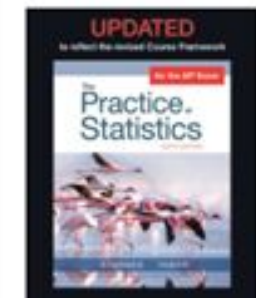
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- Student Resources
- Student Help
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eTextbook



						Ch 11 —							
11 All id	Section 10.1 Other Questions	Section 10.2 Recommended Assignment	Section 10.2 All Book-Based Questions	Chapter 10 Practice Test	Category total	Section 11.1 Recommended Assignment	Section 11.1 All Book-Based Questions	Section 11.1 Other Questions	Section 11.2 Recommended Assignment	Section 11.2 All Book-Based Questions	Section 11.2 Other Questions	Chapter 11 Practice Test	Category total
ckenna Beach		-	0.0	0.0	0.0	93.6	-	-	-	-	-	-	93.6
ylor Christie		-	-	0.0	48.1	95.8	-	-	-	-	-	-	95.8
hrra Cosey		-	-	0.0	0.0	96.4	-	-	-	-	-	-	96.4
spe Crossley		-	-	97.5	64.8	98.1	-	-	95.0	-	-	-	96.6
en Hou		0.0	-	98.8	56.8	97.4	-	-	19.0	-	-	-	97.4
aniel King		-	-	96.8	97.8	97.5	-	-	-	-	-	-	97.5
rdan Lavant		0.0	0.0	0.0	31.8	94.0	-	-	91.0	-	-	-	92.5
aya Maciel		-	-	95.7	63.5	93.0	-	-	-	-	-	-	93.0
shan Patel		-	0.0	0.0	0.0	96.6	-	-	-	-	-	-	96.6
ian Rowland		0.0	12.9	0.0	10.0	93.0	-	-	-	0.0	0.0	-	31.0
issandra Rusyn		-	-	0.0	92.5	96.2	-	-	-	-	-	-	96.2
yen Vy		4.8	-	0.0	50.7	92.0	-	-	-	-	-	-	92.0
Overall average		1.2	3.2	32.4	43.0	95.3	-	-	68.3	0.0	0.0	-	89.9

[Back to gradebook](#)

Grading Settings

Cancel

Save

Section 11.1 Recommended Assignment [Edit](#)

Publish on Course Page

☒ Yes

Student Access Starts (If Published)

03/01/2022 9:30am PST



Students Must Complete Work By

03/02/2022 12:35pm PST



Settings Templates

Choose from a commonly used set of settings or create your own.

☐ Unpenalized



Attempts Per Question
Unlimited

Penalty
0%

Solution Visibility
Directly upon question completion

Show Resources
Yes

☒ Homework



Attempts Per Question
Unlimited

Penalty
5%

Solution Visibility
Directly upon question completion

Show Resources
Yes

☐ Test/Quiz



Quiz
Yes

Solution Visibility
Directly upon quiz completion

Show Resources
No

☐ Student-Comment Quiz



Quiz
Yes

Enforce Order
Yes

Student Comments
Yes

Solution Visibility
Directly upon quiz completion

Show Resources
No

Sapling Learning

Section 11.1 Recommended Assignment

Dustin Kuehn

[Sapling Learning](#) > CAERk - Eureka HS - Updated - The Practice of Statistics - 6e - Dustin Kuehn > Activities and Due Dates > Section 11.1 Recommended Assignment

Gradebook

ASSESSMENT 27

QUESTION BANK

CUSTOM QUESTIONS

RESPONSES 11

CORRECT

INCORRECT

Attempts per Question

Edit

Search for students	Q.1	Q.2	Q.3	Q.4	Q.5	Q.6	Q.7	Q.8	Q.9	Q.10	Q.11	Q.12	Q.13	Q.14	Q.15	Q.16	Q.17	Q.18	Q.19	Q.20	Q.21	Q.22	Total
Bren Hoy																							97.4%
Cassandra Buvyn																							38.8%
Daniel King																							97.5%
Hope Crossley																							98.1%
Jordan Lavant																							94.0%
Kellra Cosey																							96.4%
Kishan Patel																							96.6%
Maya Maciel																							93.0%
Mckenna Beach																							90.1%
Sean Rowland																							93.0%
Taylor Christie	Did not start																						0.0%
Uyen Vy																							92.0%

Student Input: They said the online assignments were awesome and really helped them solidify the concepts as well as see their weaknesses. One student said she never felt more prepared for a test than after this pilot and felt this program made learning much easier.

Questions?

Side Note:

Brooks Franklin is the only other teacher in the district to have taught AP Statistics. His ratings of the piloted programs were as follows.

The Practice of Statistics (BFW)	Score
Focus	4
Coherence	3.5
Rigor	4
Support	3.5
Total	15/16

Statistics and Data Analysis (Cengage)	Score
Focus	4
Coherence	3
Rigor	4
Support	2
Total	13/16

Advanced HSS (OpenIntro)	Score
Focus	2
Coherence	3
Rigor	3
Support	2
Total	10/16

AGENDA ITEM

Agenda Title: Approval of Elementary Social Studies Curriculum Adoption, TCI
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is being asked to approve the adoption of Elementary Social Studies Curriculum; TCI. The Curriculum Committee approved the recommended Elementary Social Studies Curriculum; TCI, on April 19th, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Two Elementary Social Studies curriculum platforms were piloted in order to replace outdated curriculum.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 1: ENGLISH LANGUAGE ARTS AND HISTORY-SOCIAL SCIENCE PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the second time the Board of Trustees will have the opportunity to review this item.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Please see attached quote, K-5 Social Studies. Please note the quote has been updated to reflect increased enrollment numbers, per the District's enrollment projections.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- ▣ Elementary Social Studies Pilot 2022
- ▣ ECS K-5 Proposal/ TCI Quote



Elementary Social Studies Adoption Pilot

2022

ECS Social Studies Pilot Timeline



- ◆ **Social Studies Pilot Meeting Sep. 8, 2021**
- ◆ **TCI Materials training Sep. 24, 2021**
- ◆ **TCI Pilot Debrief Dec. 07, 2021**
- ◆ **McGraw Pilot Training Jan. 6, 2022**
- ◆ **McGraw Pilot Debrief Mar. 1, 2022**
- ◆ **Round 2 Pilot Decision Meeting April 4, 2022**
- ◆ **Curriculum committee Recommendation April 19, 2022**
- ◆ **Board Meeting Recommendation April 27, 2022**
- ◆ **Board Meeting #2 Curriculum Vote May 19, 2022**

Piloting Team

- ◆ This Social Studies piloting team was made up of K-5 teachers Grade teachers
- ◆ All 4 elementary sites and grades were represented in the pilot
- ◆ Each teacher completed 6 weeks with each curriculum
- ◆ CARE Specialists helped facilitate the pilot at each site

Pilot Process Overview



Round 1

TCI

Each piloting teacher was required to teach at least one unit.

Round 2

McGraw Hill Impact

Each piloting teacher was required to teach at least one unit.



Social Studies Adoption Pilot

Round One
March 1, 2022

Strengths and Weaknesses: TCI



Strengths

- ◆ Text and work was student friendly
- ◆ Multiple approaches to teach
- ◆ Engagement
- ◆ Read aloud feature (text to speech) made content accessible for more students
- ◆ Spanish version
- ◆ Students able to do work independently
- ◆ More in depth content with extensions
- ◆ Sentence frames to support writing
- ◆ Opportunities for writing
- ◆ Multiple options for assessment

Weaknesses

- ◆ Primary workbook not student friendly
- ◆ Online component not accessible for K
- ◆ Requires extra teacher preparation for activities

Strengths and Weaknesses: McGraw Hill



Strengths

- ◆ Engagement in primary grades
- ◆ Spanish version available
- ◆ User friendly, similar to current curriculum structure
- ◆ Cross curricular connections
- ◆ Opportunities for writing

Weaknesses

- ◆ Teacher's manual was hard to follow
- ◆ Lacks engagement for intermediate grades
- ◆ Turning pages in multiple texts
- ◆ Intermediate had to supplement to engage students
- ◆ Lacked differentiation
- ◆ Content was not deep
- ◆ Dense text
- ◆ Low ratio of activities to reading

Initial Results



<u>Area</u>	<u>TCI</u>	<u>McGraw Hill</u>
Focus	42	44
Coherence	40	46
Rigor	45	41
Support Systems	44	41
Totals	171	172

Language to Guide us Today



1. I strongly agree with this publisher program and can support it.
2. I can support this publisher program. I am willing to go along with this choice.
3. I have concerns and cannot support this publisher program.

Initial Results



<u>TCI</u>	<u>McGraw Hill</u>
K= 3 1st=2 2nd= 2, 2 3rd= 2, 2, 3, 3, 3 4th= 3, 1, 1, 3 5th= 1, 1, 1	K= 1 1st=2 2nd= 2, 1 3rd= 1, 1, 1, 1, 1 4th= 1, 1, 2, 3 5th= 2, 3, 3

Next Steps



The pilot team wants more time with the materials. The specific goals and steps are listed below:

- To review the TCI Teacher's Guides that weren't included in the original pilot
- To generate a list of potential controversial subjects, events and dig in to them in both McGraw and TCI to determine if they are presented in a respectful, balanced manner
- Consult with content area teachers to review both programs
- To set up a time to meet at HCOE to review the materials there and discuss both programs
- To request that Curriculum Committee consider allowing for two program adoptions
- To reconvene and determine levels of support after the above actions.



Round 2 Social Studies Adoption TK-5

Round Two Check In
Decision Making
April 4, 2022

Curricular Priorities



District Priorities

- ◆ Student Achievement as measured by test scores
- ◆ Equity: Accessible and Supportive by all students
- ◆ Application of reading and writing skills
- ◆ Critical Thinking skills

Teacher Priorities

- ◆ Depth of Content
- ◆ Equity of content and perspectives
- ◆ Student engagement
- ◆ Use of Primary Sources/Docs
- ◆ Multiple means for collaboration
- ◆ Opportunities to respond in writing
- ◆ Ease of use

Curriculum Review of Priorities

<u>Area</u>	<u>TCI</u>	<u>McGraw Hill</u>
Depth of Content	X	
Equity of content and perspectives	X	
Student Engagement	X	
Use of Primary Sources/Documents	X	
Multiple means for collaboration	X	
Opportunities to respond in writing	X	
Ease of use		X
May 19, 2022	14	Page 16 of 21

Language to Guide us Today



1. I strongly agree with this publisher program and can support it.
2. I can support this publisher program. I am willing to go along with this choice.
3. I have concerns and cannot support this publisher program.

Final Results



<u>TCI</u>	<u>McGraw-Hill</u>
TCI 11112112222	McGraw 222222222

Recommendation



Based on evaluation results and discussions the Pilot Team was able to reach consensus.

The pilot team recommends

TCI

as the TK-5 Social Studies curriculum for ECS.

**Quote #: Q-05816-2**

Date: 3/3/2022 5:55 PM

Expires On: 7/12/2022

Prepared By: Deanna Morrow

Email: dmorrow@teachtci.com

Phone: (800) 497-6138

Quote for:

Eureka City Unified Sch Dist

Jorey McComas

mccomasj@eurekacityschools.org

Ship to:

Eureka City Unified Sch Dist

2100 J St

Eureka, CA 95501

Product Code	Product Name	Product Type	List Price	Customer Price	Quantity	Extended Price
EL-SS-TL-06	Elementary (K-5) Social Studies: Teacher License (6 Yrs)	Digital	\$325.00	\$325.00	58	\$18,850.00
CA-0340-6	SSA! Me and My World: Student Materials (6 Yrs)	Bundle	\$64.00	\$64.00	300	\$19,200.00
CA-0890-6	SSA! My School and Family: Student Materials (6 Yrs)	Bundle	\$64.00	\$64.00	300	\$19,200.00
CA-0968-6	SSA! My Community: Student Materials (6 Yrs)	Bundle	\$64.00	\$64.00	260	\$16,640.00
CA-4751-6	SSA! California's Communities: Student Materials (6 Yrs)	Bundle	\$72.00	\$72.00	300	\$21,600.00
CA-4829-6	SSA! California's Promise: Student Materials (6 Yrs)	Bundle	\$72.00	\$72.00	270	\$19,440.00
CA-9947-6	SSA! America's Past: Student Materials (6 Yrs)	Bundle	\$72.00	\$72.00	280	\$20,160.00
TOTAL:						\$135,090.00

Shipping (5%) \$5,812.00

Service Fee (%) \$0.00

Grand Total \$140,902.00

Terms and Conditions

Business TermsTCI's Business Terms apply to all orders. View details at <https://www.teachtci.com/tci-business-terms>**How to Order**

To expedite your order and ensure you receive the pricing quoted above, please include a copy of this quote with your purchase order. Adjustments cannot be made after the order has been fulfilled. Place orders online at <https://shop.teachtci.com> or send using one of the following options:

- Email: info@teachtci.com
- Fax: 800-343-6828
- Address: 1049 El Monte Ave Ste C #607, Mountain View CA 94040 (***New as of November 2021***)

License Contact

Set up information for all licenses purchased will be sent to the contact email above unless otherwise noted.

Shipping

Shipping and handling fees do not apply to teacher and student license-only products.

Print Subscriptions

If your order includes multi-year subscriptions to print materials, you must receive delivery of the full annual quantity for the duration of your subscription. Any adjustments below the annual quantity cannot be used as a credit for future year shipments. Changes that exceed the original annual quantity must be accompanied by a new purchase order.

Student Journal Bundles

If your order contains fewer than 20 multi-year student journal bundles for any program, journals for the entire duration of the bundle will be shipped to you upfront.

Sales Tax

If applicable, sales tax will be assessed when your order is processed. Actual amount will be calculated and added to the invoice based on the delivery address.

Possible Shipping Delays

Due to COVID-19 school shutdowns and enhanced safety procedures, customers should be prepared for extended shipping delays. Thank you for your understanding as we work to protect the logistics workers who help bring TCI to schools across the country.

AGENDA ITEM

Agenda Title: Approval to Accept Donation to Eureka High School: Auto Shop Program
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to accept the donation of a 2011 Toyota Prius to the Eureka High School Auto Shop Program.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The donation will provide the Auto Shop students an opportunity to work on a hybrid vehicle.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The estimated value is \$3,700.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

AGENDA ITEM

Agenda Title: Approval of Corp Yard Solar/Microgrid Project Change Order

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the Corp Yard Solar/Microgrid project change order.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Additional concrete work was added to the equipment pads that tie into the sidewalk, as requested by the District.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

The project was approved at the May 21, 2019 Board meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The change order is \$1,876.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Change Order

CHANGE ORDER PROPOSAL

Project:	Eureka City Schools Microgrid project	Project Number:	110363
Purchase Order:		From:	Abe Eustice
To:		(Name/Address)	2401 E. Katella Ave. #300
Change Order No:	003		Anaheim, CA 92806

The Contract is Changed as Follows:

At the request of Eureka City Schools we have prepared the following:

This proposal includes:

Additional concrete work for the equipment pads that tie into the sidewalk as requested by the owner.

Hooven Labor \$1,100
 Hooven Materials \$524
 McKeever Markup 5% - \$81
 Willdan Markup 10% \$171

The Total Amount for this change order is **\$1,876**

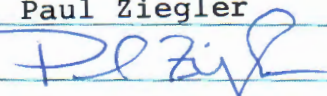
Excludes:

The original Contract Sum was	\$523,733.00
The net change by previously authorized Change Orders	\$283,000.00
The Contract Sum prior to this Change Order was	\$806,733.00
The Contract Sum will be increased by this Change Order in the amount of	\$1,876.00
The new Contract Sum including this Change Order will be	\$808,609.00
The Contract Time will be increased by	0 days
The date of Substantial Completion as of the date of this Change Order therefore is	April 30, 2022

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both Willdan and the Owner, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE OWNER AND WILLDAN.

Owner's Representative:

Name: Paul Ziegler
 Signature: 
 Title: Assistant Superintendent
 Date: April 28, 2022

Willdan:

Name: Abe Eustice
 Signature:
 Title: Sr. Construction Manager
 Date: 04/28/22

AGENDA ITEM

Agenda Title: Approval to Accept Donation to Lafayette Elementary from
McCrea Subaru/Adopt A Classroom

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve the donation to Lafayette Elementary from McCrea Subaru/Adopt A Classroom.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The donation is to be divided among six teachers who will each receive \$500 AdoptAClassroom.org credit to be used to purchase materials for their classrooms.

STRATEGIC PLAN/PRIORITY AREA:

Applied to the "Fiscal Integrity of the District" portion of the Strategic Plan

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The donation is \$3,000.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

AGENDA ITEM

Agenda Title: Approval of Revised Classified and Certificated Management Salary Schedules Due to Changes in Work Days
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board is asked to approve the revised Classified Management and Certificated Management Salary Schedules, effective July 1, 2022.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The number of work days for the Lead Psychologist position on the Certificated Management Salary Schedule is being increased from 192 to 195 days per school year. The number of work days for the Superintendent's Executive Assistant on the Classified Management Salary Schedule is being decreased from 228 to 220 days per school year.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 3: RECRUITMENT, SELECTION, PROFESSIONAL DEVELOPMENT, AND RETENTION OF QUALITY STAFF

HISTORY *(list previous staff or board action(s) with dates if possible)*

These are the only changes to the schedules previously approved and effective July 1, 2021, and the changes become effective July 1, 2022.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

N/A

WHO *(list the name of the contact person(s), job title, and site location)*

Renae M. Will, Director of Personnel Services and Public Affairs

ATTACHMENTS:

Description

- ▣ Revised - Certificated Management Salary Schedule
- ▣ Revised - Classified Management Salary Schedule

Certificated Management Salary Schedule Based on Per Diem
Effective July 1, 2022

() Indicates number of work days per year.

Step	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	Class IX	
1	256	400	415	430	445	460	480	505	
2	260	406	421	436	451	466	487	512	
3	264	412	427	442	457	473	494	519	
4	268	418	433	448	463	480	501	526	
5	272	424	439	454	469	487	508	533	
6	276	430	445	460	476	494	515	540	
7	280	436	451	466	483	501	522	548	
8	284	442	457	473	490	508	529	556	
9	288	448	463	480	497	515	536	564	
10	292	454	469	487	504	522	544	572	
11	296	460	476	494	511	529	552	580	
12	300	466	483	501	518	536	560	588	
13	304	473	490	508	525	544	568	596	
14	308	480	497	515	532	552	576	604	
15	312	487	504	522	539	560	584	612	
16	316	494	511	529	547	568	592	621	
17	320	501	518	536	555	576	600	630	
18	324	508	525	544	563	584	608	639	
19	329	515	532	552	571	592	617	648	
20	334	522	539	560	579	600	626	657	
	Director Early Childhood Education (220)	HCMHDG Project Director (186)	Instructional Coach District Wide (185)	Dean of Student Activities & Athletics (185)	Assistant Principal High School (205)	Associate Principal High School (215)	Middle School Principal (215)	Director of Student Services (215)	
		School Social Worker (186)							
		Counselor Psychologist (192)	Lead School Psychologist (195)		Dean of Students (192)		Elementary Principal (205)	Director of Special Education (215)	Director of Curriculum, Instruction, and Assessment (220)
		School Counselor (195)							
		Mental Health/Crisis Counselor (195)	Lead Speech Therapist (192)		Assistant Principal Middle School (205)		Principal Alternative Ed. (205)	Director of Personnel (220)	High School Principal (220)
		Coord: Homeless/ Foster Youth and MFRC (195)							
		Superv K-12 Educ Mental Health Coord (195)	Counseling Services Director (195)						
		Dir of Early Childhood Dev and Spec Educ (220)							

Classified Management Salary Schedule Based on Per Diem

Effective July 1, 2022

() Indicates number of work days per year.

Step	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII
1	240	297	332	375	415	465	713
2	243	302	337	381	421	472	723
3	246	307	342	387	427	479	733
4	250	312	347	393	433	486	743
5	254	317	352	399	440	493	753
6	258	322	357	405	447	500	763
7	262	327	362	411	454	508	763
8	266	332	368	417	461	516	763
9	270	337	374	423	468	524	763
10	274	342	380	429	475	532	763
11	278	347	386	436	482	540	763
12	282	352	392	443	489	548	763
13	286	357	398	450	496	556	763
14	290	362	404	457	504	564	763
15	294	368	410	464	512	573	763
16	298	374	416	471	520	582	763
17	303	380	422	478	528	591	763
18	308	386	428	485	536	600	763
19	313	392	434	492	544	609	763
20	318	398	441	499	552	618	763
	Student Services Coordinator (190)	Director of Maint (228)	Director of Transport/ Ops/Risk Mgmt (228)	Project Mgr HCMHDG (186)	Director of Information Technology (228)	Director of Personnel Services and Public Affairs (220)	Assist Sup. Business Services (CBO) (220)
	Gang Risk Intervent Program (GRIP) Coord (206)	Director of Food Services (228)		Board Cert Behavioral Analyst (192)			
	Assist Athletic Director (206)	Executive Assist to the Superintend (220)		Coordinator Homeless/ Foster Youth and MFRC (195)			
	Student Services Navigator (190)	Director of Transport/ Risk Mgmt (228)		Mental Health/Crisis Counselor (195)	Director of Fiscal Services (228)		
	Assist Dir of Transport/ Risk Mgmt (228)			Director of Maint and Facilities (228)			

Board Revised May 19, 2022

AGENDA ITEM

Agenda Title: Approval to Surplus Middle School Science Textbooks

Meeting Date: May 19, 2022

Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Board of Trustees is being asked to approve the surplus of the following middle school science textbooks:

- Focus on Earth Science (CA-6th grade)
- Focus on Life Science (CA-7th grade)
- Focus on Physical Science (CA-8th grade)

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Eureka City Schools has recently adopted new middle school science curriculum; Amplify Science at the April 27th 2022 Board of Trustees meeting.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 1: ENGLISH LANGUAGE ARTS AND HISTORY-SOCIAL SCIENCE PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

Adoption of new materials: Adoption of Amplify Science at the April 27th 2022 Board of Trustees meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

\$350.00 (\$87.00 per ton, just over 3 tons of books to be discarded)

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- Zane and Winship Middle School Agreement of Sale/ Disposal of Books, Board Policy 3270 2022

Eureka City School

Sale and Disposal of Books - Board Policy 3270

When district-owned books become unusable, obsolete, or no longer needed. The Superintendent or designee shall identify them to the Governing Board, together with their estimated value and a recommendation that they be sold or disposed of by one of the methods prescribed in law and administrative regulations. With Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Contain information rendered inaccurate or incomplete by new discoveries or technologies.
2. Have been replaced by more recent versions or editions of the same material and are of no foreseeable value in other instructional areas
3. Contain demeaning stereotyping or patronizing references to either sex, members of racial, ethnic, religious, vocational or cultural groups, or persons with physical or mental disabilities
4. Have been inspected and discovered to be damaged beyond use or repair.

School: Zane and Winship Middle Schools

Date of Request: May 19, 2022

Number of Obsolete or un-needed books:

- Focus on Earth Science - 344
- Focus on Life Science - 482
- Focus on Physical Science - 481

Estimated Value: -0-

Explanatory comments and recommendation: These books are being replaced by Amplify Science which was adopted by the ECS Board of Education on April 27, 2022

Signature of Principal: 

Date of Governing Board Action: _____

Eureka City Schools Board of Education

AGENDA ITEM

Agenda Title: Surplus Middle School Science Texts

Meeting Date: May 19, 2022

x Consent _____ Discussion/Action _____ Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

Approve the surplus of the following middle school science textbooks:

- Focus on Earth Science (CA – 6th grade)
- Focus on Life Science (CA – 7th grade)
- Focus on Physical Science (CA – 8th grade)

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Adoption of Amplify Science at the April 27, 20220 Board meeting

STRATEGIC PLAN GOAL AND OBJECTIVE *(list relative SP Goal and Objective)*

Priority Area 1: ENGLISH LANGUAGE ARTS AND HISTORY-SOCIAL SCIENCE PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

Adoption of new materials: Adoption of Amplify Science at the April 27, 20220 Board meeting

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

\$350.00 (\$87 a ton and there is just over 3 tons of books to be discarded)

WHO *(list the name of the contact person(s), job title, and site location)*

Ruth Mitchell
Library Services Teacher

Assistant's Initials: gs

AGENDA ITEM

Agenda Title: Approval of Intent to Apply for 2022-23 Carl D. Perkins Career and Technical Education Grant
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to approve the Intent to Apply for the Carl D. Perkins Career and Technical Education Grant.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This grant provides supplementary funding to establish, expand and improve vocational education programs and services, which is an important part of the curriculum at Eureka High School.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual grant application.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The application is \$63,675.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services.

ATTACHMENTS:

Description

- Intent to Apply Form

GRANT INTENT TO APPLY

Grant Name: Perkins

Start/End Date: July 1, 2022 to June 30, 2023

Responsible School/Dept. Eureka High School and Ed Services

Grant Description: Funding to supplement CTE pathways

FUNDING

Type	Source	Amount
<input type="checkbox"/> Federal		
XState	Perkins V funding	\$63675
<input type="checkbox"/> Local		
<input type="checkbox"/> Match		
Other		
TOTAL		

BUDGET SUMMARY

1000 \$7650

3000 \$1874

4000 \$40316

5000 \$10803

7000 \$3032

Staffing Information: FTE
Classification/Position Title

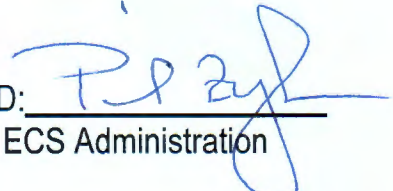
☐ Existing Staff ☐ New Staff _____ \$ _____
☐ Existing Staff ☐ New Staff _____ \$ _____
☐ Existing Staff ☐ New Staff _____ \$ _____

1000 and 3000 funds are for substitute costs, no FTE funding

Reimbursements: None

Indirect Cost: _____ 4.8% \$ 3032

Other _____ \$ _____

APPROVED: 
ECS Administration

AGENDA ITEM

Agenda Title: Approval of Declaration of Equipment as Surplus and Authorization to Sell
Meeting Date: May 19, 2022
Item: Consent

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to authorize the District to sell and/or dispose of surplus school equipment that is no longer suitable or required for school use.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The following equipment is obsolete and no longer suitable or required for school use at Eureka High School: Universal Laser Engraver, PLS4 60 Laser Engraver, 2010 Model. ECS asset tag# 010218.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

The laser was transferred to EHS from HCOE after the HROP program was no longer in place.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is potential for revenue if items are sold at district surplus sales.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

AGENDA ITEM

Agenda Title: Resolution #21-22-028; Adopting Level 1 Developer Fee Justification Study
Meeting Date: May 19, 2022
Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Resolution #21-22-028; Adopting Level 1 Developer Fee Justification Study.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Education Code § 17620 and Government Code § 66000 *et seq.* authorize the governing board of any school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities in order to maintain the existing level of service.

Adoption of the Level 1 Developer Fee Justification Study positions the District to take further action in establishing and adopting school facilities fees.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

The Board last discussed developer fees at the August 26, 2021 meeting and the Agreement between Jack Schreder & Associates and Eureka City Schools to Prepare Developer Fee Justification Study was approved at the January 13, 2022 Board meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The cost to prepare the Developer Fee Justification Study was \$6,675.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Resolution No. 21-22-028
- ▣ Exhibit A

RESOLUTION NO. 21-22-028 (May 19, 2022, Regular Meeting)
A RESOLUTION OF THE GOVERNING BOARD OF THE
EUREKA CITY SCHOOL DISTRICT ADOPTING LEVEL 1 DEVELOPER FEE STUDY
(Education Code § 17620; Government Code § 66000 *et seq.*)

WHEREAS, Education Code § 17620 and Government Code § 66000 *et seq.* authorize the governing board of any school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities in order to maintain the existing level of service; and,

WHEREAS, pursuant to Government Code § 66016.5, a local agency that conducts an impact fee nexus study shall adopt the study before the adoption of an associated development fee; and

WHEREAS, Eureka City School District (the “District”) caused to be prepared a Level 1 Developer Fee Study, attached hereto as Exhibit A, to determine whether justification exists for levying developer fees in the District; and

WHEREAS, on April 18, 2022, the District posted notice of the time and place of a public hearing with a description of the matter to be considered; and

WHEREAS, the Developer Fee Study was available for public review from April 18, 2022 through May 19, 2022; and

WHEREAS, the Developer Fee Study demonstrates that there is justification for levying developer fees in the District for the purpose of funding the reconstruction and/or modernization of existing school facilities to maintain existing levels of service for the additional students generated by development.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Eureka City School District as follows:

1. Procedure. This Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board’s regularly scheduled May 19, 2022, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66016, and a notice, including a statement that the data required by Government Code Section 66016 was available, was mailed at least 30 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least 30 days prior to the meeting, the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources anticipated to provide this service. By way of such public meeting, the Board received oral and written presentations by District staff which are also summarized and contained in the District’s Developer Fee Implementation Study dated April 5, 2022, (hereinafter referred to as the “Study”) and which formed the basis for the action taken pursuant to this Resolution.
2. Findings. The Board has reviewed the Study as it relates to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, hereby makes the following findings:
 - A. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for reconstruction and/or modernization of school facilities.

- B. Without reconstruction and/or modernization of present school facilities, any further residential development projects or commercial or industrial development projects within the District will impact the District's ability to maintain the existing quality of education presently offered;
 - C. The fees proposed in the Study are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;
 - D. The fees proposed in the Study will be used for the reconstruction of school facilities as identified in the Study;
 - E. The uses of the fees proposed in the Study are reasonably related to the types of development projects on which the fees are imposed;
 - F. The fees proposed in the Study bear a reasonable relationship to the need for reconstructed school facilities created by the types of development projects on which the fees are imposed;
 - G. The fees proposed in the Study do not exceed the estimated amount required to provide funding for the reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;
 - H. The fees imposed on commercial or industrial development bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for reconstructed school facilities caused by the development;
 - I. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the district has adopted a reconstruction schedule and/or to reimburse the District for expenditures previously made.
- 3. Study. The Board hereby adopts the Level 1 Developer Fee Study for Eureka City Schools dated April 5, 2022, attached hereto as Exhibit A, and finds that the study includes the information required by Government Code § 66001(a).
 - 4. California Environmental Quality Act. The Board hereby finds that the adoption of the Study is exempt from the California Environmental Quality Act (CEQA).
 - 5. Severability. If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid subsequent hereto.

APPROVED, PASSED and ADOPTED by the Governing Board of the Eureka City School District this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Governing Board
Eureka City School District

ATTEST:

Secretary, Governing Board
Eureka City School District



Level I Developer Fee Study
for
Eureka City Schools

April 5, 2022

Fred Van Vleck, Ed.D., Superintendent

Board of Trustees

Lisa Ollivier, President
Mario Fernandez, Clerk
Mike Duncan, Member
Susan Johnson, Member
Fran Taplin, Member

Prepared by:

Jack Schreder & Associates, Inc.



2230 K Street
Sacramento, CA 95816
916-441-0986

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EXECUTIVE SUMMARY

- Education Code Section 17620 authorizes school districts to levy a fee, charge, dedication or other form of requirement against any development project for the construction or modernization of school facilities, provided the District can show justification for levying of fees.
- In February 2022, the State Allocation Board's biennial inflation adjustment changed the fee to \$4.79 per square foot for residential construction and \$0.78 per square foot for commercial/industrial construction.
- In recent years, the elementary feeder districts which reside outside of Eureka City's boundary have not collected developer fees. If the feeder districts implement Level I fees, the feeder districts and the Eureka City Schools shall share developer fees for the homes constructed within the feeder districts boundaries, not to exceed \$4.79 for residential construction and \$0.78 for commercial/industrial construction.
- The Eureka City Schools are justified in collecting \$4.79 per square foot of residential construction and \$0.78 per square foot of commercial/industrial construction, with the exception of mini storage. The mini storage category of construction should be collected at a rate of \$0.08 per square foot.
- In general, it is fiscally more prudent to extend the useful life of an existing facility than to construct new facilities when possible. The cost to modernize facilities is approximately 41.1 percent of the cost to construct new facilities.
- The residential justification is based on the Eureka City School District's projected modernization need of \$24,466,812 for students generated from residential development over the next 25 years and the projected residential square footage of 2,441,567.
- Based on the modernization need for students generated from projected residential development and the projected residential square footage, each

square foot of residential construction will create a school facilities cost of \$10.02 (\$24,466,812/ 2,441,567).

- Each square foot of commercial/industrial construction will create a school facilities cost ranging from \$0.08 to \$6.97 per square foot of new commercial/industrial construction.
- For both residential and commercial/industrial development, the fees authorized by Government Code section 65995 are justified.

SCHOOL DISTRICT BACKGROUND

The Eureka City Schools (ECS) serve approximately 3,540 students in transitional kindergarten through twelfth grade at one pre-school, four elementary schools, two middle schools, one comprehensive high school and one continuation high school. Most students identify as White (approximately 44%), followed by Hispanic or Latino (approximately 24%), then Asian (approximately 11%), with a small portion of other ethnic groups. The District also provides an adult school in partnership with the College of the Redwoods.

ECS is the largest of the thirty-one school districts in Humboldt County and covers a wide geographic area with students matriculating into its secondary schools from five “feeder districts;” South Bay, Cutten-Ridgewood, Kneeland, Garfield and Freshwater. They are known throughout the region for their innovative and award-winning programs. Eureka High School was recognized as an AVID (Advancement Via Individual Determination) Site of Distinction and boasts the most comprehensive Career and Technical Education offerings in the region. STEAM programs are available to students at the middle and elementary levels. They understand that for student outcomes to improve, staff and faculty must be provided ongoing professional learning opportunities. As a district, they have made a commitment to investing in an Instructional Coaching team to provide much of this ongoing professional development.

INTRODUCTION

In September, 1986, the Governor signed into law Assembly Bill 2926 (Chapter 887/Statutes 1986) which granted school district governing boards the authority to impose developer fees. This authority is codified in Education Code Section 17620 which states in part "...the governing board of any school district is authorized to levy a fee, charge, dedication or other form of requirement against any development project for the construction or modernization of school facilities."

The Level I fee that can be levied is adjusted every two years according to the inflation rate, as listed by the state-wide index for Class B construction set by the State Allocation Board. In January of 1992, the State Allocation Board increased the Level I fee to \$1.65 per square foot for residential construction and \$0.27 per square foot for commercial and industrial construction.

Senate Bill 1287 (Chapter 1354/Statutes of 1992) effective January 1, 1993, affected the facility mitigation requirements a school district could impose on developers. Senate Bill 1287 allowed school districts to levy an additional \$1.00 per square foot of residential construction (Government Code Section 65995.3). The authority to levy the additional \$1.00 was rescinded by the failure of Proposition 170 on the November 1993 ballot.

In January 1994, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.72 per square foot for residential construction and \$0.28 per square foot for commercial/industrial construction.

In January 1996, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.84 per square foot for residential construction and \$0.30 per square foot for commercial/industrial construction.

In January 1998, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial/industrial construction.

In January 2000, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.05 per square foot for residential construction and \$0.33 per square foot for commercial/industrial construction.

In January 2002, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.14 per square foot for residential construction and \$0.36 per square foot for commercial/industrial construction.

In January 2004, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.24 per square foot for residential construction and \$0.41 per square foot for commercial/industrial construction.

In January 2006, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.63 per square foot for residential construction and \$0.42 per square foot for commercial/industrial construction.

In January 2008, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.

In January 2010, the State Allocation Board's biennial inflation adjustment maintained the fee at \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.

In January 2012, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.20 per square foot for residential construction and \$0.51 per square foot for commercial/industrial construction.

In January 2014, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.36 per square foot for residential construction and \$0.54 per square foot for commercial/industrial construction.

In February 2016, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.48 per square foot for residential construction and \$0.56 per square foot for commercial/industrial construction.

In January 2018, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.79 per square foot for residential construction and \$0.61 per square foot for commercial/industrial construction.

In January 2020, the State Allocation Board's biennial inflation adjustment changed the fee to \$4.08 per square foot for residential construction and \$0.66 per square foot for commercial/industrial construction.

In February 2022, the State Allocation Board's biennial inflation adjustment changed the fee to \$4.79 per square foot for residential construction and \$0.78 per square foot for commercial/industrial construction.

The next adjustment to the fee will occur at the January 2024 State Allocation Board meeting.

In order to levy a fee, a district must make a finding that the fee to be paid bears a reasonable relationship and be limited to the needs of the community for elementary or high school facilities and be reasonably related to the need for schools caused by the development. Fees are different from taxes and do not require a vote of the electorate. Fees may be used only for specific purposes and there must be a reasonable relationship between the levying of fees and the impact created by development.

In accordance with the recent decision in the Cresta Bella LP v. Poway Unified School District, 218 Cal. App.4th 438(2013) court case, school districts are now required to demonstrate that reconstruction projects will generate an increase in the student population thereby creating an impact on the school district's facilities. School districts must establish a reasonable relationship between an increase in student facilities needs and the reconstruction project in order to levy developer fees.

Purpose of Study

This study will demonstrate the relationship between residential, commercial and industrial growth and the need for the modernization of school facilities in the Eureka City Schools.

SECTION I: DEVELOPER FEE JUSTIFICATION

Developer fee law requires that before fees can be levied a district must find that justification exists for the fee. Government Code Section 66001 (g) states that a fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with a general plan. This section of the study will show that justification does exist for levying developer fees in the Eureka City Schools.

Facilities Capacity

The District's capacity is adequate to house the District's current student population. Facility needs exist regardless of the availability of capacity to house student enrollments, inclusive of student enrollment generated from new development. New students generated from future development will create a burden on existing school facilities. Capital improvements, including upgrades or the replacement of existing facilities with new facilities for their continued long-term use, are necessary to adequately house future enrollment growth at all school levels.

The District's current total student capacity will diminish over time if the District does not modernize its facilities. Without modernization of aging buildings, some facilities will become unavailable, which will decrease the District's total student capacity. New development in the District necessitates that modernization occur in order to continue to have available school housing for newly generated students. As part of these modernization efforts, the District plans to modernize existing schools and to replace some of its existing schools with new buildings on the same site as the existing schools become old, inadequate, and pose health and safety challenges.

Modernization and Reconstruction

Extending the useful life of a school is a cost effective and prudent way to house students generated from future development. The state of California recognizes the

need to extend the life of existing schools and provides modernization funding through the State School Facility Program. For the purpose of this report, modernization and reconstruction are used interchangeably since many of the improvements are common to both programs. Developer fees may not be used for regular maintenance, routine repair of school buildings and facilities or deferred maintenance. Developer fees will assist with completing projects included in the 2014 and 2020 bonds along with any other District modernization needs. In addition, due to the recent universal transitional kindergarten requirement, the District is in the process of determining if retrofitting of existing classrooms to meet Title 5 requirements or if additional transitional kindergarten classrooms will be required to house transitional kindergarten students. If additional transitional kindergarten classrooms are required, developer fees may assist with funding those classrooms. Projects will be funded as developer fee revenue is generated. The authorization to justify modernization and reconstruction of school facilities and extend the useful life of existing schools is contained in Education Code Section 17620 and Government Code Section 66001 (g). School districts are permitted to modernize or replace existing or build new school facilities with developer fees as justified by this Study.

Modernization Need

As new students are generated by new development, the need to increase the useful life of school facilities will be necessary. In order to calculate the District's estimated modernization need generated by students from new development, it is necessary to determine the following factors: the number of units included in proposed developments, the District student yield factor, and the per pupil cost to modernize facilities.

Potential Development

To show a reasonable relationship exists between the construction of new housing units and the need for modernized school facilities, it will be shown that residential construction will create a school facility cost impact on the Eureka City Schools by students generated from new development. The Eureka City School District and its feeder districts are located within the Humboldt County and City of Eureka Planning jurisdictions. According to the Humboldt County Planning Department, 549 residential units are projected in the County's portion of the District's and feeder

district's boundaries. Of those units, 320 residential units are included in the recently approved McKay Ranch Project while 229 are infill units. A total of 549 units are projected in the next 25 years in the County's portion of the District's and feeder's boundary. According to the City of Eureka Planning Department, an estimated 977 new or expanded residential units may be constructed in the next 25 years. Of the 977 units 175 are projected to be single family, 500 are projected to be accessory dwelling units and 302 are projected to be affordable units. A total of 1,526 units were included to calculate Level I fees.

The School Facility Program allows districts to apply for modernization funding for classrooms over 25 (permanent) or 20 years (portable), meaning that school facilities are presumed to be eligible for, and therefore need, modernization after that time period. It is therefore generally presumed that school facilities have a useful life span of 25 years before modernization is needed in order to maintain the same level of service as previously existed. The same would be true for modernization of buildings 25 years after their initial modernization. In some cases, these older buildings may need to be closed entirely for the health and safety of students, teachers, staff and other occupants. Aging infrastructure and building problems can profoundly impact a school's ability to safely remain in service and to continue delivering the instructional program to students at existing levels of service. Therefore, the District's modernization needs are considered over a 25 year period, and a 25 year projection has been included in the Study when considering the homes that will generate students for the facilities in question. Future development will generate additional students for the District to house. Developer fees generated from future development may be used to modernize or construct facilities to house students from planned future development.

School facilities have a limited usable lifespan, and school districts must consider the lifespan for each facility when planning and determining student housing needs in the future. Residential units will be built at different times over the coming years, and it is difficult to predict when construction on these projects will be complete. Additionally, the homes in these developments may be immediately occupied with families with school-aged children, or they may not be occupied by school-aged children for another five, ten or fifteen years as young people who move in begin starting to have families. Thus, the District must be prepared to house students from new developments for the next several decades.

Student Generation Rate

In determining the impact of new development, the District is required to show how many students will be generated from the new development. In order to ensure that new development is paying only for the impact of those students that are being generated by new homes and businesses, the student generation rate is applied to the number of new housing units to determine development-related impacts. The student generation rate identifies the number of students per housing unit and provides a link between new residential construction projects and projected enrollment.

To identify the number of students anticipated to be generated by new residential development, a student yield factor of .7 has been utilized for the Eureka City School District. The yield factor is based on State wide student yield averages calculated by the Office of Public School Construction.

Construction Cost

The construction cost per TK-12 pupil is \$55,740. Construction costs are based on information provided by California Department of Education and research completed by Jack Schreder & Associates. Appendix A includes the cost per student calculations. Table 1 shows the weighted average to construct facilities per TK-12 pupil.

Table 1:
Construction Costs

Grade Level	Construction Costs
TK-6	\$49,425
7-8	\$58,440
9-12	\$67,019

Weighted Average	
	$\$49,425 \times 8 = \$395,400$
	$\$58,440 \times 2 = \$116,880$
	$\$67,019 \times 4 = \underline{\$268,076}$
Total	\$780,356

$$\text{Average} = \$780,356 / 14 = \$55,740$$

Source: California Department of Education, Jack Schreder & Associates.

Modernization Cost

The cost to modernize facilities is 41.1 percent of new construction costs. The percentage is based on the comparison of the State per pupil modernization grant (including 3% for Americans with Disabilities and Fire, Life Safety improvements) and the State per pupil new construction grant. For example, the State provides \$14,623 per TK-6 pupil to construct new facilities and \$5,568 to modernize facilities, which is 38.1 percent ($\$5,568 / \$14,623$) of the new construction grant amount. In addition, the State provides a minimum of three percent for ADA/FLS improvements which are required by the Department of State Architect's (DSA) office. Based on the per pupil grant amounts and the ADA/FLS costs, the estimated cost to modernize facilities is 41.1 percent of the cost to construct facilities. The School Facility Program per pupil grant amounts are included in Appendix B.

The construction cost per TK-12 pupil is \$55,740 and is outlined in Table 1. Therefore, the per pupil cost to modernize facilities per TK-12 pupil is \$22,909 ($\$55,740 \times .411$).

25 year Modernization Need

Based on the student generation rate and the projected number of residential units, 1,068 TK-12 students are projected from proposed new development. The calculation is included in Table 2.

Table 2:
Projected Students from Proposed Development

Projected Units	Student Generation Rate	Projected Students
1,526	.7	1,068

Source: Eureka City Schools, City of Eureka, Humboldt County, Jack Schreder & Associates.

The District's estimated modernization need generated by students from new residential development is \$24,466,812. The calculation is included in Table 3.

Table 3:
25 year Modernization Need

Per Pupil Modernization Cost	\$22,909
Students Generated	<u>x 1,068</u>
Modernization Need	\$24,466,812

Source: Eureka City Schools, Office of Public School Construction, Jack Schreder & Associates, City of eureka, Humboldt County.

Residential Development and Fee Projections

To show a reasonable relationship exists between the construction of new housing units and the need for modernized school facilities, it will be shown that residential construction will create a school facility cost impact on the Eureka City Schools by students generated from new development. The Eureka City School District and its feeder districts are located within the Humboldt County and City of Eureka

Planning jurisdictions. According to the Humboldt County Planning Department, 549 residential units are projected in the County's portion of the District's and feeder district's boundaries. Of those units, 320 residential units are included in the recently approved McKay Ranch Project while 229 are infill units. A total of 549 units are projected in the next 25 years in the County's portion of the District's and feeder's boundary. According to the City of Eureka Planning Department, an estimated 977 new or expanded residential units may be constructed in the next 25 years. Of the 977 units, 175 are projected to be single family, 500 are projected to be accessory dwelling units and 302 are projected to be affordable units. A total of 1,526 units totaling 2,441,567 square feet may be constructed in the District's boundary over the next 25 years. Table 4 includes a square footage summary.

Table 4:
Summary of Projected Residential Square Footage

Planning Jurisdiction	Projected Units	Average Square Footage	Total Square Footage
Humboldt County	549	1,750	731,817
City of Eureka	977	1,333	1,709,750
Total	1,526		2,441,567

Source: City of Eureka, Humboldt County.

Based on the District's modernization need of \$24,466,812 generated by students from residential construction and the total projected residential square footage of 2,441,567, residential construction will create a facilities cost of \$10.02 per square foot. However, the Level I statutory fee is \$4.79 per square foot. Therefore, the District is justified to collect \$4.79 per square foot of residential construction.

Table 5:
Facilities Cost per SF from Proposed Residential Construction

Modernization Need	Total Square Footage	Facilities Cost
\$24,466,812	/2,441,567	= \$10.02

Source: Eureka City Schools, Jack Schreder & Associates, City of Eureka, Humboldt County, Office of Public School Construction.

Extent of Mitigation of School Facility Costs Provided by Level I Residential Fees

Based on development projections, an estimated 2,441,567 residential square feet may be constructed in the next 25 years. Based on the statutory Level I fee of \$4.79 per square foot, the District is projected to collect \$11,695,105 (\$4.79 x 2,441,567) in residential developer fees. The \$11,695,105 in total residential Level I fee revenue will cover only 48 percent of the \$24,466,812 in total school facility modernization costs attributable to new residential development over the next 25 years.

Commercial / Industrial Development and Fee Projections

In order to levy developer fees on commercial and industrial development, a district must conduct a study to determine the impact of the increased number of employees anticipated to result from commercial and industrial development upon the cost of providing school facilities within the district. For the purposes of making this determination, the [developer fee justification] study shall utilize employee generation estimates that are calculated on either an individual project or categorical basis. Those employee generation estimates shall be based upon commercial and industrial factors within the district or upon, in whole or part, the applicable employee generation estimates as set forth in the January 1990 edition of "San Diego Traffic Generators," a report of the San Diego Association of Governments. (Education Code Section 17621). The initial study that was completed in January of 1990 (updated annually) identifies the number of employees generated for every 1,000 square feet of floor area for several development categories. These generation factors are shown in Table 6.

Table 6 indicates the number of employees generated for every 1,000 square feet of new commercial and industrial development and the number of District households generated for every employee in 12 categories of commercial and industrial development. The number of District households is calculated by adjusting the number of employees for the percentage of employees that live in the District and are heads of households. School facility costs for development projects not included on the list may be estimated by using the closest employee per 1,000 square feet ratio available for the proposed development.

In addition, an adjustment in the formula is necessary so that students moving into new residential units that have paid residential fees are not counted in the commercial/industrial fee calculation. Forty percent of all employees in the District live in existing housing units. The forty percent adjustment eliminates double counting the impact. This adjustment is shown in the worksheets in Appendix C and in Table 6.

These adjustment factors are based on surveys of commercial and industrial employees in school districts similar to the District. When these figures are compared to the cost to house students, it can be shown that each square foot of commercial and industrial development creates a cost impact greater than the maximum fee, with the exception of mini storage. The data in Table 7 is based on the per student costs shown in Table 1. These figures are multiplied by the student yield factor to determine the number of students generated per square foot of commercial and industrial development. To determine the school facilities square foot impact of commercial and industrial development shown in Table 7, the students per square foot are multiplied by the cost of providing school facilities.

Table 6:
Commercial and Industrial Generation Factors

Type of Development	*Employees per 1,000 sf	**Dist HH Per Emp.	% Emp in Exist HH	Adj.%Emp Dist HH/Emp
Medical Offices	4.27	.2	.4	.08
Corporate Offices	2.68	.2	.4	.08
Commercial Offices	4.78	.2	.4	.08
Lodging	1.55	.3	.4	.12
Scientific R&D	3.04	.2	.4	.08
Industrial Parks	1.68	.2	.4	.08
Industrial/ Business Parks	2.21	.2	.4	.08
Neighborhood Shopping Centers	3.62	.3	.4	.12
Community Shopping Centers	1.09	.3	.4	.12
Banks	2.82	.3	.4	.12
Mini-Storage	.06	.2	.4	.08
Agriculture	.31	.5	.4	.20

* Source: San Diego Association of Governments.

** Source: Jack Schreder and Associates. Original Research.

Table 7:
Commercial and Industrial Facilities Cost Impact

Type of Development	Cost Impact Per Sq. Ft.
Medical Offices	\$5.73
Corporate Offices	\$3.60
Commercial Offices	\$6.41
Lodging	\$3.12
Scientific R&D	\$4.08
Industrial/ Business Parks	\$2.25
Industrial/ Com Park	\$2.96
Commercial Shopping Centers	\$6.97
Community Shopping Centers	\$2.19
Banks	\$5.67
Mini-Storage	\$0.08
Agriculture	\$1.04

*Sources: San Diego Association of Governments and Jack Schreder and Associates, Original Research.

Table 7 shows that all types of commercial and industrial development will create a square foot cost justifying a commercial/industrial fee. Thus, a reasonable relationship between commercial and industrial development and the impact on the District is shown. Based on this relationship, the levying of commercial and industrial developer fees is justified in the District.

Extent of Mitigation of School Facility Costs Provided by Level I Commercial/Industrial Fees

Each square foot of commercial and industrial development creates a school facility cost ranging from \$0.08 to \$6.97 per square foot. The cost per square foot of commercial/industrial construction exceeds the Level I commercial fee of \$0.78 in all categories of construction, with the exception of mini storage. Mini storage should be collected at \$0.08 per square foot of construction. Therefore, the District is justified to collect \$0.78 per square foot of commercial/industrial construction.

Summary

The cost impact on the District imposed by new students to be generated from new or expanded residential, commercial, and industrial development is greater than the maximum allowable fees. Each square foot of residential development creates a school facility cost of \$10.02 per square foot. Each square foot of commercial and industrial development creates a school facility cost ranging from \$0.08 to \$6.97 per square foot. The cost to provide additional school facilities exceeds the amount of residential and commercial/industrial fees to be generated directly and indirectly by residential construction. Therefore, the Eureka City Schools is justified to collect \$4.79 per square foot of residential construction and \$0.78 per square foot of commercial/industrial construction, with the exception of mini storage. The mini storage category of construction should be collected at the rate of \$0.08 per square foot.

SECTION II: BACKGROUND OF DEVELOPER FEE LEGISLATION

Initially, the allowable developer fee was limited by Government Code Section 65995 to \$1.50 per square foot of covered or enclosed space for residential development and \$0.25 per square foot of covered or enclosed space of commercial or industrial

development. The Level I fee that can be levied is adjusted every two years, according to the inflation rate as listed by the state-wide index for Class B construction set by the State Allocation Board. In February of 2022, the State Allocation Board changed the Level I fee to \$4.79 per square foot of residential construction and \$0.78 per square foot of commercial and industrial construction.

The fees collected are to be used by the school district for the construction or modernization of school facilities and may be used by the district to pay bonds, notes, loans, leases or other installment agreements for temporary as well as permanent facilities.

Assembly Bill 3980 (Chapter 418/Statutes of 1988) added Government Code Section 66006 to require segregation of school facilities fees into a separate capital facilities account or fund and specifies that those fees and the interest earned on those fees can only be expended for the purposes for which they were collected.

Senate Bill 519 (Chapter 1346/Statutes of 1987) added Section 17625 to the Education Code. It provides that a school district can charge a fee on manufactured or mobile homes only in compliance with all of the following:

1. The fee, charge, dedication, or other form of requirement is applied to the initial location, installation, or occupancy of the manufactured home or mobile home within the school district.
2. The manufactured home or mobile home is to be located, installed, or occupied on a space or site on which no other manufactured home or mobile home was previously located, installed, or occupied.
3. The manufactured home or mobile home is to be located, installed, or occupied on a space in a mobile home park, on which the construction of the pad or foundation system commenced after September 1, 1986.

Senate Bill 1151 (Chapter 1037/Statutes of 1987) concerns agricultural buildings and adds Section 17622 to the Education Code. It provides that no school fee may be imposed and collected on a greenhouse or other space covered or enclosed for

agricultural purposes unless the school district has made findings supported by substantial evidence as follows:

1. The amount of the fees bears a reasonable relationship and is limited to the needs for school facilities created by the greenhouse or other space covered or enclosed for agricultural purposes.
2. The amount of the fee does not exceed the estimated reasonable costs of the school facilities necessitated by the structures as to which the fees are to be collected.
3. In determining the amount of the fees, the school district shall consider the relationship between the proposed increase in the number of employees, if any, the size and specific use of the structure, as well as the cost of construction.

In order to levy developer fees, a study is required to assess the impact of new growth and the ability of the local school district to accommodate that growth. The need for new school construction and modernization must be determined along with the costs involved. The sources of revenue need to be evaluated to determine if the district can fund the new construction and modernization. Finally, a relationship between needs and funding raised by the fee must be quantified.

Assembly Bill 181 (Chapter 1109/Statutes of 1989) which became effective October 2, 1989, was enacted to clarify several areas of developer fee law. Assembly Bill 181 provisions include the following:

1. Exempts residential remodels of less than 500 square feet from fees.
2. Prohibits the use of developer fee revenue for routine maintenance and repair, most asbestos work, and deferred maintenance.
3. Allows the fees to be used to pay for the cost of performing developer fee justification studies.

4. States that fees are to be collected at the time of occupancy, unless the district can justify earlier collection. The fees can be collected at the time the building permit is issued if the district has established a developer fee account and funds have been appropriated for which the district has adopted a proposed construction schedule or plan prior to the issuance of the certificate of occupancy.
5. Clarifies that the establishment or increase of fees is not subject to the California Environmental Quality Act.
6. Clarifies that the impact of commercial and industrial development may be analyzed by categories of development as well as an individual project-by-project basis. An appeal process for individual projects would be required if analysis was done by categories.
7. Changes the frequency of the annual inflation adjustment on the Level I fee to every two years.
8. Exempts from fees - development used exclusively for religious purposes, private schools, and government-owned development.
9. Expands the definition of senior housing, which is limited to the commercial/industrial fee and requires the conversion from senior housing to be approved by the city/county after notification of the school district.
10. Extends the commercial/industrial fee to mobile home parks limited to older persons.

SECTION III: REQUIREMENTS OF AB 1600

Assembly Bill 1600 (Chapter 927/Statutes of 1987) adds Section 66000 through 66003 to the Government Code:

Section 66000 defines various terms used in AB 1600:

"Fee" is defined as monetary exaction (except a tax or a special assessment) which is charged by a local agency to the applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the costs of public facilities related to the development project.

"Development project" is defined broadly to mean any project undertaken for purposes of development. This would include residential, commercial, or industrial projects.

"Public facilities" is defined to include public improvements, public services, and community amenities.

Section 66001 (a) sets forth the requirements for establishing, increasing or imposing fees. Local agencies are required to do the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

Section 66001 (c) requires that any fee subject to AB 1600 be deposited in an account established pursuant to Government Code Section 66006. Section 66006 requires that development fees be deposited in a capital facilities account or fund. To avoid any commingling of the fees with other revenues and funds of the local agency, the fees can only be expended for the purpose for which they were collected. Any income earned on the fees should be deposited in the account and expended only for the purposes for which the fee was collected.

Section 66001 (d) as amended by Senate Bill 1693 (Monteith/Statutes of 1996, Chapter 569), requires that for the fifth year following the first deposit into a developer fee fund, and for every five years thereafter, a school district must make certain findings as to such funds. These findings are required regardless of whether the funds are committed or uncommitted. Formerly only remaining unexpended or uncommitted fees were subject to the mandatory findings and potential refund process. Under this section as amended, relating to unexpended fee revenue, two specific findings must be made as a part of the public information required to be formulated and made available to the public. These findings are:

1. Identification of all sources and amounts of funding anticipated to provide adequate revenue to complete any incomplete improvements identified pursuant to the requirements of Section 66001 (a)(2).
2. A designation of the approximate date upon which the anticipated funding will be received by the school district to complete the identified but as yet, incomplete improvements.

If the two findings are not made, a school district must refund the developer fee revenue on account in the manner provided in Section 66001 (e).

Section 66001 (e) provides that the local agency shall refund to the current record owners of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fees and any accrued interest for which the local agency is unable to make the findings required by Section 66001 (d) that it still needs the fees.

Section 66002 provides that any local agency which levies a development fee subject to Section 66001 may adopt a capital improvement plan which shall be updated annually and which shall indicate the approximate location, size, time of availability and estimates of cost for all facilities or improvements to be financed by the fees.

Assembly Bill 1600 and the Justification for Levying Developer Fees

Effective January 1, 1989, Assembly Bill 1600 requires that any school district which establishes, increases or imposes a fee as a condition of approval of development shall make specific findings as follows:

1. A cost nexus must be established. A cost nexus means that the amount of the fee cannot exceed the cost of providing adequate school facilities for students generated by development. Essentially, it prohibits a school district from charging a fee greater than their cost to construct or modernize facilities for use by students generated by development.
2. A benefit nexus must be established. A benefit nexus is established if the fee is used to construct or modernize school facilities benefiting students to be generated from development projects.
3. A burden nexus must be established. A burden nexus is established if a project, by the generation of students, creates a need for additional facilities or a need to modernize existing facilities.

SECTION IV: REVENUE SOURCES FOR FUNDING FACILITIES

Two general sources exist for funding facility construction and modernization - state sources and local sources. The District has considered the following available sources:

State Sources

State School Facility Program

Senate Bill 50 reformed the State School Building Lease-Purchase Program in August of 1998. The new program, entitled the School Facility Program, provides funding under a “grant” program once a school district establishes eligibility. Funding required from districts will be a 50/50 match for construction projects and 60/40 (District/State) match for modernization projects. Districts may levy the current statutory developer fee as long as a district can justify collecting that fee. If a district desires to collect more than the statutory fee (Level 2 or Level 3), that district must meet certain requirements outlined in the law, as well as conduct a needs assessment to enable a higher fee to be calculated.

The District is in the process of pursuing State facility funds.

Local Sources

Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act of 1982 allows school districts to establish a community facilities district in order to impose a special tax to raise funds to finance the construction of school facilities.

1. The voter approved tax levy requires a two-thirds vote by the voters of the proposed Mello-Roos district.
4. If a Mello-Roos district is established in an area in which fewer than twelve registered voters reside, the property owners may elect to establish a Mello-Roos district.

General Obligation Bonds

General Obligation (GO) bonds may be issued by any school district for the purposes of purchasing real property or constructing or purchasing buildings or equipment "of a permanent nature." Because GO bonds are secured by an ad valorem tax levied on all taxable property in the district, their issuance is subject to two-thirds voter approval or 55% majority vote under Proposition 39 in an election. School districts are obligated, in the event of delinquent payments on the part of the property owners, to raise the amount of tax levied against the non-delinquent properties to a level sufficient to pay the principal and interest coming due on the bonds.

The District passed a \$49.75 million bond in 2014 and a \$18 million bond in 2020 for the reconstruction of school facilities. The costs to complete all projects included in the bonds exceed available bond funds. Developer Fees will be used to assist with the completion of bond projects.

Developer Fees

The District does not currently have developer fees available to construct or reconstruct school facilities.

School District General Funds

The District's general funds are needed by the District to provide for the operation of its instructional program.

Expenditure of Lottery Funds

Government Code Section 8880.5 states: "It is the intent of this chapter that all funds allocated from the California State Lottery Education Fund shall be used exclusively for the education of pupils and students and no funds shall be spent for acquisition of real property, construction of facilities, financing research, or any other non-instructional purpose."

SECTION V: ESTABLISHING THE COST, BENEFIT AND BURDEN NEXUS

In accordance with Government Code Section 66001, the District has established a cost nexus and identified the purpose of the fee, established a benefit nexus, and a burden nexus:

Establishment of a Cost Nexus & Identify Purpose of the Fee

The Eureka City Schools chooses to replace and/or modernize facilities for the additional students created by development in the district and the cost to replace and/or modernize facilities exceeds the amount of developer fees to be collected.

Based on development projections, an estimated 2,441,567 residential square feet may be constructed in the next 25 years. Based on the statutory Level I fee of \$4.79 per square foot, the District is projected to collect \$11,695,105 ($\$4.79 \times 2,441,567$) in residential developer fees. The \$11,695,105 in total residential Level I fee revenue will cover only 48 percent of the \$24,466,812 in total school facility modernization costs attributable to new residential development over the next 25 years. Each square foot of

commercial and industrial development creates a school facility cost ranging from \$0.08 to \$6.97 per square foot. The cost per square foot of commercial/industrial construction exceeds the \$0.78 per square foot in all categories of construction, with the exception of mini storage. Mini storage should be collected at \$0.08 per square foot of construction. It is clear that when educational facilities are provided for students generated by new residential, commercial and industrial development that the cost of replacing and/or modernizing facilities exceeds developer fee generation, thereby establishing a cost nexus.

Establishment of a Benefit Nexus

Students generated by new residential, commercial and industrial development will be attending District schools. Housing District students in replaced and/or modernized facilities will directly benefit those students from the new development projects upon which the fee is imposed, therefore, a benefit nexus is established.

Establishment of a Burden Nexus

Future residential and commercial/industrial development will cause new families to move into the District and, consequently, will generate additional students in the District. While facilities are currently designed to meet the projected student enrollment, the existing facilities will need to remain in sufficient condition to maintain existing levels of service for the newly generated students. Future residential and commercial/industrial development, therefore, creates a need for the reconstruction and/or modernization of existing school facilities. The fee's use for school facility reconstruction and/or modernization efforts is, therefore, reasonably related to the future residential and commercial/industrial development upon which it is imposed.

The need for reconstructing and/or modernizing facilities will be, in part, satisfied by the levying of developer fees on new residential and commercial/industrial developments, therefore, a burden nexus is established.

SECTION VI: FACILITY FUNDING ALTERNATIVES

The District does not currently have funds to provide for the shortfall in modernization costs. We suggest the District continue to consider and pursue all State funding sources for the modernization of facilities.

STATEMENT TO IDENTIFY PURPOSE OF FEE

It is a requirement of AB 1600 that the District identify the purpose of the fee. The purpose of fees being levied shall be used for the replacement and/or modernization of school facilities. The District will provide for the replacement and/or modernization of school facilities, in part, with developer fees. Developer fees will assist with completing projects included in the 2014 and 2020 bonds along with any other modernization facility needs. In addition, due to the recent universal transitional kindergarten requirement, the District is in the process of determining if retrofitting of existing classrooms to meet Title 5 requirements or if additional transitional kindergarten classrooms will be required to house transitional kindergarten students. If additional transitional kindergarten classrooms are required, developer fees may assist with funding those classrooms. Projects will be funded as developer fee revenue is generated.

ESTABLISHMENT OF A SPECIAL ACCOUNT

Pursuant to Government Code section 66006, the District has established a special account in which fees for capital facilities are deposited. The fees collected in this account will be expended only for the purpose for which they were collected. Any interest income earned on the fees that are deposited in such an account must remain with the principal. The school district must make specific information available to the public within 180 days of the end of each fiscal year pertaining to each developer fee fund. The information required to be made available to the public by Section 66006 (b) (1) was amended by SB 1693 and includes specific information on fees expended and refunds made during the year.

RECOMMENDATION

Based on the fee justification provided in this report, it is recommended that the Eureka City Schools levy residential development fees and commercial/industrial fees up to the statutory fee for which justification has been determined.

SOURCES

California Basic Educational Data System. California State Department of Education. October Enrollments, 2017-2020.

California Department of Education, Dataquest.

Collard, Gary. Lead Housing Analyst for Southern California. California State Department of Housing and Community Development.

Kenyon, Kristen. Principal Planner, City of Eureka Planning Department.

Local Control Accountability Plan. Eureka City Schools. 2021-2022.

Office of Public School Construction. Leroy F. Greene School Facilities Act, 1998.

Richardson, Michael. Planner, Humboldt County Planning Department.

San Diego Association of Governments. Traffic Generators, January 1990.

Schreder, Jack and Associates. Original research.

Van Vleck, Fred, Ed.D. Superintendent, Eureka City Schools.

Ziegler, Paul. Assistant Superintendent Business Services, Eureka City Schools.

APPENDIX A

CONSTRUCTION COSTS

Elementary School Facility Construction Costs - Permanent Construction		
I. Allowable Building Area		
	A. Total Student Capacity	
	B. Building Area	
	600 students @ 71sf/student	42,600
	Speech/Resource Specialist	600
	Total	43,200
II. Site Requirements		
	A. Purchase Price of Property (10 Acres)	
	Cost per Acre	\$0
	B. Appraisals	\$0
	C. Costs Incurred in Escrow	\$0
	D. Surveys	\$0
	E. Other Costs, Geo. and Soils Reports	\$0
	Total-Acquisition of Site	\$0
III. Plans		
	A. Architect's Fee for Plans	\$2,173,690
	B. DSA Plans Check Fee	\$169,065
	C. School Planning, Plans Check Fee	\$9,243
	D. Preliminary Tests	\$8,362
	E. Other Costs, Energy Cons. & Advertising	\$62,226
		\$2,422,586
IV. Construction Requirements		
	A. Utility Services	\$595,164
	B. Off-site Development	\$892,744
	C. Site Development, Service	\$1,428,389
	D. Site Development, General	\$952,259
	E. New Construction	\$19,472,832
	F. Unconventional Energy Source	\$810,726
	Total Construction	\$24,152,114
	Total Items II, III and IV	\$26,574,700
	Contingency 10%	\$2,657,470
	Construction Tests	\$181,141
	Inspection	\$241,521
	TOTAL ESTIMATED PROJECT COSTS	\$29,654,832
	ESTIMATED COST PER STUDENT	\$49,425
<i>*Source: California Department of Education, Jack Schreder & Associates.</i>		

Middle School Facility Construction Costs - Permanent Construction		
I. Allowable Building Area		
A. Total Student Capacity		
B. Building Area		
1000 students @ 85sf/student		85,000
Speech/Resource Specialist		<u>1,360</u>
Total		86,360
II. Site Requirements		
A. Purchase Price of Property (20 Acres)		
Cost per Acre		\$0
B. Appraisals		\$0
C. Costs Incurred in Escrow		\$0
D. Surveys		\$0
E. Other Costs, Geo. and Soils Reports		<u>\$0</u>
Total-Acquisition of Site		\$0
III. Plans		
A. Architect's Fee for Plans		\$4,287,237
B. OSA Plans Check Fee		\$333,452
C. School Planning, Plans Check Fee		\$10,611
D. Preliminary Tests		\$11,789
E. Other Costs, Energy Cons. & Advertising		<u>\$90,784</u>
		\$4,733,873
IV. Construction Requirements		
A. Utility Services		\$873,189
B. Off-site Development		\$982,715
C. Site Development, Service		\$2,714,467
D. Site Development, General		\$1,936,195
E. New Construction		\$39,742,872
F. Unconventional Energy Source		<u>\$1,386,533</u>
Total Construction		\$47,635,971
Total Items II, III and IV		\$52,369,844
Contingency		\$5,236,984
Construction Tests		\$357,270
Inspection		\$476,360
TOTAL ESTIMATED PROJECT COSTS		\$58,440,458
ESTIMATED COST PER STUDENT		\$58,440
*Source: California Department of Education, Jack Schreder & Associates.		

High School Facility Construction Costs - Permanent Construction		
I. Allowable Building Area		
A. Total Student Capacity		
B. Building Area		
1500 students @ 92sf/student		138,000
Speech/Resource Specialist		<u>4,500</u>
Total		142,500
II. Site Requirements		
A. Purchase Price of Property (40 Acres)		
Cost per Acre		\$0
B. Appraisals		\$0
C. Costs Incurred in Escrow		\$0
D. Surveys		\$0
E. Other Costs, Geo. and Soils Reports		<u>\$0</u>
Total-Acquisition of Site		\$0
III. Plans		
A. Architect's Fee for Plans		\$7,374,667
B. OSA Plans Check Fee		\$573,585
C. School Planning, Plans Check Fee		\$11,349
D. Preliminary Tests		\$18,376
E. Other Costs, Energy Cons. & Advertising		<u>\$167,808</u>
		\$8,145,786
IV. Construction Requirements		
A. Utility Services		\$1,531,409
B. Off-site Development		\$1,566,217
C. Site Development, Service		\$5,046,695
D. Site Development, General		\$3,793,724
E. New Construction		\$67,260,000
F. Unconventional Energy Source		<u>\$2,742,704</u>
Total Construction		\$81,940,749
Total Items II, III and IV		\$90,086,535
Contingency 10%		\$9,008,653
Construction Tests		\$614,556
Inspection		\$819,407
TOTAL ESTIMATED PROJECT COSTS		\$100,529,151
ESTIMATED COST PER STUDENT		\$67,019
<i>*Source: California Department of Education, Jack Schreder & Associates.</i>		

APPENDIX B

PER PUPIL GRANT AMOUNTS

ATTACHMENT B

ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS

State Allocation Board Meeting, February 23, 2022

Grant Amount Adjustments

New Construction	SFP Regulation Section	Adjusted Grant Per Pupil Effective 1-1-21	Adjusted Grant Per Pupil Effective 1-1-22
Elementary	1859.71	\$12,628	\$14,623
Middle	1859.71	\$13,356	\$15,466
High	1859.71	\$16,994	\$19,679
Special Day Class – Severe	1859.71.1	\$35,484	\$41,090
Special Day Class – Non-Severe	1859.71.1	\$23,731	\$27,480
Automatic Fire Detection/Alarm System – Elementary	1859.71.2	\$15	\$17
Automatic Fire Detection/Alarm System – Middle	1859.71.2	\$20	\$23
Automatic Fire Detection/Alarm System – High	1859.71.2	\$34	\$39
Automatic Fire Detection/Alarm System – Special Day Class – Severe	1859.71.2	\$63	\$73
Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe	1859.71.2	\$45	\$52
Automatic Sprinkler System – Elementary	1859.71.2	\$212	\$245
Automatic Sprinkler System – Middle	1859.71.2	\$252	\$292
Automatic Sprinkler System – High	1859.71.2	\$262	\$303
Automatic Sprinkler System – Special Day Class – Severe	1859.71.2	\$668	\$774
Automatic Sprinkler System – Special Day Class – Non-Severe	1859.71.2	\$448	\$519

ATTACHMENT B

ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS

State Allocation Board Meeting, February 23, 2022

Grant Amount Adjustments

	Modernization	SFP Regulation Section	Adjusted Grant Per Pupil Effective 1-1-21	Adjusted Grant Per Pupil Effective 1-1-22
Elementary		1859.78	\$4,808	\$5,568
Middle		1859.78	\$5,085	\$5,888
High		1859.78	\$6,658	\$7,710
Special Day Class - Severe		1859.78.3	\$15,325	\$17,746
Special Day Class – Non-Severe		1859.78.3	\$10,253	\$11,873
State Special School – Severe		1859.78	\$25,543	\$29,579
Automatic Fire Detection/Alarm System – Elementary		1859.78.4	\$156	\$181
Automatic Fire Detection/Alarm System – Middle		1859.78.4	\$156	\$181
Automatic Fire Detection/Alarm System – High		1859.78.4	\$156	\$181
Automatic Fire Detection/Alarm System – Special Day Class – Severe		1859.78.4	\$430	\$498
Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe		1859.78.4	\$288	\$334
Over 50 Years Old – Elementary		1859.78.6	\$6,680	\$7,735
Over 50 Years Old – Middle		1859.78.6	\$7,065	\$8,181
Over 50 Years Old – High		1859.78.6	\$9,248	\$10,709
Over 50 Years Old – Special Day Class – Severe		1859.78.6	\$21,291	\$24,655
Over 50 Years Old – Special Day Class – Non-Severe		1859.78.6	\$14,237	\$16,486
Over 50 Years Old – State Special Day School – Severe		1859.78.6	\$35,483	\$41,089

APPENDIX C

**COMMERCIAL/INDUSTRIAL
CALCULATIONS**

Eureka City Schools						
Commercial/Industrial Calculations						
	EMP/	DIST.HH/	HH/SF	% EMP IN	ADJUSTED	ADJ %
	1000 SQ.FT	EMP		EXIST HH	HH/SF	DIST HH/EMP
MEDICAL	4.27	0.2	0.000854	0.4	0.0003416	0.08
CORP. OFFICE	2.68	0.2	0.000536	0.4	0.0002144	0.08
COM. OFFICE	4.78	0.2	0.000956	0.4	0.0003824	0.08
LODGING	1.55	0.3	0.000465	0.4	0.0001860	0.12
R&D	3.04	0.2	0.000608	0.4	0.0002432	0.08
IN. PARK	1.68	0.2	0.000336	0.4	0.0001344	0.08
IN/COM PARK	2.21	0.2	0.000442	0.4	0.0001768	0.08
NBHD COMM SC	3.62	0.3	0.001086	0.4	0.0004344	0.12
COMMUNITY SC	1.09	0.3	0.000327	0.4	0.0001308	0.12
BANKS	2.82	0.3	0.000846	0.4	0.0003384	0.12
MINI-STORAGE	0.06	0.2	0.000012	0.4	0.0000048	0.08
AGRICULTURE	0.31	0.5	0.000155	0.4	0.0000620	0.20
STUDENT GENERATION RATE			MODERNIZATION COST PER STUDENT			
TK-12	0.7000		TK-12	\$22,909		
STUDENTS PER SQUARE FOOT						
(YIELD FACTORS X ADJ HH/SQ. FT IN COLUMN F)						
	TK-12					
MEDICAL	0.000239					
CORP. OFFICE	0.000150					
COM. OFFICE	0.000268					
LODGING	0.000130					
R&D	0.000170					
IN. PARK	0.000094					
IN/COM PARK	0.000124					
COM. SC.	0.000304					
COMMUNITY SC	0.000092					
BANKS	0.000237					
MINI STORAGE	0.000003					
AGRICULTURE	0.000043					
COSTS PER SQUARE FOOT						
(STUDENTS/ SQ. FOOT X STUDENT COST/SQ. FOOT IN EACH CATEGORY)						
	TK-12					
MEDICAL	\$5.48					
CORP. OFFICE	\$3.44					
COM. OFFICE	\$6.13					
LODGING	\$2.98					
R&D	\$3.90					
IN. PARK	\$2.16					
IN/COM PARK	\$2.84					
COM. SC.	\$6.97					
COMMUNITY SC	\$2.10					
BANKS	\$5.43					
MINI STORAGE	\$0.08					
AGRICULTURE	\$0.99					

AGENDA ITEM

Agenda Title: Resolution #21-22-030; Establishing and Adopting School Facilities Fees
Meeting Date: May 19, 2022
Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Resolution #21-22-030; Establishing and Adopting School Facilities Fees.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Education Code § 17620 and Government Code § 66000 *et seq.* authorize the governing board of any school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities attributable to the increased demand related to the development project in order to maintain the existing level of service.

Further, assessing school facilities fees is a requirement for the District to qualify for financial hardship status; districts qualifying for financial hardship status receive additional preference points when applying for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program funding. The preference point system is maxed at 80 points, comprised of 40 points if the district qualifies for financial hardship status and up to another 40 points based on a sliding scale of the percentage of students eligible for free and reduced-price meals.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

The Board last discussed developer fees at the August 26, 2021 meeting.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Per the Level I Developer Fee Justification Study for Eureka City Schools prepared

by Jack Schreder & Associates, the State Allocation Board's biennial inflation adjustment in February 2022 changed the fee to \$4.79 per square foot for residential construction, \$0.78 per square foot for commercial/industrial construction, and \$.08 per square foot for mini-storage construction. Based on the study's assumptions, the District is projected to collect \$11,695,105 in residential developer fees over a 25 year period, or \$467,804 annually. This projected amount fluctuates as the assumptions change, and decreases if the District enters into Developer Fee revenue sharing arrangements with any of its feeder districts.

WHO*(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- Resolution No. 21-22-030

RESOLUTION NO. 21-22-030 (May 19, 2022, Regular Meeting)
A RESOLUTION OF THE GOVERNING BOARD OF THE
EUREKA CITY SCHOOL DISTRICT ESTABLISHING AND ADOPTING SCHOOL
FACILITIES FEES (Education Code § 17620; Government Code § 66000 *et seq.*)

WHEREAS, Education Code § 17620 and Government Code § 66000 *et seq.* authorize the governing board of any school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities attributable to the increased demand related to the development project in order to maintain the existing level of service; and,

WHEREAS, on May 19, 2022, after a duly noticed public hearing, the Governing Board of Eureka City School District (the "District") adopted a Level 1 Developer Fee Study by Resolution Number 21-22-028; and,

WHEREAS, the adopted Developer Fee Study demonstrates that there is justification for levying developer fees in the District for the purpose of funding the reconstruction and/or modernization of existing school facilities to maintain existing levels of service for the additional students generated by development; and,

WHEREAS, Government Code Section 65995 establishes a maximum amount of fee that may be charged against such development projects and authorizes the maximum amount set forth in said section to be adjusted for inflation every two years as set forth in the state-wide cost index for Class B construction as determined by the State Allocation Board at its January meeting; and,

WHEREAS, at its February 23, 2022, meeting, the State Allocation Board approved the maximum fee authorized by Education Code Section 17620 to \$4.79 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.78 per square foot against commercial and industrial construction described in Government Code Section 65995(b)(2); and,

WHEREAS, the purpose of this Resolution is to approve and adopt fees on residential projects in the amount of \$4.79 per square foot as authorized by Education Code Section 17620; and,

WHEREAS, the purpose of this Resolution is to approve and adopt fees on commercial and industrial development projects in the amount of \$0.78 per square foot as described in Government Code Section 65995(b)(2). The mini-storage category of commercial/industrial justification has less impact than the statutory \$0.78 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.08 per square foot.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Eureka City School District as follows:

1. Procedure. This Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled May 19, 2022, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66016, and a notice, including a statement that the data required by Government Code Section 66016 was available, was mailed at least 30 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least 30 days prior to the meeting, the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources anticipated to provide this service. By way of such public meeting, the Board received oral and written presentations by District staff which are also summarized and contained in the District's Developer Fee Implementation Study dated April 5, 2022, (hereinafter referred to as the "Plan") and which formed the basis for the action taken pursuant to this Resolution.

2. Findings. The Board has reviewed the Plan as it relates to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, hereby makes the following findings:
 - A. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for reconstruction of school facilities.
 - B. Without reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;
 - C. The fees proposed in the Plan and the fees implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;
 - D. The fees proposed in the Plan and implemented pursuant to this Resolution will be used for the reconstruction of school facilities as identified in the Plan;
 - E. The uses of the fees proposed in the Plan and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed;
 - F. The fees proposed in the Plan and implemented pursuant to this Resolution bear a reasonable relationship to the need for reconstructed school facilities created by the types of development projects on which the fees are imposed;
 - G. The fees proposed in the Plan and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;
 - H. The fees imposed on commercial or industrial development bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for reconstructed school facilities caused by the development;
 - I. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the district has adopted a reconstruction schedule and/or to reimburse the District for expenditures previously made.
3. Fee. Based upon the foregoing findings, the Board hereby establishes and adopts fees in the amount of \$4.79 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas; and to the amount of \$0.78 per square foot for new commercial or industrial construction. The mini-storage category of commercial/industrial justification has less impact than the statutory \$0.78 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.08 per square foot.
4. Fee Adjustments and Limitation. The fees established and adopted herewith shall be subject to the following:
 - A. The amount of the District's fees as authorized by Education Code Section 17620 shall be reviewed every two years to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.

- B. Any development project for which a final map was approved and construction had commenced on or before September 1, 1986, is subject only to the fee, charge, dedication or other form of requirement in existence on that date and applicable to the project.
- C. The term “development project” as used herein is as defined by Section 65928 of the Government Code.
5. Additional Mitigation Methods. The policies set forth in this Resolution are not exclusive and the Board reserves the authority to undertake other or additional methods to finance school facilities including but not limited to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311, et seq.) and such other funding mechanisms. This Board reserves the authority to substitute the dedication of land or other property or other form of requirement in lieu of the fees levied by way of this Resolution at its discretion, so long as the reasonable value of land to be dedicated does not exceed the maximum fee amounts contained herein or modified pursuant hereto.
6. Implementation. For residential, commercial or industrial projects within the District, the Superintendent, or the Superintendent’s designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.
7. California Environmental Quality Act. The Board hereby finds that the establishment and adoption of Developer Fees is exempt from the California Environmental Quality Act (CEQA).
8. Commencement Date. The effective date of this Resolution shall be July 18, 2022 which is 60 days following its adoption by the Board.
9. Notification of Local Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution and a Map of the District to the Planning Commission and Board of Supervisors of Humboldt County and to the Planning Commission and City Council of the City of Eureka.
10. Severability. If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid subsequent hereto.

APPROVED, PASSED and ADOPTED by the Governing Board of the Eureka City School District this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Governing Board
Eureka City School District

ATTEST:

Secretary, Governing Board
Eureka City School District

AGENDA ITEM

Agenda Title: Accept Low Bid for Zane Building 1 Roof Project

Meeting Date: May 19, 2022

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to accept the low bid from McMurray & Sons for the Zane Building 1 Roof Project.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Observations noted leaking and dry rot in the plywood under the breezeway. Upon further inspection, it was determined that the roof had reached the point of replacement.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 12: NEW AND MODERNIZED FACILITIES

HISTORY *(list previous staff or board action(s) with dates if possible)*

The roof on Building 1 was last replaced in 1992.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

McMurray & Sons' bid came in at \$135,590.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ McMurray & Sons Bid - Zane Building 1 Roof

SECTION 00 41 00 - BID PROPOSAL FORM

Bids will be received until 2:00 p.m., **MAY 11, 2022**, at the office of the Architect, Matson & Vallerger Architects, Inc., 3234 T Street, Eureka, California 95503.

Governing Board
Eureka City Schools

Dear Members of the Governing Board:

The undersigned, doing business under the name of McMurray & Sons, Inc., having carefully examined the location of the proposed work, the local conditions of the place where the work is to be done, the Notice Inviting Bids, the General Conditions, the Instructions to Bidders, the Plans and Specifications, and all other Contract Documents for the proposed **2022 REROOFING WORK, ZANE MIDDLE SCHOOL** ("Project"), and having accurately completed the Bidder's Questionnaire, proposes to perform all work and activities in accordance with the Contract Documents, including all of its component parts, and to furnish all required labor, materials, equipment, transportation and services required for the construction of the Project in strict conformity with the Contract Documents, including the Plans and Specifications, as follows:

BASE BID:
For the sum of:

ONE HUNDRED THIRTY FIVE THOUSAND FIVE HUNDRED
NINETY AND NO/100 Dollars (\$ 135,590.00).

ADDITIONAL WORK ITEM "1":

SHEATHING: Contractor agrees to perform removal and replacement work of damaged and/or dry-rot damaged 5/8" plywood roof sheathing for the following COST PER SQUARE FOOT:

N/A Dollars (\$ _____).

ADDITIONAL WORK ITEM "2":

CARPENTRY LABOR: For any work not included in above Additional Work Item, Contractor agrees to perform any necessary carpentry work on a time & material basis with the carpentry labor portion for the COST PER HOUR:

N/A Dollars (\$ _____).

The undersigned has checked carefully all the above figures and understands that the District is not responsible for any errors or omissions on the part of the undersigned in making this bid.

Enclosed find certified or cashier's check no. _____ of the _____
Bank for _____ Dollars (\$ _____) or Bidder's Bond of the
Nationwide Mutual Insurance Co. surety company in an amount of not less than ten percent
(10%) of the entire bid. The undersigned further agrees, on the acceptance of this proposal, to
execute the Contract and provide the required bonds and insurance and that in case of default in
executing these documents within the time fixed by the Contract Documents, the proceeds of the
check or bond accompanying this bid shall be forfeited and shall become the property of the
District.

Contractor agrees to commence the work within the time specified in the Notice to Proceed. It is
understood that this bid is based upon completing the work on or before JULY 29, 2022.

ADDENDA:

Receipt of the following addenda is hereby acknowledged:

Addendum # <u>1</u>	Dated: <u>5/9/22</u>	Addendum # _____	Dated: _____
Addendum # _____	Dated: _____	Addendum # _____	Dated: _____
Addendum # _____	Dated: _____	Addendum # _____	Dated: _____

Respectfully submitted,

Company: McMurray & Sons, Inc.

Address: P.O. Box 1111
Eureka, CA 95502

By: Cathy Minkema
(Please Print Or Type)

Signature: Cathy Minkema

Title: Corporate Secretary

Date: 5/10/22

Telephone: 707.443.3088

Contractor's License No: 249538 Expiration Date 10/31/22

Required Attachments: Subcontractor List Form
Non-Collusion Declaration
Bid Bond (or Cashier's or Certified Check)
Bidders' Questionnaire
Workers' Compensation Certificate

AGENDA ITEM

Agenda Title: Resolution #21-22-029; Adopt an Initial Study/Mitigated Negative Declaration Pursuant to the California Environmental Quality Act for the Eureka High School - Albee Stadium Renovation Project

Meeting Date: May 19, 2022

Item: Discussion/Action

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to approve Resolution #21-22-029; Adopt an Initial Study/Mitigated Negative Declaration Pursuant to the California Environmental Quality Act for the Eureka High School - Albee Stadium Renovation Project.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Eureka City Schools (ECS) proposes to rehabilitate the failing storm drain system and improve various athletic facilities in support of existing athletic programs at Eureka High School's (1915 J Street, Eureka CA) Albee Stadium and Bud Cloney Field. This action requires compliance with the California Environmental Quality Act (CEQA), and ECS is the Lead Agency under CEQA for the proposed project.

Due to the scale and nature of the proposed improvements to the athletic facilities, it does not qualify for an exemption under CEQA. As such, an Initial Study-Mitigated Negative Declaration (IS-MND) has been prepared and is proposed for adoption pursuant to the CEQA Guidelines. The IS-MND identifies mitigation for impacts related to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, and noise. The potential impacts that require mitigation are related to short-term construction and long-term operation of the proposed improvements. With the implementation of the mitigation measures required for the proposed project, it has been determined that impacts would be reduced to a less than significant level.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

As required by CEQA Guidelines Section 15073(d), the CEQA document prepared for the project was submitted to the Governor's Office of Planning and Research CEQA State Clearinghouse ("State Clearinghouse") and was circulated for public review from April 7, 2022 through May 7, 2022 (SCH#: 2022040134). As required by CEQA Guidelines Section 15072(a), a 'Notice of Availability of a Draft Initial Study/Mitigated Negative Declaration and Intent to Adopt a Mitigated Negative Declaration' was mailed to all contiguous property owners surrounding the project site, filed at the Humboldt County Clerk's Office, and filed with the State Clearinghouse. As stated in the notice, the IS-MND was made available for review by posting it on the District website and filing with the State Clearinghouse. Two comments were received on the CEQA IS-MND during the 30-day public review period.

HOW MUCH*(list the revenue amount \$ and/or the expense amount \$)*

Eureka City Schools entered into an agreement with SHN Consulting Engineers & Geologists, Inc. (SHN), in August 2020, retaining SHN to provide consulting services for the special studies, CEQA compliance, and permitting for the Albee Stadium renovation project. Fees for the services were estimated at \$141,080.

WHO*(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Resolution#21-22-029
- ▣ Exhibit A
- ▣ Exhibit B
- ▣ Exhibit C

RESOLUTION

Eureka City School District Resolution

Number 21-22-029

Resolution to Adopt an Initial Study/Mitigated Negative Declaration Pursuant to the California Environmental Quality Act for the Eureka High School – Albee Stadium Renovation Project

On motion of Member _____, Seconded by Member _____, the following resolution is adopted:

WHEREAS, the Eureka City Schools Board of Trustees (the “Governing Board”) proposes to rehabilitate the failing storm drain system and improve various athletic facilities in support of existing athletic programs at Eureka High School’s (1915 J Street, Eureka CA) Albee Stadium and Bud Cloney Field; and

WHEREAS, the Eureka City Schools District (the “District”) is the lead agency for the Project, and has caused to be prepared the Initial Study/Mitigated Negative Declaration (“IS/MND”, SCH No. 2022040134) for the Project, which was available for review from April 7, 2022 through May 7, 2022; and

WHEREAS, the IS/MND for the Project was prepared pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, “CEQA”) and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA “Guidelines”); and

WHEREAS, the IS/MND concluded that the Project could result in potentially significant impacts to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, and noise and that the potentially significant effects can be avoided or reduced to less than significant with the addition of mitigation measures; and

WHEREAS, the District caused the Notice of Availability of a Draft Initial Study/Mitigated Negative Declaration and Intent to Adopt a Mitigated Negative Declaration to be mailed to all contiguous property owners surrounding the Project site and filed with the Governor’s Office of Planning and Research CEQA State Clearinghouse (“OPR Clearinghouse”) on April 6, 2022, and filed at the Humboldt County Clerk’s Office on April 7, 2022; and

WHEREAS, the District caused the Draft IS/MND to be made available for review and comment by the general public and public agencies by posting it on the District website and filing with the OPR Clearinghouse;

WHEREAS, the District received and gave due consideration to several public comments during the 30-day public review period from April 7, 2022 through May 7, 2022; and,

WHEREAS, on May 19, 2022, the Governing Board conducted a public meeting and considered the Initial Study/Mitigated Negative Declaration attached hereto and incorporated herein as Exhibit A, the Mitigation Monitoring Reporting Program (“MMRP”) attached hereto and incorporated herein as Exhibit B, the public comments and the District’s responses attached hereto and incorporated herein as Exhibit C, considered all evidence presented, including public testimony and written commentary,

and all persons wishing to testify were heard and the matter was fully considered; and

WHEREAS, all actions required to be taken by applicable law relating to the preparation circulation, and review of the IS/MND have been taken; and

WHEREAS, pursuant to California Public Resources Code section 21082.1, the Governing Board has independently reviewed and analyzed the information contained in 1) the IS/MND and 2) the MMRP and the conclusions of the IS/MND and MMRP reflect the independent judgment and analysis of the Board on the potential for environmental impacts from the Project; and

WHEREAS, the Governing Board has reviewed and considered the whole record before it and found that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment.

THEREFORE, BE IT RESOLVED that the Governing Board does hereby resolve, determine, find and order as follows:

1. That the above recitals are all true and correct.
2. The IS/MND for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.
3. The Governing Board hereby certifies that Eureka City Schools is the lead agency for the Project, that the Governing Board, as the governing board of the lead agency, has independently reviewed and considered the whole record before it including the IS/MND and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Governing Board finds that the IS/MND reflects the independent judgment and analysis of the Governing Board.
4. The Governing Board hereby finds there is no substantial evidence in light of the whole record that the Project, as mitigated, may or will have a significant effect on the environment. The IS/MND identified all potentially significant impacts of the Project and described reasonable mitigation measures that will reduce potentially significant impacts to less than significant. These mitigation measures have been incorporated into the Project.
5. A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared to meet the requirements of Public Resources Code section 21081.6. This MMRP is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or reduce to a less-than-significant level the significant effects identified in the IS/MND. The Governing Board hereby adopts the MMRP as set forth in Exhibit B.
6. These actions having been taken and findings having been made, the Governing Board hereby approves, certifies, and adopts the IS/MND for the Project.
7. The Governing Board hereby approves the Project and authorizes and directs staff to implement the Project in a manner consistent with the terms hereof and to file a Notice of Determination as required by CEQA and the CEQA Guidelines.
8. The custodian of the record of proceedings upon which this consideration and adoption of the IS/MND is based is Assistant Superintendent Paul Ziegler and the record is on file and available at 2100 J Street in Eureka, California.

PASSED AND ADOPTED by the Board on May 19, 2022 by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
) SS
COUNTY OF HUMBOLDT)

I, _____, Clerk/Secretary of the Governing Board, do hereby
certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by
said Board at a regularly called and conducted meeting held on said date.

Clerk/Secretary of the Governing Board

ENVIRONMENTAL INITIAL STUDY

INITIAL STUDY CHECKLIST PROPOSED MITIGATED NEGATIVE DECLARATION Eureka City Schools Eureka High School - Albee Stadium Renovation Project

Prepared by:
SHN
1062 G Street, Suite I
Arcata, CA 95521

April 2022

Abbreviations and Acronyms

AB	Assembly Bill	HFC	hydrofluorocarbon
ACM	asbestos-containing materials	HP	High-performance Polypropylene
ADA	Americans with Disabilities Act	HTA	Humboldt Transit Authority
AHERA	Asbestos Hazard Emergency Response Act	HWMA	Humboldt Waste Management Authority
APN	Assessor's Parcel Number	IS	Initial Study
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BMP	best management practices	LBP	Lead-based paint
CAC	Certified Asbestos Consultant	LCSC	Lead-containing surface coatings
CALFIRE	California Department of Fire and Forestry	LID	low impact development
CalOSHA	California Division of Occupational Safety and Health	LRA	Local Responsibility Area
Caltrans	California Department of Transportation	LRHP	Local Register of Historic Places
CAPCOA	California Air Pollution Control Officers Association	LSA	Lake and Streambed Alteration
CARB	California Air Resources Board	LUST	leaking underground storage tank
CBC	California Building Code	MCAQMD	Mendocino County Air Quality Management District
CCE	Community Choice Energy	mi.	miles
CCR	California Code of Regulations	MLD	Most Likely Descendant
CDE	California Department of Education	MMTCO ₂ e	million metric tons of CO ₂ equivalent
CDFW	California Department of Fish & Wildlife	MND	Mitigated Negative Declaration
CEQA	California Environmental Quality Act	MS4	Municipal Separate Storm Sewer System
CFC	chlorofluorocarbon	MTCO ₂ e/yr	metric tons of CO ₂ equivalent per year
cfs	cubic feet per second	N ₂ O	nitrous oxide
CGP	Construction General Permit	NAHC	Native American Heritage Commission
CGS	California Geological Survey	NCAB	North Coast Air Basin
CH ₄	methane	NCRWQCB	North Coast Regional Water Quality Control Board
CO	carbon monoxide	NCUAQMD	North Coast Unified Air Quality Management District
CO ₂	carbon dioxide	NESHAP	National Emissions Standards for Hazardous Air Pollutants
CRHR	California Register of Historical Resources	NO ₂	nitrogen dioxide
CWA	Clean Water Act	NOA	naturally-occurring asbestos
DOC	California Department of Conservation	NOI	Notice of Intent
DOORS	Diesel Off-Road Online Reporting Systems	NO _x	nitrous oxides
DPM	diesel particulate matter	NRCS	National Resource Conservation Service
DPR	Department of Parks and Recreation	NWS	National Weather Service
DSA	Division of the State Architect	OHWM	Ordinary High Water Mark
DTSC	California Department of Toxic Substances Control	OPR	Governor's Office of Planning & Research
DWR	Department of Water Resources	PA	Public Address
ECS	Eureka City Schools	PCB	Polychlorinated biphenyls
ECUSD	Eureka City Unified School District	PE	Physical Education
EHS	Eureka High School	PF	Public Facility
EO	Executive Order	PFC	perfluorocarbon
EPA	Environmental Protection Agency	PG&E	Pacific Gas & Electric
EPD	Eureka Police Department	PM ₁₀	Particulate Matter
ESA	Environmental Site Assessment	ppm	parts per million
ETS	Eureka Transit Service	PRC	Public Resources Code
FEMA	Federal Emergency Management Agency	PVC	poly vinyl chloride
FHSZ	Fire Hazard Severity Zone	QSD	Qualified SWPPP Developer
FIRM	Flood Insurance Rate Map	R1	Residential Low
GHG	greenhouse gas	R2	Residential Medium
H ₂ S	Hydrogen sulfide	R3	Residential High
HBFB	Humboldt Bay Fire		
HBMWD	Humboldt Bay Municipal Water District		

Abbreviations and Acronyms (cont'd)

RCEA	Redwood Coast Energy Authority
ROG	reactive organic gases
ROW	right-of-way
SB	Senate Bill
SBR	Styrene butadiene rubber
sf	square feet
SF6	hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SMAQMD	Sacramento Metropolitan Air Quality Management District
SO2	sulfur dioxide
SR	State Route
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
THPO	Tribal Historic Preservation Officer
US-101	US Highway 101
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Survey
VMT	vehicle miles traveled
VOC	volatile organic compounds
WRA	William Rich & Associates
WWTP	Waste Water Treatment Plant

Eureka City Schools

ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Eureka High School – Albee Stadium Renovation Project
2. **Lead Agency Name and Address:**

Eureka City Schools
2100 J Street
Eureka, California 95501
3. **Contact Person and Phone Number:** Paul Ziegler - Assistant Superintendent, 707-441-2412
4. **Project Location:** The project is located at the Eureka High School (EHS) campus in the City of Eureka, California. The project is located on Assessor's Parcel Numbers (APNs) 005-131-008, 005-132-008, 005-243-003, 005-243-004, 005-246-004, 011-121-001, and 011-131-005, portions of which are currently developed with Albee Stadium, Bud Cloney Field, and various facilities that serve athletic and/or academic functions at EHS. The project is approximately 3 miles east of the Pacific Ocean, at a 90-foot elevation above sea level. The total project area defined by the boundary of the proposed improvements is 9.8 acres. The site is within the U.S. Geological Survey (USGS) Eureka 7.5-minute quadrangle, N.W. ¼, Section 26, Township 5 North, Range 1 West, Humboldt Baseline and Meridian with a center point at latitude 40.7900060° and longitude -124.155321°.
5. **Applicant's Name and Address:**

Eureka City Schools
2100 J Street
Eureka, California 95501
6. **General Plan Designation:** Public Facility (PF)
7. **Zoning:** Public Facility (PF)
8. **Existing Facilities and Use:** The approximately 9.8-acre project site encompasses two distinct areas of the EHS campus, including areas in and around Albee Stadium and Bud Cloney Field. Albee Stadium and Bud Cloney Field are separated by Del Norte Street, which passes through the project site from east to west. Albee Stadium was built in 1925 and Bud Cloney Field was built sometime after 1970. Since their construction, Albee Stadium and Bud Cloney Field have since been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years. The existing facilities are in an aging and deteriorated condition. Cooper Creek (also commonly referred to as Cooper Canyon or Cooper Gulch) flows beneath the project site for a total length of 1,500 feet, entering a 30-inch diameter storm drainpipe south of Albee Stadium and daylighting north of Bud Cloney Field. Critical failure of the Cooper Creek storm drainpipe has resulted in sinkholes, posing a significant health and safety hazard and resulting in closures of portions of the project site.
9. **Description of Project:** The Eureka City Schools (ECS) proposes to rehabilitate the failing storm drain system and improve various athletic facilities in support of existing athletic programs.

Albee Stadium

On the south side of Del Norte Street, the project involves replacement of the existing track and field facilities in Albee Stadium, replacing the existing sod football field with a new synthetic turf football field, renovation of the softball field, including a new backstop and dugouts, new retaining walls, concrete flatwork, relocation of freestanding scoreboards, new chain link fencing, metal iron fencing, construction of Americans with Disabilities Act (ADA) accessible paths of travel, and other improvements throughout the project site. Existing stadium lighting will be replaced with a new stadium lighting system. The existing parking lot will be replaced. New power and signal distribution systems will be extended to new and existing buildings. The existing 30-inch diameter concrete storm drainpipe that conveys Cooper Creek beneath the site will be replaced using open trenching methods with a new 42-inch diameter high-performance polypropylene (HP) storm drainpipe that is sized to pass the 100-year storm flow. Existing storm drain laterals will be removed, or pressure grouted in place. The inlet of the storm drainpipe will be improved with a new concrete headwall and rock energy dissipator. Various auxiliary, utility, and stormwater management improvements are also proposed, including the construction of new storm drain piping and bioretention basins to manage and

treat stormwater runoff. The existing fieldhouse will be demolished and reconstructed and two new structures, including a multi-use building (such as concessions, restrooms, etc.) and athletics building (such as team rooms, restrooms, etc.), will be constructed.

Bud Cloney Field

On the north side of Del Norte Street, the project involves renovation of the baseball field, demolition of the Technology Center Building (also known as the Welding Shop), removal of the Portable Agriculture Classrooms and sheds, construction of a new parking lot, and replacement of the sewer, water, electrical, and gas services for the Woodshop Building, greenhouse, and baseball field. The freestanding scoreboard structure and chain link fencing will be replaced. The project will construct ADA accessible paths of travel throughout the project site. The existing 30-inch diameter concrete storm drainpipe that conveys Cooper Creek beneath the site will be replaced using open trenching methods with a new 42-inch diameter high-performance polypropylene (HP) storm drainpipe that is sized to pass the 100-year storm flow. Existing storm drain laterals will be removed, or pressure grouted in place. The outlet of the storm drainpipe will be improved with a new concrete headwall and rock energy dissipator. Various auxiliary, utility, and stormwater management improvements are also proposed, including the construction of new storm drain piping and bioretention basins to manage and treat stormwater runoff. For further detail of the proposed project, see Section 2.2 of the Project Description.

- 10. Surrounding Land Uses and Setting:** The project site is centrally located in the City of Eureka. Surrounding land uses include residential development within Low Density Residential (R1), Residential Medium (R2), and Residential High (R3) zoning districts (City of Eureka, 2020a, 2020b). The remnant conifer forested slopes surrounding the project site create varying degrees of separation between the project site and surrounding residential development.

The project site occurs on two distinct areas of the EHS campus, including areas in and around Albee Stadium and Bud Cloney Field. Albee Stadium is bordered by Del Norte Street to the north, and by forested slopes to the east, south, and west. The forested slopes create varying amounts of separation between Albee Stadium and the EHS main campus to the west, and nearby residential development to east and south.

Bud Cloney Field is bordered by Del Norte Street to the south, and by forested slopes to the north, east, and west. Apart from several residences located along Del Norte Street, the forested slopes create separation between Bud Cloney Field and nearby residential development to the east and west. To the north of Bud Cloney Field, Cooper Creek and the surrounding forested slopes form a small, northward-sloping urban forest with extensive wetlands.

- 11. Other public agencies whose approval is required (for example, permits, financing approval, or participation agreement):** ECS as Lead Agency for the proposed project has discretionary authority over the primary project proposal. To implement this project, the applicant may need to obtain, at a minimum, the following discretionary permits/approvals from other agencies:

- Division of the State Architect
- California Department of Fish and Wildlife – Lake and Streambed Alteration (LSA) Agreement
- U.S. Army Corps of Engineers – Section 404 Water Quality Permit
- North Coast Regional Water Quality Control Board – Section 401 Water Quality Certification
- North Coast Regional Water Quality Control Board – Construction General Permit

- 12. Tribal Consultation:** ECS requested a list of regional tribes from the Native American Heritage Commission (NAHC). Registered Professional Archaeologist, William Rich, M.A. invited the Wiyot area tribes to coordinate on field survey and archaeological identification efforts at this project location. This outreach was provided by an emailed letter on September 4, 2020 to Tribal Historic Preservation Officers (THPO) Janet Eidsness of the Blue Lake Rancheria, Erika Cooper of the Bear River Band of the Rohnerville Rancheria, and Chairman Ted Hernandez of the Wiyot Tribe. Under Assembly Bill (AB) 52, Eureka City Schools sent notification letters to local Native American tribes on October 19, October 21, and November 5, 2020. Responses were received from the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria requesting that an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation (ECS, 2020a). The requested language is included as Mitigation Measure CR-3 (see Cultural Resources [Section V] and Tribal Cultural Resources [Section XVIII]).

- 13. Purpose of this Document:** This document only seeks to analyze the environmental impacts of the construction and operation of the proposed Eureka High School – Albee Stadium Renovation Project and associated expansions (for example, driveway/entrance, parking, drainage, infrastructure, landscaping, etc.).

SECTION 1.0 INTRODUCTION

1.1 Introduction and Regulatory Guidance

This document is an Initial Study (IS) that summarizes the technical studies prepared for the proposed ECS Albee Stadium Renovation Project and provides justification for a Mitigated Negative Declaration (MND). This document has been prepared in accordance with the current California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA Guidelines. The purpose of this document is to evaluate the potential environmental impacts of the proposed Albee Stadium Renovation Project along Del Norte Street in the City of Eureka. Mitigation measures have been proposed to avoid or minimize any significant impacts that were identified.

1.2 Lead Agency

The Lead Agency is the public agency with primary responsibility for implementing a proposed project. Accordingly, ECS is the CEQA Lead Agency.

1.3 Purpose of the Initial Study

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects. A CEQA IS is a public document used by the decision-making lead agency to determine whether a project may have a significant impact on the environment. If the agency finds that the proposed project may have a significant impact on the environment, but that these impacts will be reduced to a less-than-significant level through revisions to the project and/or implementation of specific mitigation measures, an MND shall be prepared.

This IS/MND is a public information document that describes the proposed project, existing environmental setting at the project site, and potential environmental impacts of construction and operation of the proposed project. It is intended to inform the public and decision-makers of the proposed project's potential environmental impacts and to document the lead agency's compliance with CEQA and the State CEQA Guidelines.

1.4 Review Process

This IS/MND is being circulated for public and agency review as required by CEQA. Because state agencies will act as responsible or trustee agencies, ECS will circulate the IS/MND to the State Clearinghouse of the Governor's Office of Planning and Research for distribution and a 30-day review period.

During the review period, written comments may be submitted to:

Paul Ziegler, Assistant Superintendent
Business Services
Eureka City Schools
2100 J Street, Eureka, CA 95501
zieglerp@eurekacityschools.org

SECTION 2.0

PROJECT DESCRIPTION

2.1 Project Location and Setting

Regional Setting

The project site is in the City of Eureka, a coastal city located in central Humboldt County in California's North Coast region. The city contains approximately 16.4 square miles (10,477 acres) of land and water area. Eureka serves as the political seat for the County and is located approximately 275 miles north of San Francisco and 100 miles south of the Oregon border. The U.S. Highway 101 (U.S.-101) is the only major highway connecting Eureka to other destinations in California. Eureka is situated on Humboldt Bay, which holds an important port between San Francisco and Coos Bay, Oregon, and has an extensive urban waterfront devoted to commercial and industrial uses. The climate in Eureka is categorized as cool-summer Mediterranean with mild and rainy winters and cool and dry summers. The region is subject to various natural hazards, including earthquakes, tsunamis, and flooding.

Project Location

The project is centrally located in the City of Eureka. Eureka High School (EHS) located at 1915 J Street, Eureka, occupies the entire block bounded by J and N Streets to the west and east, by Buhne Street to the south, and by Cooper Gulch to the north (Figure 1). The proposed project is on a portion of the EHS campus, on portions of APNs 005-131-008, 005-132-008, 005-243-003, 005-243-004, 005-246-004, 011-121-001, and 011-131-005 (Figure 2). The project site is located adjacent to the EHS main campus and includes areas on the north and south side of Del Norte Street. For the purpose of this analysis, the area to the north of Del Norte Street is described as Bud Cloney Field and the area south of Del Norte Street is described as Albee Stadium. As described in greater detail in Section 2.2 (Existing Condition), the project site contains various facilities that serve athletic and/or academic functions at EHS, including the Field House, Portable Agriculture Classrooms, Wood Shop, and Technology Center Building (also known as the Welding Shop). The site is within the U.S. Geological Survey (USGS) Eureka 7.5-minute quadrangle, N.W. ¼, Section 26, Township 5 North, Range 1 West, Humboldt Baseline and Meridian with a center point at latitude 40.7900060° and longitude -124.155321°.

Surrounding Land Uses and Existing Setting

The project site occurs on two distinct areas of the EHS campus, including areas in and around Albee Stadium and Bud Cloney Field. Albee Stadium is bordered by Del Norte Street and Bud Cloney Field to the north and by forested slopes to the east, south, and west. The remnant conifer forested slopes create varying amounts of separation between Albee Stadium and the EHS main campus to the west, and nearby low-density residential development to east and south.

Bud Cloney Field is bordered by Del Norte Street and Albee Stadium to the south, and by forested slopes to the north, east, and west. Apart from several residences located along Del Norte Street, the remnant conifer forested slopes create separation between Bud Cloney Field and nearby low- and medium-density residential development to the east and west. To the north of Bud Cloney Field, Cooper Creek and the surrounding forested slopes form a small, northward-sloping urban forest containing extensive wetlands.

EHS serves grades 9 – 12 and has approximately 1,138 students currently enrolled (California Department of Education [CDE], 2019).

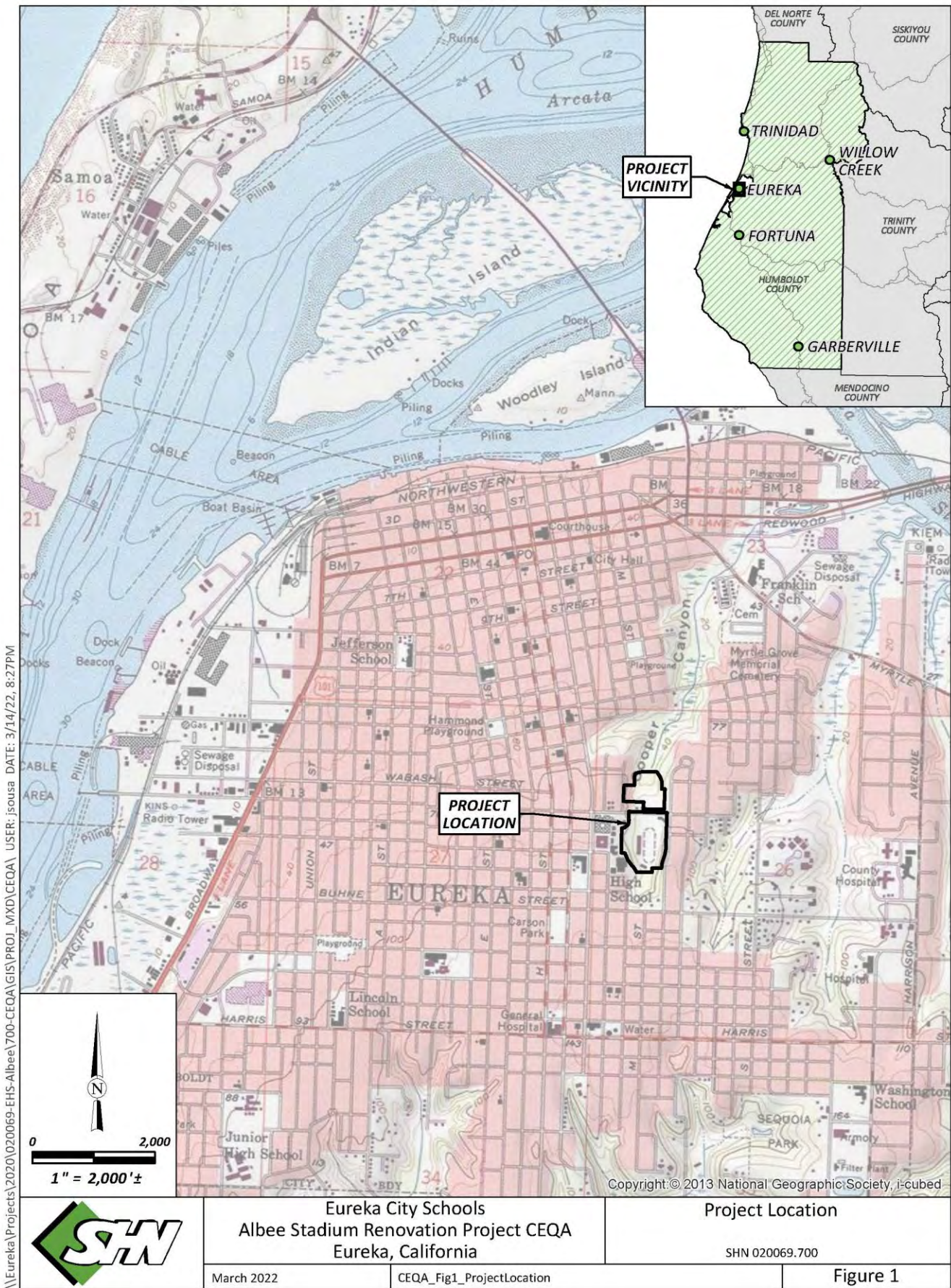
2.2 Existing Conditions

Existing development associated with the project site includes the following (Figure 3):

- **Albee Stadium**
 - Natural turf football field
 - 8-lane running track
 - Spectator bleachers (total capacity 5,200 persons)
 - Natural turf softball field including dugouts
 - Stadium lighting (total of 6 lighting structures)

- Scoreboard
- Press box
- Field house
- Power building
- Pedestrian pathways and access roads
- Standard and ADA parking stalls
- Perimeter fencing and entrance gates
- Retaining walls at various locations
- Miscellaneous Storage Units/Shipping Containers
- **Bud Cloney Field**
 - Technology Center Building (also known as the Welding Shop)
 - Wood Shop
 - Portable Agriculture classrooms
 - Natural turf baseball field including dugouts and batting cages
 - Temporary seating and mobile bleachers
 - Pedestrian pathways and access road
 - Standard and ADA parking stalls
 - Perimeter fencing and entrance gates
 - Interior fencing and entrance gates

Albee Stadium was built in 1925 and Bud Cloney Field was built sometime between 1970 and 1981 (Figures 4 through 7). Since their construction, Albee Stadium and Bud Cloney Field have since been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years (WRA, 2020). Athletic facilities at the project site are in an aging and deteriorated condition. Furthermore, portions of the project site have become compromised as the result of the critical failure of the underlying storm drain system. Several dangerous sinkholes have developed, resulting in temporary closures to portions of the project site. Additional sinkholes can develop with no warning, which has created an imminent health and safety risk to students, teachers, staff, and visitors to the project site. The primary cause of the sinkholes is the failing storm drain system located up to approximately 14 feet beneath the ground surface. Existing athletic surfaces have become compromised by the failing storm drain system, as well as from historic use and deterioration.



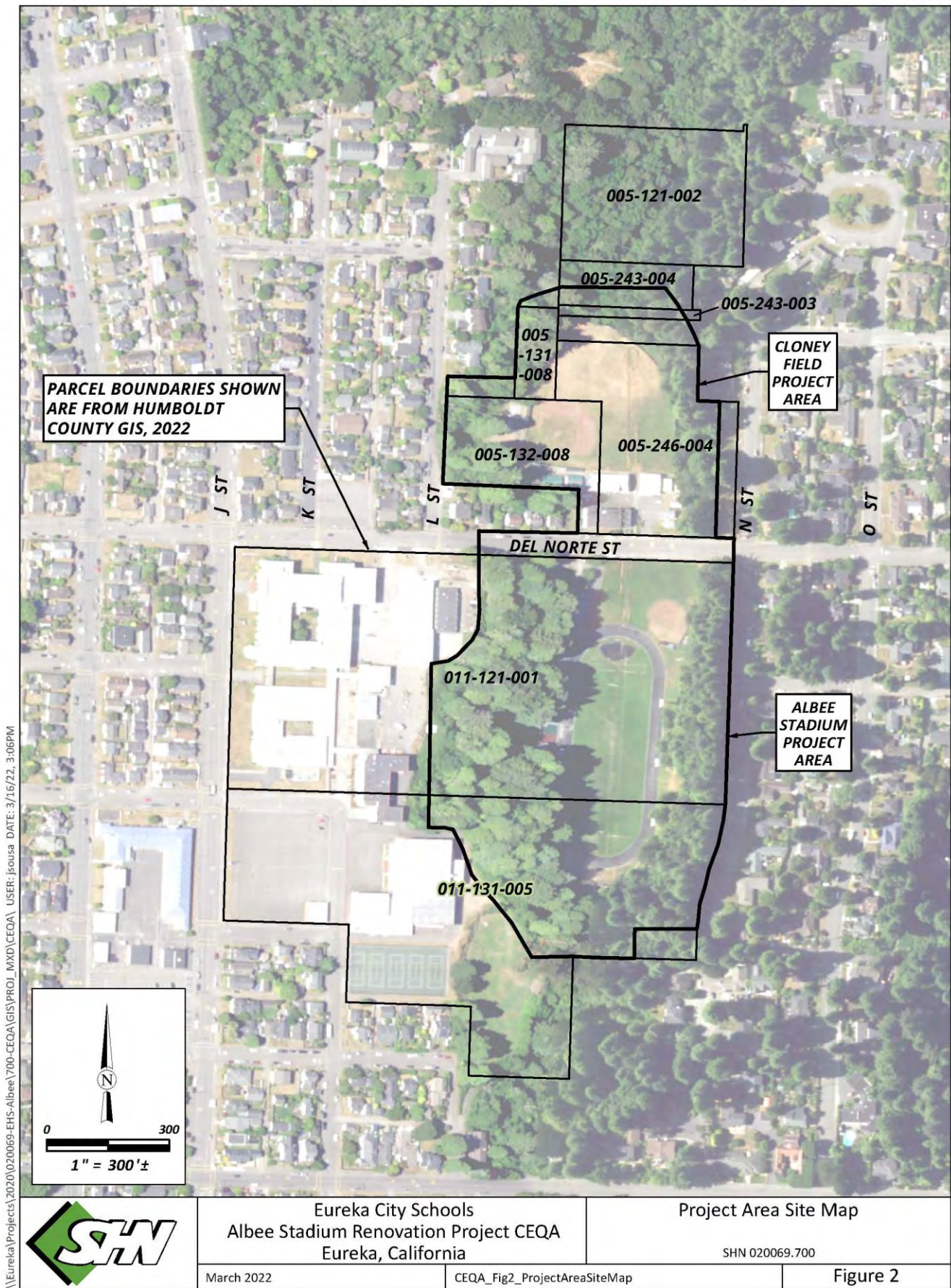




Figure 4. Aerial Photo of Albee Stadium (1946)



Figure 5. Aerial Photo of Albee Stadium (1946)



Figure 6. Aerial Photo of Project Site and Project Vicinity (1946)



Figure 7. Athletic Event at Albee Stadium (Unknown Date)



Facility Operation

The athletic facilities of Albee Stadium (Figures 8 and 9) and Bud Cloney Field (Figures 10 and 11) host EHS sports practices and games during the fall, spring, and summer seasons. Events take place on weekdays and/or weekends. Events at Albee Stadium occur during daylight and nighttime hours, whereas events at Bud Cloney Field only occur during daylight hours. The project site is also host to EHS physical education (PE) classes during normal school hours. Uses related to EHS athletic programs held at the project site are shown in Table 1.

Table 1. Existing EHS Athletic Uses at the Project Site

Facility Use		Typical Location	Last Used
EHS Track and Field	Co-Ed Practice	Albee Stadium	May, 2015
	Co-Ed Meets		
EHS Softball	Women's JV and Varsity Practice	Albee Stadium	May, 2019
	Women's JV and Varsity Games		
EHS Baseball	Men's JV and Varsity Practice	Bud Cloney Field	October, 2019
	Men's JV and Varsity Games		
EHS Football	Men's JV and Varsity Practice	Albee Stadium	November, 2019
	Men's JV and Varsity Games		
EHS Soccer	Women's JV and Varsity Practice	Albee Stadium	November, 2019
	Women's JV and Varsity Games		
	Men's JV and Varsity Practice		
	Men's JV and Varsity Games		
EHS PE	Co-Ed Classes and Activities	Albee Stadium	November, 2019

Figure 8. Albee Stadium (Looking Northeast)



Figure 9. Albee Stadium (Looking Southeast)



Figure 10. Bud Cloney Field (Looking Northwest)



Figure 11. Bud Cloney Field (Looking South)



ECS also has contracted with several community organizations to host events unaffiliated with EHS athletic or academic programs. These events include club practices and games, middle school/elementary school practices and games, and benefit fundraisers. Public access to the project site for individual community members is available on a contractual basis with EHS.

Table 2. Existing Non-Athletic Uses at the Project Site

Facility Use	Typical Location	Last Used
EHS Graduation	Albee Stadium	June, 2019
Community Events	Albee Stadium	July, 2019
Emergency Assemblage	Albee Stadium	November, 2019
Public Access	Albee Stadium	November, 2019

Over the last several years, the aging and deteriorated condition of the project site has led to a steady decline in EHS affiliated and nonaffiliated events. Moreover, due to the onset of the COVID-19 pandemic in spring 2020, in-person academic and athletic gatherings at EHS have been discontinued at times. As a result, all uses typically held at the project site were temporarily ceased. The most recent date(s) of typical operation and use of the facility is shown in Tables 1 and 2. Because of the relatively recent interruption of use of the facilities due to the storm drainage failures and COVID-19, the CEQA baseline is defined as the normal operation of the subject facilities (such as 2015).

Facility Lighting

Exterior lighting associated with the project site includes stadium lighting, pedestrian-scale lighting, and parking lot lighting. Stadium lighting is mounted to six poles, three occurring on either side of the football field and running track (Figures 12 and 13). Additional sources of outdoor lighting at Albee Stadium include pedestrian-scale lighting located on the exterior of existing structures. Sources of outdoor lighting at Bud Cloney Field include parking lot lighting and pedestrian-scale lighting located on the exterior of existing structures. Use of the site primarily occurs on weekdays and/or weekends during daylight hours; however, stadium lighting at Albee Stadium provides illumination of the football field and running track after dusk, thereby allowing use of the site to occur after daylight hours.

Figure 12. Albee Stadium Lighting (West)



Figure 13. Albee Stadium Lighting (East)



Traffic and Circulation

Albee Stadium is separated from Bud Cloney Field by Del Norte Street, which runs east to west between the two sites (Figures 14 and 15). Del Norte Street has paved pedestrian walkways along the southern and northern edges of the roadway. Street parking is available at several locations along Del Norte Street. A pedestrian cross walk is located midway along Del Norte Street between L and N Streets, providing connection between Albee Stadium and Bud Cloney Field. Del Norte Street contains no bicycle lanes on either side.

Figure 14. Del Norte Street (Looking West)



Figure 15. Del Norte Street (Looking East)



Primary access to Albee Stadium is provided by a paved drive aisle and pedestrian path accessed from the southern edge of Del Norte Street. Existing fencing surrounding Albee Stadium limits access to the site outside of normal school hours and athletic events. Secondary access is provided by additional pathways and drive aisles from the EHS main campus to Albee Stadium located along the western slopes. Entrance gates are located at access points along the perimeter of Albee Stadium.

Access to Bud Cloney Field is provided by a paved drive aisle and pedestrian path accessed from the northern edge of Del Norte Street. Existing fencing surrounding Bud Cloney Field limits access to the site outside of normal school hours and athletic events. An entrance gate is located near the drive aisle from Del Norte Street.

Wetlands and Drainage Features

The project site is on historically placed loamy fill and native soil materials within the valley forming Cooper Creek. The project site was filled to the existing grade and installed with an extensive drainage system during the original buildout of Albee Stadium and Bud Cloney Field. Cooper Creek flows beneath the project site for a total length of 1,500 feet, entering a 30-inch diameter concrete storm drainpipe south of Albee Stadium (Figure 16) and daylighting north of Bud Cloney Field. Cooper Creek continues north for approximately 1.3 miles before draining into Eureka Slough and Humboldt Bay. As previously mentioned, the storm drain conveying Cooper Creek beneath the project site has become severely compromised, resulting in several dangerous sinkholes and the temporary closures to portions of the project site.

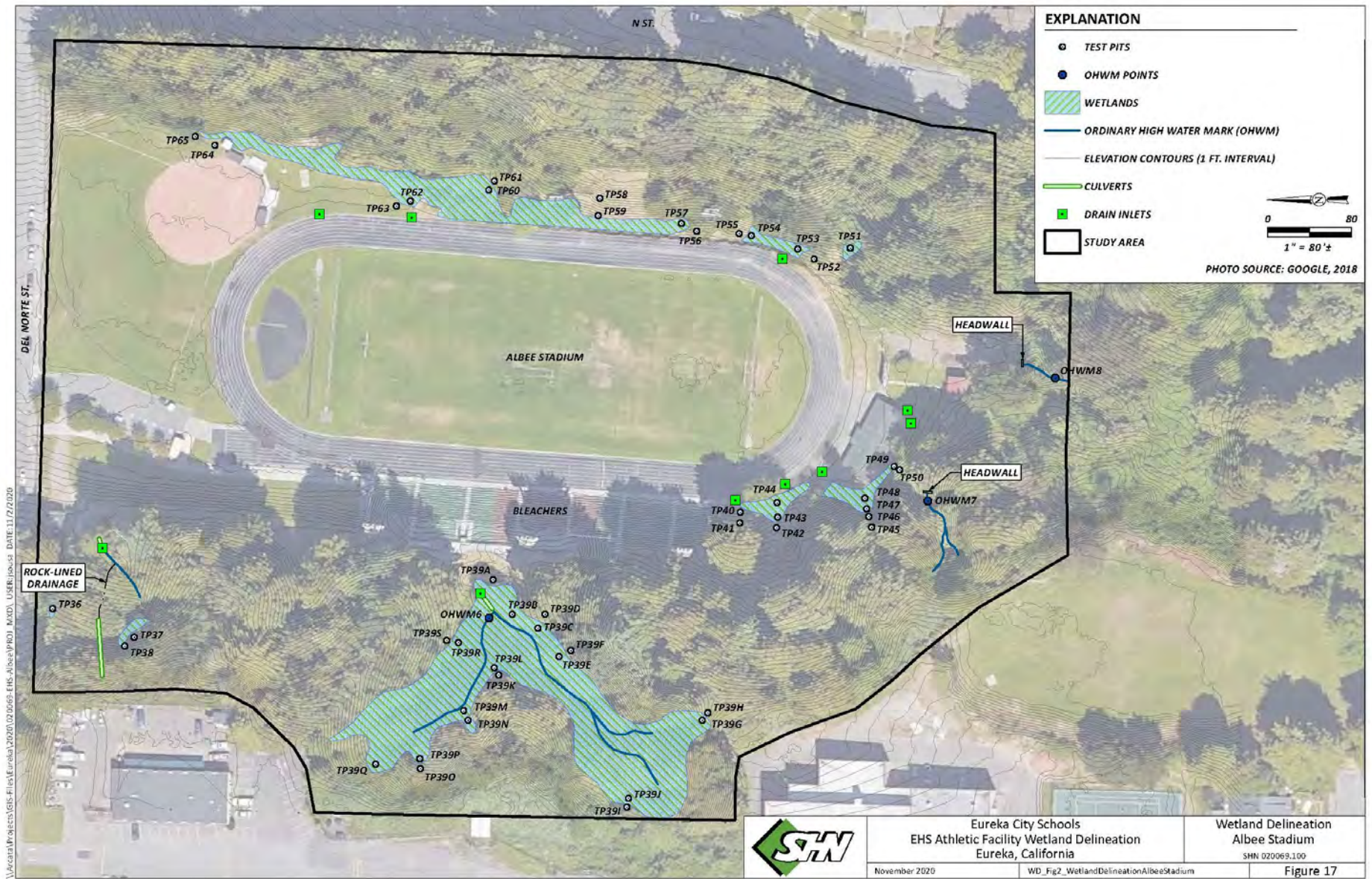
The steep slopes surrounding Albee Stadium and Bud Cloney Field are dominated by remnant conifer forests. Small channels drain the steep slopes surrounding the project site. Wetland Delineations performed between August 19, 2020 and September 24, 2020 evaluated approximately 21.2 acres of the project site and lands occurring immediately adjacent to the project site. Freshwater forested/shrub wetlands occur intermittently in areas along the margins of the existing athletic fields. These wetlands are classified as Palustrine Forested Broad-leaved Deciduous Seasonally Flooded. Figures 17 and 18 indicate the jurisdictional wetland boundaries and ordinary high-water mark (OHWM) transects within the project site and surrounding slopes (SHN, 2020b).

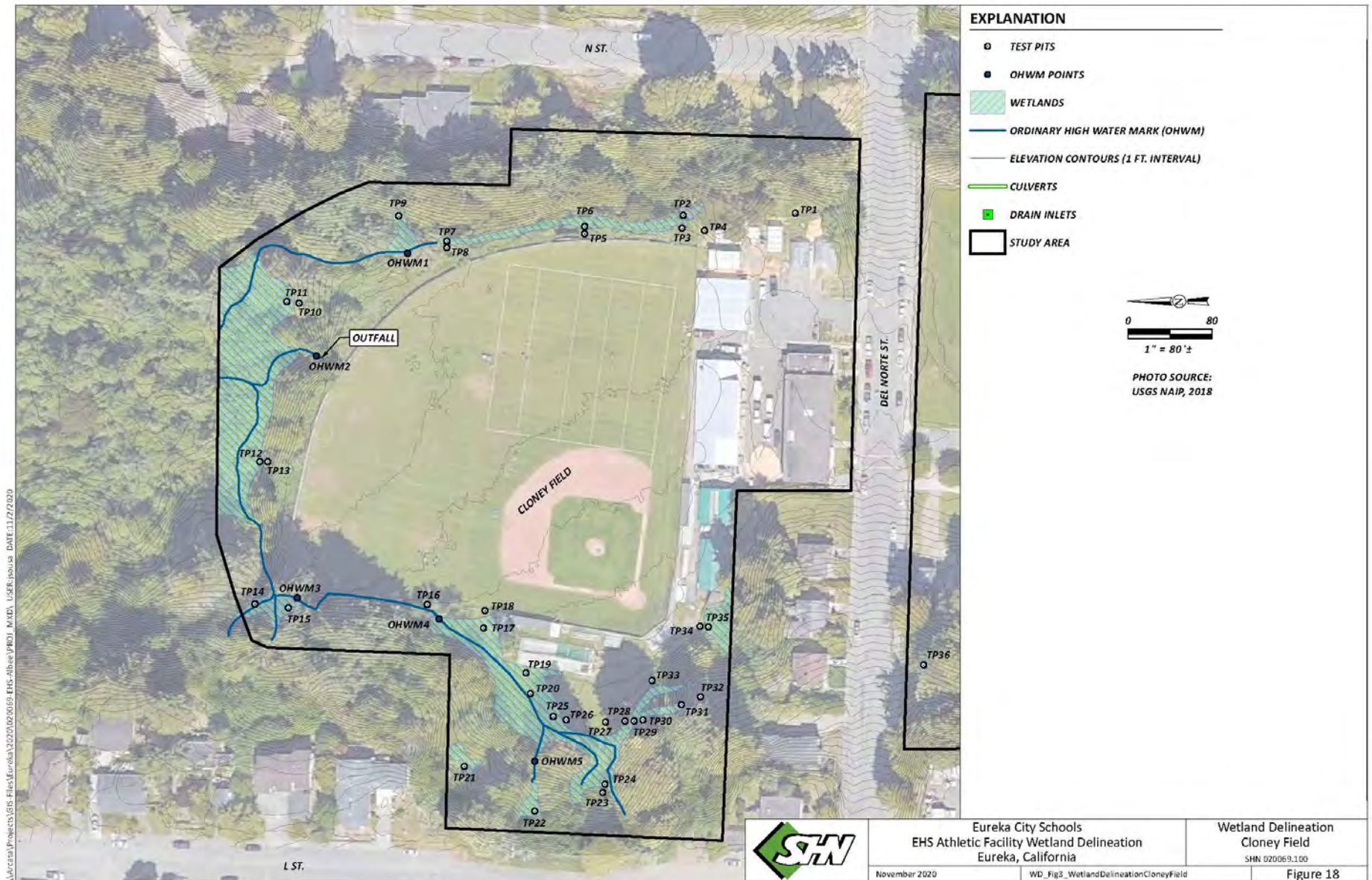
The total project area defined by the boundary of the proposed improvements is 9.8 acres, consisting of a pre-project impervious surface area of approximately 2.99 acres and a pre-project pervious surface area of approximately 6.81 acres.

Irrigation of the existing natural turf athletic fields typically occurs in the dry season. Irrigation of the athletic fields is generally performed three days per week with 20-minute rotating increments. Water is supplied through existing connections to the City of Eureka public water system.

Figure 16. Cooper Creek Storm Drain Inlet and Headwall







2.3 Proposed Project

As previously discussed, existing facilities at the project site are in an aging and deteriorated condition, in particular the failing drainage system and athletic surfaces. The proposed project will rehabilitate the failing storm drain system and renovate various athletic and educational facilities at Albee Stadium and Bud Cloney Field in support of existing athletic and educational programs (Figures 19-21). The proposed project would be constructed with funding from Measure T, which was passed on March 3, 2020. Although the proposed project is located within the City of Eureka, the project site is located on ECS property under the authority of ECS and the State of California. Public school districts, such as ECS, retain the authority to overrule local zoning and general plan land-use designations if specified procedures are followed pursuant to Government Code sections 53094, 65402(a), and 65403 and Public Resources Code Section 21151.2. Accordingly, ECS adopted Resolution #20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements (ECS, 2020b). The design of the proposed project will be required to comply with the requirements of the Division of the State Architect (DSA), ECS, and other State entities.

Albee Stadium

On the south side of Del Norte Street, the project involves replacement of the existing track and field facilities in Albee Stadium, replacing the existing sod football field with a new synthetic turf football field, renovation of the softball field, including a new backstop and dugouts, new retaining walls, concrete flatwork, relocation of freestanding scoreboards, new chain link fencing, metal iron fencing, construction of ADA accessible paths of travel and other improvements throughout the project site (Figures 19 and 20). Existing stadium lighting will be replaced with a new stadium lighting system. The existing parking lot will be replaced. New power and signal distribution systems will be extended to new and existing buildings. The existing 30-inch diameter concrete storm drainpipe that conveys Cooper Creek beneath the site will be replaced using open trenching methods with a new 42-inch diameter high-performance polypropylene (HP) storm drainpipe that is sized to pass the 100-year storm flow. Existing storm drain laterals will be removed, or pressure grouted in place. The inlet of the storm drainpipe will be improved with a new concrete headwall and rock energy dissipator. Various auxiliary, utility, and stormwater management improvements are also proposed, including the construction of new storm drain piping and bioretention basins to manage and treat stormwater runoff. The existing fieldhouse will be demolished and reconstructed and two new structures, including a multi-use building (such as concessions, restrooms, etc.) and athletics building (such as team rooms, restrooms, etc.), will be constructed. The press box will be renovated, and a vertical lift will be added on the west side of the press box to provide an accessible path of travel. The bleachers will be improved for accessibility.

Bud Cloney Field

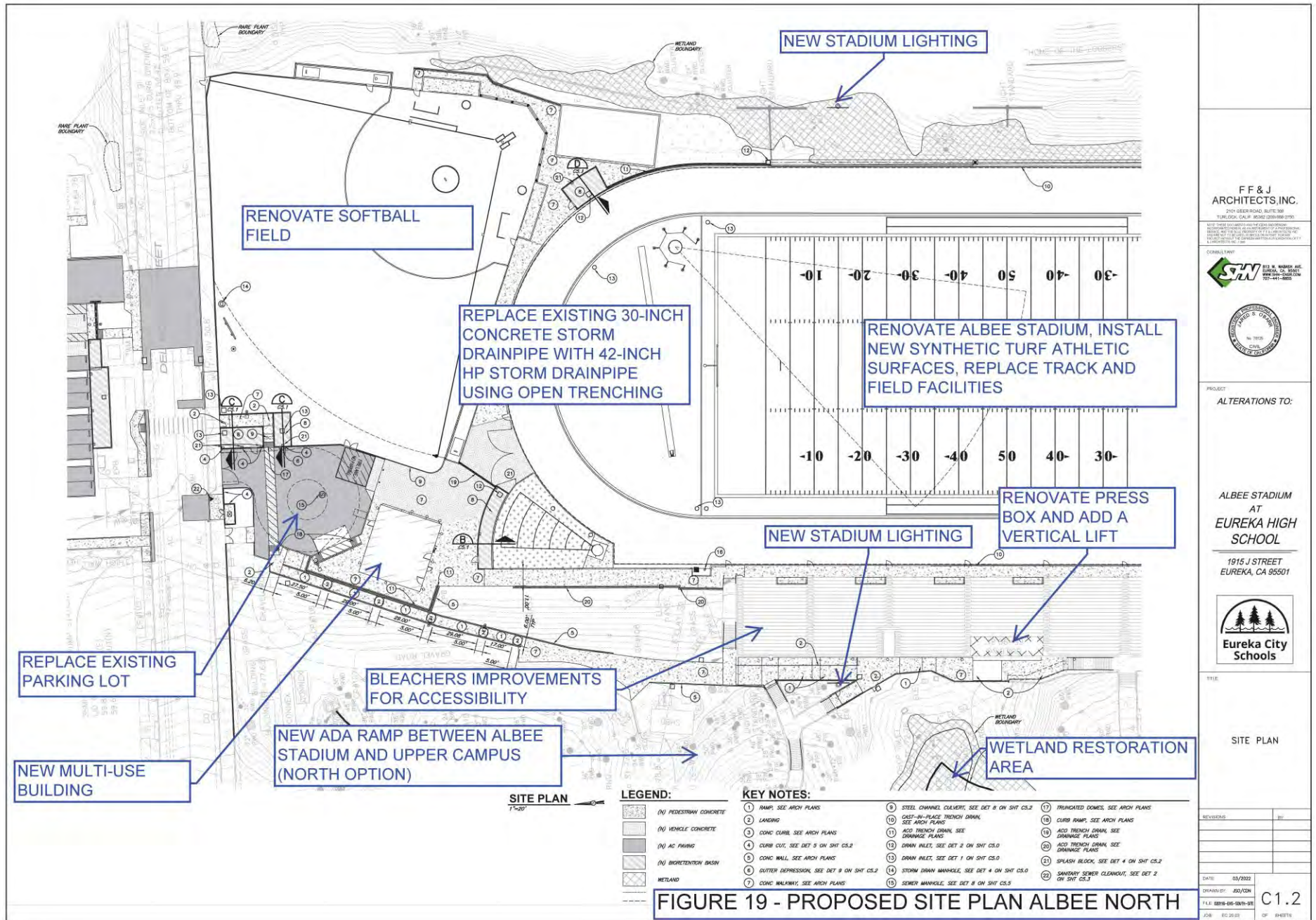
On the north side of Del Norte Street, the project involves renovation of the baseball field, demolition of the Technology Center Building (also known as the Welding Shop), removal of the Portable Agriculture Classrooms and sheds, construction of a new parking lot, and replacement of the sewer, water, electrical, and gas services for the Woodshop Building, greenhouse, and baseball field (Figure 21). The freestanding scoreboard structure and chain link fencing will be replaced. The project will construct ADA accessible paths of travel throughout the project site. The existing 30-inch diameter concrete storm drainpipe that conveys Cooper Creek beneath the site will be replaced using open trenching methods with a new 42-inch diameter high-performance polypropylene (HP) storm drainpipe that is sized to pass the 100-year storm flow. Existing storm drain laterals will be removed, or pressure grouted in place. The outlet of the storm drainpipe will be improved with a new concrete headwall and rock energy dissipator. Various auxiliary, utility, and stormwater management improvements are also proposed, including the construction of new storm drain piping and bioretention basins to manage and treat stormwater runoff.

As described above, the proposed project will replace existing natural turf athletic surfaces at Albee Stadium and Bud Cloney Field with synthetic turf athletic surfaces. The proposed synthetic turf surfaces will utilize virgin materials that have been tested to pass both California and US environmental regulations in terms of chemical and heavy metal tolerances. The proposed turf product would utilize a permeable backing, lead free fibers, and granular infill that will consist of specifically graded sand and a non-styrene butadiene rubber (SBR) infill material (such as, olive pits).

Facility Construction

The total project area defined by the boundary of proposed improvements is 9.8 acres. Construction activities are estimated to last approximately 18 to 24 months, potentially beginning in fall 2022. Construction of the proposed project includes the following activities:

- Mobilization
- Site demolition
- Building demolition
- Underground work



F F & J
ARCHITECTS, INC.

2101 DEER ROAD, SUITE 100
FOLSOM, CA 95630

NOTE: THESE DOCUMENTS ARE PRELIMINARY AND NOT FOR CONSTRUCTION. ANY CHANGES TO THE DESIGN SHALL BE MADE BY THE ARCHITECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



PROJECT
ALTERATIONS TO:

ALBEE STADIUM
AT
EUREKA HIGH SCHOOL

1915 J STREET
EUREKA, CA 95501



TITLE

SITE PLAN

REVISIONS

DATE: 03/20/22

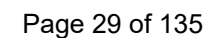
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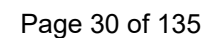
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DATE: 03/20/22

C1.2





- Sub-surface improvements
- Surface improvements
- Retaining walls
- Construction of new buildings
- Alterations to existing structures
- Demobilization

Construction staging will occur onsite and at the EHS main campus within existing developed areas. Construction access would be provided from Del Norte Street. A traffic control plan would be required for the project prior to the start of construction; such plans are typically required to specify access routes, speed limits, flagging, etc. Construction equipment and machinery would include bulldozers, excavators, backhoes, tractors, scrapers, graders, drill rigs, horizontal boring equipment, trenchers, skip loaders, skid steer loaders, dump trucks, bottom dump trailers, compactors, tandem vibratory rollers, pavers, concrete trucks, concrete pumps, concrete finishing equipment, forklifts, boom lifts, cranes, pneumatic rollers, water trucks, street sweepers, pickup trucks, cold planers, winches and pullers, generators, air compressors, air powered construction tools, power saws, hand tools, and other standard construction vehicles and equipment. The proposed project would incorporate best management practices (BMPs) during construction to minimize stormwater runoff in compliance with the State Water Resources Control Board's (SWRCB's) Construction General Permit (CGP).

Facility Operation

Following construction, facility operations will return to normal. Consistent with the CEQA baseline discussed in Section 2.2, Albee Stadium and Bud Cloney Field will continue to host EHS practice and games during the fall, spring, and summer seasons. Events will continue to take place on weekdays and/or weekends. Events at Albee Stadium will continue to occur during daylight and nighttime hours and events at Bud Cloney Field will continue to occur during daylight hours. The two athletic facilities will continue to host EHS physical education classes during normal school hours. ECS may also continue to contract with several community organizations or institutions to host events unaffiliated with EHS athletic or academic programs. Much like the existing use of the site, events may include club practices and games, middle school/elementary school practices and games, and benefit fundraisers. Use of the site by individual community members will continue to be available on a contractual basis. The proposed project would not increase the student capacity at EHS and would not involve any temporary relocation of students during construction activities. In summary, operation of the site will continue as it was upon completion of the proposed project.

Stormwater Drainage

The proposed project will replace 2.21 acres of impervious surface and will create approximately 0.58 acres of new impervious surface, resulting in a total of approximately 2.79 acres of created or replaced impervious surface. As the proposed project is located on Eureka City Unified School District (ECUSD) property under the authority of the State of California, the proposed project is exempt from local development requirements, including Municipal Separate Storm Sewer System (MS4) requirements that are implemented by the City of Eureka. However, the proposed stormwater system is being designed to comply with the requirements of the City of Eureka's MS4 permit and the Humboldt Low Impact Development Stormwater Manual to the greatest extent feasible. To meet these requirements, the proposed project incorporates various site design measures and low impact development (LID) features such as bio-retention basins. In addition, the project proposes to enhance the overall drainage condition of the site by redesigning the existing drainage system underlying the athletic fields. This will include the following drainage improvements: 1) raising the finished grade of the athletic fields by approximately one foot; 2) installing a rock/drain layer beneath the football/soccer field within the track and beneath the outfield of the baseball field; and 3) installing a sand channel drainage system at the surface of the football/soccer field and the outfield of the baseball field. These stormwater and drainage improvements will capture runoff from impervious surfaces and sources of stormwater runoff in order to improve drainage on the athletic playing fields, reduce impacts to water quality, and ensure the peak discharge for the 2-year, 24-hour storm will be lower under the post-project condition than it is under the pre-project condition.

Facility Lighting

Exterior lighting associated with the proposed project includes stadium lighting, emergency lighting, pedestrian-scale lighting, and parking lot lighting. The proposed project will replace and reconfigure the existing stadium lighting system at Albee Stadium. Stadium lighting will be mounted on four poles, two on each side of the football field. Emergency lighting will be added from bleachers and buildings to stadium exits or safe dispersal area(s) in the case of power outages or other emergencies. Parking lot lighting will be developed at the expanded parking lot at Bud Cloney Field.

Proposed lighting fixtures would be designed to minimize light spillover onto adjacent properties and streets as well as upward into the night sky. All project lighting would be directed to onsite facilities. Upon completion of the proposed project, EHS events will continue to primarily occur on weekdays and/or weekends during daylight hours, with select events occasionally occurring at Albee Stadium after dusk. Use of the project site will be consistent with the existing use and baseline condition.

Traffic and Circulation

As indicated in Figures 19 through 21 (Proposed Site Plans), the project site will continue to be accessible by Del Norte Street. The proposed project will improve and/or introduce access and parking features in compliance with the requirements of the DSA.

Primary access to Albee Stadium will continue to be provided by a paved drive aisle and pedestrian path accessed from the southern edge of Del Norte Street. Vehicle parking at Albee Stadium will be provided by a slightly expanded parking lot with both ADA and standard parking stalls. Fencing surrounding Albee Stadium will continue to limit access to the site outside of normal school hours and athletic events. Secondary access will continue to be provided by improved pathways and drive aisles from the EHS main campus to Albee Stadium located along the western slopes. Additional paved pedestrian pathways will connect high use areas, such as the parking lot, spectator seating areas, athletic facilities, and proposed structures (e.g. restrooms, snack bar, and team rooms) consistent with ADA requirements. One of two potential ADA-compliant ramp options may also be constructed between the Eureka High main campus and Albee Stadium. The bleachers will be improved for accessibility (Figures 19 and 20).

Access to Bud Cloney Field will be provided by a paved drive aisle and pedestrian path accessed from the northern edge of Del Norte Street. Vehicle parking at Bud Cloney Field will be provided by an expanded parking lot with both ADA and standard parking stalls. Fencing surrounding Bud Cloney Field will continue to limit access to the site outside of normal school hours and athletic events. Paved pedestrian pathways will be constructed from the proposed parking lot to spectator seating areas.

The project facilities will continue to be used by EHS instructors and students who will continue to access the project site by way of the various pedestrian paths that provide access from the EHS main campus.

Wetland, Small Fruit Bulrush Marsh, and Riparian Mitigation

The proposed project is being designed to avoid and minimize impacts to wetlands and other jurisdictional waters to the extent feasible. However, due to the constrained nature of the site and the close proximity of wetlands and OHWMs to the existing athletic and academic facilities that are to be renovated/replaced, a minor amount of wetland fill is anticipated. Approximately 980 sf of wetland is to be temporarily impacted and approximately 1,504 sf is to be permanently filled/removed during construction. Approximately 75 linear feet of OHWM is to be temporarily impacted through the placement of rock slope protection at the inlet and outlet of the main storm drainpipe. The project includes the preparation and implementation of a plan to mitigate and compensate for fill/removal of wetlands and other jurisdictional waters that cannot be avoided during construction. The proposed location for onsite wetland mitigation (creation) would be along the west side of Bud Cloney Field where there is sufficient area to create wetland mitigation at up to a 3:1 ratio for permanent wetland fill impacts. If necessary, there is adequate area for additional wetland mitigation in the form of wetland restoration to the west of the Albee Stadium bleachers (see Section IV – Biological Resources).

The project has been designed to avoid and minimize impacts to small fruit bulrush marsh (a special-status plant community) to the extent feasible, but due to the constrained nature of the site and the close proximity of small fruit bulrush marsh to the existing facilities, minor impacts (fill/removal) are proposed to the west of Bud Cloney Field and at the southwest corner of Albee Stadium. Approximately 488 sf of small fruit bulrush marsh is proposed to be removed. The project includes the preparation and implementation of a plan to mitigate and compensate for removal of small fruit bulrush marsh that cannot be avoided during construction. Because small fruit bulrush marsh is a wetland-dependent vegetation community, the proposed location for onsite small fruit bulrush marsh mitigation would be adjacent to the existing population along the west side of Bud Cloney Field in an area also proposed for compensatory wetland mitigation (see Section IV – Biological Resources). There is adequate room in that location to mitigate impacts to bulrush marsh at a 3:1 ratio.

The project also includes in-place restoration of approximately 6,662 sf of riparian areas temporarily impacted by construction at the intake and outfall of the main stormwater pipe that conveys Cooper Creek beneath the project site.

Existing Building Removal and Reconstruction

At Albee Stadium, the fieldhouse will be demolished and reconstructed in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties – Reconstruction. Specifically, the following design elements will be incorporated into the reconstruction of the Field House:

1. The roof material will be Composition Luxury grade shingles with a profile which emulates wood shakes in color, texture, and style.

2. Glazing which has been removed or replaced over the years will be replaced with original glazing from the current Jay Willard Gymnasium on the project campus.
3. The horizontal wood elements of the window frames, louvers at the gable ends, and the horizontal wood trim board will be retained. The materials used to replace the existing ship lap siding and plaster will match the scale, texture, and design of the original surface materials. Other wood trim materials found to be in good condition will be restored.
4. The new accessible walkway will run behind the building on its south side, which avoids needing to have a ramping condition around the Field House. New steps will be added on the east and west sides of the building to allow access up to the building from the new finish surface elevations on the north side of the building.
5. The original fenestration, banding, the northeast corner, and front facade accents will be retained. The original front door and side lights on each side will be restored to the original appearance of this building. The door will not be openable, but the appearance will be retained.

The press box will be renovated, including interior improvements, refinishing the exterior walls, replacing the roof, and accessibility improvements such as adding a vertical lift or elevator on the structure's west side.

At Bud Cloney Field, the Technology Center Building (also known as the Welding Shop) will be demolished and the Portable Agriculture Classrooms and sheds will be removed.

SECTION 3.0

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

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 Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

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

Eureka City Schools

For

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 (for example, 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 (for example, the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, 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 (mitigation measures from Section 21, “Earlier Analyses,” may be cross-referenced).
- 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 Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze 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 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 (for example, general plan, 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.
- 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 identifies:
 - a) The significant 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.

I. AESTHETICS: <i>Except as provided in Public Resources Code Section 21099, would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized 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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Setting: The project site is located in the City of Eureka on two distinct portions of the EHS campus. The project site contains Albee Stadium, Bud Cloney Field, and various facilities that serve athletic and/or academic functions at EHS (Figures 8 through 15). Albee Stadium was built in 1925 and Bud Cloney Field was built between 1970 and 1981. Since their construction, Albee Stadium and Bud Cloney Field have been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years (WRA, 2020). The project site can be observed from along Del Norte Street. There are no designated scenic vistas in the project vicinity (City of Eureka, 2018). Additionally, there are no designated state scenic highways in the project vicinity (Caltrans, 2019).

Albee Stadium is bordered by Del Norte Street and Bud Cloney Field to the north and by remnant conifer forested slopes to the east, south, and west. The forested slopes create varying amounts of separation between Albee Stadium and the EHS main campus to the west, and nearby low-density residential development to east and south.

Bud Cloney Field is bordered by Del Norte Street and Albee Stadium to the south, and by forested slopes to the north, east, and west. Apart from several residences located along Del Norte Street, the forested slopes create separation between Bud Cloney Field and nearby low- and medium-density residential development to the east and west. To the north of Bud Cloney Field, Cooper Creek and the surrounding forested slopes form a small, northward-sloping urban forest.

Exterior lighting associated with the proposed project site includes stadium lighting, pedestrian-scale lighting, and parking lot lighting. Existing stadium lighting is mounted to a total of six poles, three located on either side of the football field and running track. Additional existing outdoor lighting at Albee Stadium includes pedestrian-scale lighting located on the exterior of existing structures. Existing outdoor lighting at Bud Cloney Field includes parking lot lighting and pedestrian-scale lighting located on the exterior of existing structures.

Use of the site primarily occurs on weekdays and/or weekends during daylight hours. However, stadium lighting located at Albee Stadium illuminates the football field and running track during events after dusk, thereby allowing use of the site to occur after daylight hours. Adjacent properties developed with private residences are located along Del Norte Street, L Street, and N Street. The forested slopes surrounding Albee Stadium create separation and a visual buffer between the illuminated football field/running track and the majority of nearby residences, effectively reducing potential adverse effects resulting from light spillage onto adjacent properties.

Impact Analysis: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) *Have a substantial adverse effect on a scenic vista?* No Impact

Scenic vistas are defined as expansive views of highly valued landscapes from publicly accessible viewpoints. Scenic vistas include views of natural features such as topography, water courses, outcrops, and natural vegetation, as well as man-made scenic structures. The project site can primarily be observed from along Del Norte Street. There are no officially designated scenic vistas in the project vicinity that would be affected by the proposed project (City of Eureka, 2018). Furthermore, the project site is currently developed with outdoor athletics facilities and educational facilities and the proposed project would continue that use.

Based on the information provided above, the proposed project will not have a substantial adverse effect on a scenic vista. Therefore, the proposed project would result in no impact on this resource category.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?* No Impact

California's Scenic Highway Program was created by the State Legislature in 1963. The project site is located nearly a mile from both U.S. Highway 101 (US-101) and State Route (SR) 255. Neither highway is designated a state scenic highway in Humboldt County and the project would not affect any trees, rock outcroppings, historic buildings, or other identified scenic resources that would be visible from a scenic highway (Caltrans, 2019).

Based on the information provided above, the proposed project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. Therefore, the proposed project would result in no impact on this resource category.

c) *In non-urbanized 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?* Less-Than-Significant Impact

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The project is located in an urbanized area of the City of Eureka. The project site can primarily be observed from along Del Norte Street. The visual character of the project site is consistent with a high school campus and athletic facility. Due to the aging condition of the existing facilities, the visual quality of the site has degraded over time. During construction activities, the visual character and quality of the project site would reflect that of a typical construction site. Upon completion of construction activities, there would be no substantial change in the overall visual character of the site. Rather, the visual quality of Albee Stadium and Bud Cloney Field would be improved and result in similar overall visual appearance and use. The proposed project is consistent with the Public Facilities zoning designation.

Based on the information provided above, the proposed project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings, or conflict with applicable zoning and other regulations governing scenic quality. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* Less-Than-Significant Impact

Construction

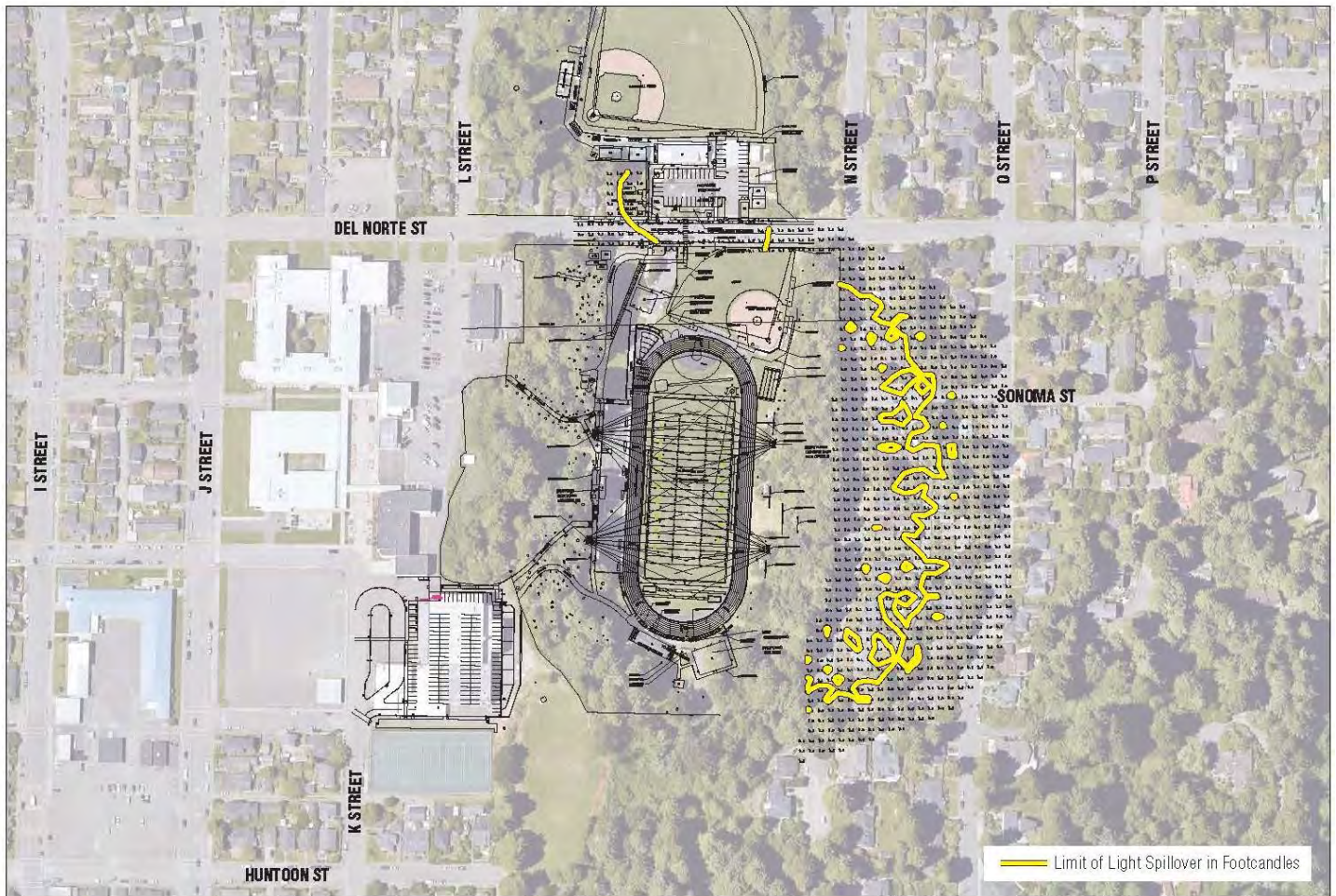
Project construction activities would only occur during daytime hours (From 7:00 a.m. and 7:00 p.m.). As such, construction of the proposed project would not introduce any source of nighttime lighting or glare.

Operation

Exterior lighting associated with the proposed project includes stadium lighting, emergency lighting, pedestrian-scale lighting, and parking lot lighting. Exterior lighting fixtures would be designed to minimize light spillover onto adjacent properties and streets or upward into the night sky. All project lighting would be directed to onsite facilities. Stadium lighting at Albee Stadium would be replaced and reconfigured such that lighting would be mounted on four new poles rather than the existing six poles. A photometric analysis prepared for the proposed project simulated trespass light spillage from proposed stadium lighting and parking lot lighting beyond the school property boundaries (Michael Baker International, 2020). Trees were included in the simulation to include their attenuation effects on the light spillage levels. Light spillage is reported in foot-candle power. A foot-candle is the unit for measuring

the light present on a surface or work plane. One foot-candle is roughly equal to the uniform distribution of light from an ordinary wax candle on a one-square-foot surface, located one foot away from the flame. For this analysis, a significant impact would occur if the proposed project would produce trespass light spillage greater than one foot-candle on any adjacent residential property (City of Eureka, 2018). The limit of all trespass light spillover (including values below one foot-candle) is shown on Figure 22. Although the figure does not show a line that corresponds with the one foot-candle threshold of significance, the results are such that the proposed project would result in trespass light spillage of less than one foot-candle on all adjacent residential properties (Michael Baker International, 2020). Therefore, the reconfigured stadium lighting would not result in a significant impact.

Figure 22. Photometric Diagram



ALBEE STADIUM EUREKA HIGH SCHOOL
Photometric Diagram

Based on the information provided above, the proposed project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: No mitigation measures require implementation for the project to result in a less-than-significant impact to *Aesthetics*.

II. AGRICULTURE AND FORESTRY RESOURCES: <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural, Land Evaluation and Site Assessment Mode (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?				X

Setting: The project site is located in the City of Eureka on portions of the EHS campus. The project site contains Albee Stadium, Bud Cloney Field, and various facilities that serve athletic and/or academic functions at EHS. Albee Stadium was built in 1925 and Bud Cloney Field was built sometime between 1970 and 1981. Since their construction, Albee Stadium and Bud Cloney Field have since been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years (WRA, 2020). The project site is underlain with historically-placed loamy fill and native soil materials. As evident from the historical and existing use of the site, the character and condition of the site is not suitable for agricultural or timber production. The site is not subject to a Williamson Act or Timberland Production contract.

Prime Farmland within the City of Eureka or greater Humboldt County region has not been mapped by the California Department of Conservation's Important Farmland Series Mapping and Monitoring Program (DOC, 2020b). However, most of the project site occurs on imported fill material associated with the original buildout of Albee Stadium, Bud Cloney Field, and associated facilities. According to the Natural Resource Conservation Service (NRCS) Web Soil Survey, the underlying soils have United States Department of Agriculture (USDA)-NRCS soil map unit designations of 1) 257—Lepoil-Candymountain complex, 2 to 15 percent slopes and 2) 212—Urban land-Halfbluff-Redsands complex, 0 to 5 percent slopes (NRCS, 2021).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Convert Prime Farmland, Unique Farmland, or 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?* No Impact

Prime Farmland within the City of Eureka or greater Humboldt County region has not been mapped by the California Department of Conservation's Important Farmland Series Mapping and Monitoring Program (DOC, 2020b). The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. As evident from the historical and existing use of the site, the character and condition of the site does not reflect Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

Based on the information provided above, the proposed project will not convert Prime Farmland, Unique Farmland, or 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. Therefore, the proposed project would result in no impact on this resource category.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act Contract?* No Impact

The project site is not under a current Williamson Act contract and is not zoned for agricultural use. The project site is developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project will not conflict with existing zoning for agricultural use or a Williamson Act Contract. Therefore, the proposed project would result in no impact on this resource category.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?* No Impact

The project site does not contain forestry or timberland resources and is not zoned for Timberland Production. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). Therefore, the proposed project would result in no impact on this resource category.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?* No Impact

The project site does not contain forest land. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project will not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, the proposed project would result in no impact on this resource category.

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?* No Impact

The project site does not contain farmland or forest land resources. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project will 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. Therefore, the proposed project would result in no impact on this resource category.

Mitigation Measures: No mitigation measures require implementation for the project to result in a less-than-significant impact to *Agriculture and Forestry Resources*.

III. AIR QUALITY: Where available, the significant criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
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?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Setting: The project site is located in the City of Eureka on portions of the EHS campus. The project site contains Albee Stadium, Bud Cloney Field, and various facilities that serve athletic and/or academic functions at EHS. Albee Stadium was built in 1925 and Bud Cloney Field was built sometime between 1970 and 1981. Since their construction, Albee Stadium and Bud Cloney Field have since been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years (WRA, 2020).

The City of Eureka is located in the North Coast Air Basin (NCAB), which extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of the NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Predominant wind direction is typically from the northwest during summer months and from the southwest during winter storm events.

Sensitive receptors (for example, children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. The nearest known potential sensitive receptors to the project site include EHS students in attendance at the EHS main campus, and private residences in the project vicinity along Del Norte Street, L Street, and N Street. The project is directly adjacent to five private residences along Del Norte Street and is within approximately 100 feet of residences along L Street and N Street.

Regulatory Framework: Activities affecting air quality in Humboldt County are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). The NCUAQMD is a regional environmental regulatory agency which has jurisdiction over Humboldt, Del Norte, and Trinity counties in Northern California. The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards with the exception of the state 24-hour particulate (PM₁₀) standard in Humboldt County only (CARB, 2018, 2019a). In 1995, the NCUAQMD prepared a Draft Particulate Matter (PM₁₀) Attainment Plan to identify the primary sources of PM₁₀ in the District and recommend control measures (NCUAQMD, 1995). In the Draft Plan, the largest source of particulate matter is fugitive dust emissions from vehicular traffic on unpaved roads.

Criteria Air Pollutants: Regulated air pollutants are known as criteria air pollutants. Criteria air pollutants are regulated by the NCUAQMD, CARB, and the United States Environmental Protection Agency (USEPA). Exposure to criteria air pollutants can cause myriad adverse health effects in humans. Human health effects of criteria air pollutants are summarized below in Table 3.

Table 3. Summary of Criteria Air Pollutants

Criteria Air Pollutant	Major Sources	Human Health Effects
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust (CAPCOA, 2011).	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death (CAPCOA, 2011).

Criteria Air Pollutant	Major Sources	Human Health Effects
Nitrogen Dioxide (NO ₂)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel (CAPCOA, 2011).	A respiratory irritant; aggravates lung and heart problems. A precursor to ozone. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere (CAPCOA, 2011).
Ozone (O ₃)	A colorless or bluish gas (smog) formed by a chemical reaction between reactive organic gases (ROGs) and nitrous oxides (NO _x) in the presence of sunlight. Common sources of these precursor pollutants include motor vehicle exhaust, industrial emissions, gasoline storage and transport, solvents, paints, and landfills (CAPCOA, 2011).	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield (CAPCOA, 2011).
Particulate Matter (PM ₁₀ and PM _{2.5})	Produced by power plants, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles, and others (CAPCOA, 2011).	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; non-fatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (CAPCOA, 2011).
Sulfur Dioxide (SO ₂)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships (CAPCOA, 2011).	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron, and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain (CAPCOA, 2011).
Hydrogen Sulfide (H ₂ S)	A colorless gas with the odor of rotten eggs. The most common sources of H ₂ S emissions are oil and natural gas extraction and processing, and natural emissions from geothermal fields. It is also formed during bacterial decomposition of human and animal wastes and is present in emissions from sewage treatment facilities and landfills. Industrial sources include petrochemical plants, coke oven plants, and kraft paper mills (CARB, 2020b).	Can induce tearing of the eyes and symptoms related to overstimulation of the sense of smell, including headache, nausea, or vomiting. A few studies suggest that asthmatics may be at increased risk of exacerbation of their asthma symptoms (CARB, 2020b).
Lead	Metallic element emitted from metal refineries, smelters, battery manufacturers, iron and steel producers, use of leaded fuels by racing and aircraft industries (CARB, 2020b). Common applications also include Lead Based Paint (LBP) and Lead Containing Surface Coatings (LCSC; CARB, 2020c).	Anemia, high blood pressure, brain and kidney damage, neurological disorders, cancer, lowered IQ. Affects animals, plants, and aquatic ecosystems (CARB, 2020c).
Sulfate	A sub-fraction of ambient particulate matter. Emissions of sulfur-containing compounds occur primarily from the combustion of petroleum-derived fuels (for example, gasoline and diesel fuel) that contain sulfur. A small amount of sulfate is directly emitted from combustion of sulfur-containing fuels, but most ambient sulfate is formed in the atmosphere (CARB, 2020d).	Much like health effects of PM _{2.5} , sulfate can cause reduced lung function, aggravated asthmatic symptoms, and increased risk of emergency department visits, hospitalizations, and death in people who have chronic heart or lung diseases (CARB, 2020d).

Criteria Air Pollutant	Major Sources	Human Health Effects
Vinyl Chloride	A colorless gas with a mild, sweet odor. Most vinyl chloride is used in the process of making polyvinyl chloride (PVC) plastic and vinyl products, thus may be emitted from industrial processes. Vinyl chloride has been detected near landfills, sewage treatment plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents (CARB, 2020e).	Short-term exposure to high levels (10 ppm or above) of vinyl chloride in air causes central nervous system effects, such as dizziness, drowsiness, and headaches. The primary non-cancer health effect of long-term exposure to vinyl chloride through inhalation or oral exposure is liver damage. Inhalation exposure to vinyl chloride has been shown to increase the risk of angiosarcoma, a rare form of liver cancer in humans (CARB, 2020e).
Visibility Reducing Particles	These particles vary greatly in shape, size, and chemical composition, and come from a variety of natural and manmade sources. Some haze-causing particles are directly emitted to the air such as windblown dust and soot. Others are formed in the air from the chemical transformation of gaseous pollutants (for example, sulfates, nitrates, and organic carbon particles) which are the major constituents of fine PM. These fine particles, caused largely by combustion of fuel, can travel hundreds of miles causing visibility impairment (CARB, 2020f).	Haze not only impacts visibility, but some haze-causing pollutants have been linked to serious health problems and environmental damage as well. Exposure to particles up to 2.5 (PM2.5) and 10 microns (PM10) in diameter in the ambient air can contribute to a broad range of adverse health effects, including premature death, hospitalizations, and emergency department visits for worsened heart and lung diseases (CARB, 2020f).

Toxic Air Contaminants: In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. According to Section 39655 of the California Health and Safety Code, a TAC is "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." To date, the CARB has designated nearly 200 compounds as TACs. Additionally, CARB has implemented control measures for a number of compounds that pose high risks and show potential for effective control. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For regulatory purposes, carcinogenic TACs are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals. Noncarcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis.

There are many different types of TACs, with varying degrees of toxicity. Sources of TACs vary, but typically include industrial processes, such as petroleum refining; commercial operations, such as gasoline stations and dry cleaners; and motor vehicle exhaust. Public exposure to TACs can result from emissions from normal operations, as well as from accidental releases of hazardous materials during upset conditions. The health effects associated with TACs are quite diverse and generally are assessed locally rather than regionally.

Asbestos: Asbestos particles and fibers are naturally occurring in some rock and soil formations, but because of its strength and heat resistance, asbestos has been used in a variety of building materials. If asbestos-containing materials (ACM) are disturbed, for example during demolition of a structure, asbestos particles and fibers may be released into the air. Three of the major health effects associated with asbestos exposure are:

- Lung cancer
- Mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart
- Asbestosis, a serious progressive, long-term, non-cancer disease of the lungs (USEPA, 2018).

The disturbance, abatement, and demolition of the structures containing ACM will require compliance with USEPA Asbestos Hazard Emergency Response Act (AHERA), USEPA National Emission Standards for Hazardous Air Pollutants (NESHAP), and California Division of Occupational Safety and Health (Cal/OSHA) regulations regarding asbestos in construction.

Lead: As described in Table 3, exposure to lead can lead to harmful health effects in humans. If LBP and LCSC are chipped or deteriorating, lead particles may become airborne as dust, chips and suspended particles. The disturbance of any materials containing any amount of lead will require compliance with Cal/OSHA Lead Construction Standards (Title 8 CCR 1532.1) for worker protection, and compliance with the California Code of Regulations Title 17, CCR 35000-36100.

Diesel Particulate Matter: CARB has identified diesel particulate matter (DPM) as a toxic air contaminant. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as DPM. More than 90% of DPM is less than 1 micrometer in diameter, and thus is a subset of particulate matter less than 2.5 microns in diameter (PM_{2.5}). DPM is typically composed of carbon particles and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene. Diesel exhaust also contains gaseous pollutants, including volatile organic compounds (VOCs) and oxides of nitrogen (NO_x). The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation. Diesel exhaust can also cause coughing, headaches, light-headedness, and nausea. Due to their extremely small size, these particles can be inhaled and eventually become trapped in the lungs' bronchial and alveolar regions. Because it is part of PM_{2.5}, DPM also contributes to the same non-cancer health effects as PM_{2.5} exposure (CARB, 2020a).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) *Conflict with or obstruct implementation of the applicable air quality plan?* Less-Than-Significant with Mitigation Incorporated

The project is located in Humboldt County, which is located in the NCAB and is subject to the jurisdiction of the NCUAQMD. The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards with the exception of the state 24-hour particulate (PM₁₀) standard in Humboldt County only (CARB, 2018, 2019a). Construction of the proposed project includes demolition, site preparation, grading, athletic surface and building construction, trenching, paving, architectural coating, and landscaping. These include activities and equipment which may result in the emission of PM₁₀, for which Humboldt County is non-attainment under state ambient air quality standards. As stated previously, the NCUAQMD prepared a Draft Particulate Matter (PM₁₀) Attainment Plan in May 1995. The Draft Plan includes a description of the planning area, an emissions inventory, general attainment goals, and a listing of cost-effective control strategies. The NCUAQMD's Attainment Plan established goals to reduce PM₁₀ emissions and eliminate the number of days in which State standards are exceeded.

Construction

Construction of the proposed project has the potential to temporarily contribute to PM₁₀ concentrations from dust generation. NCUAQMD's Regulation 1 prohibits nuisance dust generation, such as that generated by construction activity (NCUAQMD, 2015). The following standard conditions for controlling dust emissions during construction will be required as **Mitigation Measure AQ-1** in order to provide consistency with the Draft Particulate Matter (PM₁₀) Attainment Plan.

- All active construction areas (for example, parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day during the dry season;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- Dust-generating activities shall be limited during periods of high winds (over 15 mph);
- Suspend excavation and grading activity when winds exceed 25 mph;
- All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered;
- All vehicle speeds shall be limited to 15 miles per hour within the construction area;
- Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment; and
- Conduct digging, backfilling, and paving of utility trenches in such a manner as to minimize the creation of airborne dust.

With the implementation of **Mitigation Measure AQ-1**, the proposed project's construction activity will not conflict with or obstruct implementation of the Draft Plan.

Operation

The Draft Particulate Matter (PM₁₀) Attainment Plan includes three areas of recommended control strategies to achieve attainment status: transportation, land use, and burning. The project aligns with control measures identified in the PM₁₀ Attainment Plan appropriate to this type of project, such as:

Transportation. The project site is located at EHS in the City of Eureka and in the vicinity of residential neighborhoods. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Because the proposed project seeks to improve existing facilities and infrastructure at the project site, and the proposed use of the site will be consistent with the existing use, transportation patterns in the vicinity of the project site will not be substantially altered or affected by the proposed project (see Section XVII [Transportation]). Moreover, the proposed project will offer bicycle racks to promote the use of bicycles as an alternative to motorized transport. Therefore, the proposed project will not conflict with the PM10 Attainment Plan.

Land Use. The project site is located at EHS in the City of Eureka and in the vicinity of residential neighborhoods. Eureka is the largest population center in Humboldt County. The location of the project site in relation to surrounding residential neighborhoods and the greater Eureka area provides opportunities for people to walk to or use public transportation to the site. The close proximity of the site to existing residential, commercial, employment centers, and motorized/non-motorized transportation corridors will encourage the use of alternative modes of transportation by future residents, which will reduce vehicle miles traveled and the emissions of particulate matter.

Burning. The project proposes the development of an improved athletic facility. The proposed project will utilize structural heating sources other than woodstoves or fireplaces, which will significantly reduce PM10 emissions generated from heating during the long-term operation of the project.

With the implementation of **Mitigation Measure AQ-1** and based on the information provided above, the proposed project will not conflict with or obstruct implementation of the applicable air quality plan. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- 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?* Less-Than-Significant with Mitigation Incorporated

The project is located in Humboldt County, which is located in the NCAB and is subject to the jurisdiction of the NCUAQMD. The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards with the exception of the state 24-hour particulate (PM10) standard in Humboldt County only (CARB, 2018, 2019a). Construction of the proposed project includes demolition, site preparation, grading, athletic surface and building construction, trenching, paving, architectural coating, and landscaping, which include activities and equipment which may result in the emission of PM10, for which Humboldt County is non-attainment under state ambient air quality standards.

In determining whether a project has significant impacts on the environment from criteria air pollutants, the local air district's CEQA thresholds of significance are typically applied to projects in the review process. However, the NCUAQMD has not adopted a numerical threshold for determining the significance of criteria air pollutants from land use projects (NCUAQMD, 2015). For the purpose of assessing air quality impacts of land use projects in CEQA documents, the NCUAQMD recommends the use of thresholds and guidance adopted by other air districts in the State.

The Bay Area Air Quality Management District (BAAQMD) to the south has adopted CEQA significance thresholds and screening criteria for criteria air pollutants. The BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the land use project could result in potentially significant air quality impacts. If a project falls below the screening criteria, then the project would not result in the generation of criteria air pollutants and/or precursors that exceed the thresholds of significance, and the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. A project would therefore result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions (BAAQMD, 2017).

For the purpose of this analysis, use of the BAAQMD screening criteria is a conservative metric due to nature and characteristics of the San Francisco Bay Area Air Basin (SFBAAB) when compared to the NCAB. The SFBAAB is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara, and parts of Solano and Sonoma counties. The SFBAAB is a geographically expansive and broad metropolitan region comprised of extensive industrial, commercial, and residential development. Past and present development combined with the regions complex transportation patterns have resulted in "non-attainment" status for various criteria air pollutants throughout the SFBAAB. In order to achieve "attainment" status, the BAAQMD rules and regulations regarding the generation of criteria air pollutants and/or precursors are more restrictive than those adopted by the NCUAQMD. Therefore, use of the BAAQMD screening criteria is a conservative metric for the proposed project, which is located in an air basin that is only non-attainment for the State standard for PM10.

BAAQMD screening criteria includes a “city park” category. Much like a city park, the proposed project will function as an outdoor recreational green space, and provide outdoor athletic and recreation opportunities for students, parents, and the community members. Furthermore, the proposed project bears resemblance to a city park by providing public visitation appurtenances and infrastructure, such as restrooms, drive aisles, walkways, and parking spaces. Therefore, for the purpose of this analysis, the proposed project is compared to the BAAQMD screening criteria for a “city park”. As shown in Table 4, the proposed project is well below the BAAQMD screening project size for construction and operation of a “city park”.

Table 4. BAAQMD Air Quality Screening Criteria

Land Use Type	Construction-Related Screening Size (acres) ¹	Operational-Related Screening Size (acres) ¹	Project Size (acres)
City Park	67	2,613	9.8
1. BAAQMD, 2017			

Furthermore, NCUAQMD’s Regulation 1 prohibits nuisance dust generation, such as that generated by construction activity (NCUAQMD, 2015). As previously discussed in subsection a), the standard measures provided in **Mitigation Measure AQ-1** shall be required for controlling dust emissions during construction activities. Therefore, a cumulatively considerable net increase in PM10 will not result from the proposed project.

With the adoption of **Mitigation Measure AQ-1** and based on the information provided above, the proposed project will not 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. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

c) *Expose sensitive receptors to substantial pollutant concentrations?* Less-Than-Significant with Mitigation Incorporated

This discussion addresses whether the proposed project would expose sensitive receptors to substantial concentrations of criteria air pollutants or toxic air contaminants during construction activity including naturally-occurring asbestos, lead- and asbestos-containing materials, fugitive dust (PM2.5 and PM10), and DPM.

As noted in the Air Quality Setting, high concentrations of criteria air pollutants and toxic air contaminants can result in adverse health effects to humans. Some population groups are considered more sensitive to air pollution than others; in particular, children, elderly, and acutely or chronically ill persons, especially those with cardio-respiratory diseases such as asthma and bronchitis. Land uses that generally house more sensitive people include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. The nearest known potential sensitive receptors to the project site include EHS students in attendance at the EHS main campus, and private residences in the project vicinity along Del Norte Street, L Street, and N Street. The project is directly adjacent to five private residences along Del Norte Street and is within approximately 100 feet of residences along L Street and N Street.

The NCUAQMD has not adopted guidance for health risk assessments or health risk significance thresholds. However, the NCUAQMD recommends on their website the use of the California Air Pollution Control Officers Association (CAPCOA) guidance document entitled “Health Risk Assessment for Proposed Land Use Projects” to assist lead agencies with the requirements of CEQA when projects may involve exposure to toxic air contaminants (NCUAQMD, 2015). The document primarily focuses on addressing long-term public health risk impacts from and to proposed land use projects. The document does not provide guidance on how risk assessments for construction projects should be addressed in CEQA (CAPCOA, 2009).

Air quality issues occur when sources of air pollutants and sensitive receptors are located near one another. As discussed in the CAPCOA guidance document (2009, Pg. 4), there are basically two types of land use projects that have the potential to cause long-term public health risk impacts:

- Land use projects with toxic emissions that impact receptors. Examples of these types of projects include combustion-related power plants, gasoline dispensing facilities, asphalt batch plants, warehouse distribution centers, and quarry operations.
- Land use projects that will place receptors in the vicinity of existing toxic sources. This would occur when residential, commercial, or institutional developments are proposed to be located in the vicinity of existing toxic emission sources such as stationary sources, high traffic roads, freeways, rail yards, and ports.

The following analysis evaluates whether the project would result in construction- or operational-related impacts to sensitive receptors.

Construction

Naturally-Occurring Asbestos: The U.S. Geological Survey (USGS, 2011) has published mapping identifying areas that are known to contain naturally occurring asbestos (NOA). The California Department of Conservation (DOC, 2000) has also published mapping of area more likely to contain naturally-occurring asbestos. These mapping sources indicate that there are several locations within Humboldt County that are known to contain NOA. The project site is located along Del Norte Street in the City of Eureka and is not identified as an area that is known to contain or likely to contain NOA. The closest areas containing NOA are located in inland areas of the County over 10 miles east of the project site (USGS, 2011; DOC, 2000). As such, the project site does not contain NOA that could be released during construction activities such as site preparation, grading, and trenching.

Asbestos Containing Materials (ACM): The project proposes the demolition of the existing Technology Center Building (formerly misidentified as the Agriculture Building and currently also known as the Welding Shop) and Portable Agriculture Classrooms near Bud Cloney Field, renovation of the existing Press Booth, and demolition and reconstruction of the Field House near Albee Stadium. The described structures were surveyed for the presence of ACM by a certified Asbestos Building Inspector. Sampling and analysis of the site detected ACM at various locations within the existing Technology Building, Field House, and Press Booth (Brunelle & Clark, 2020a, 2020b, 2020c, and 2020d). The demolition and/or renovation of the existing structures has the potential to expose people to ACM. Therefore, the disturbance, abatement, and demolition of the materials containing asbestos will require compliance with USEPA AHERA, USEPA NESHAP, and Cal/OSHA regulations regarding asbestos in construction. In summary, these regulations require the following procedures:

- Survey by a California State Certified Asbestos Consultant (CAC) of the areas proposed for disturbance for asbestos-containing material.
- Documentation of the asbestos survey results in a signed report from the CAC.
- Notification to the NCUAQMD at least 10 working days prior to any demolition.
- Employing the use of proper work practices outlined in the NESHAP asbestos regulations.
- Complying with CalOSHA worker safety requirements.

All asbestos-containing materials to be removed by renovation or demolition activities must be done by a registered asbestos abatement contractor, as an asbestos abatement project. The construction contractor shall maintain all records of compliance with the NESHAP asbestos regulations and NCUAQMD rules including, but not limited to, the following: 1) evidence of notification to the NCUAQMD; 2) contact information for the asbestos abatement contractor and asbestos consultant; and 3) receipts (or other evidence) of offsite disposal of all asbestos-containing materials. These records shall be made available to the District and NCUAQMD upon request.

The implementation of existing regulatory requirements for the removal and disposal of ACM will reduce potential impacts to a less-than-significant level.

Lead: As described above, the project proposes the demolition and renovation of several existing structures. The described structures were surveyed for the presence of LBP and LCSC by a qualified Lead Inspector/Assessor. Sampling and analysis of the site detected LBP and/or LCSC at various concentrations and locations within portions of the existing Technology Center, Press Booth, Field House, and Portable Agriculture Classrooms (Brunelle & Clark, 2020a, 2020b, 2020c, and 2020d). The demolition and/or renovation of the existing structures has the potential to expose people to LBP and LCSC. Therefore, in compliance with existing law, all project renovation or demolition work that disturbs building components containing any amount of lead is to be conducted as lead-related construction work. Demolition activities associated with the proposed project must comply with Title 17, California Code of Regulations Division 1, Chapter 8 (Lead-Based Paint Regulations), which addresses requirements for the removal of components painted with lead-based paint during site clearing and demolition of existing structures. The construction contractor shall be required to comply with these provisions. The removal of all lead-based paint materials shall be conducted by a certified lead supervisor or certified lead worker, as defined by §35008 and §35009 of the Lead Based Paint Regulations.

The implementation of existing regulatory requirements for the removal and disposal and LBP and LCSC will reduce potential impacts to a less-than-significant level.

Criteria Air Pollutants: Construction of the proposed project includes demolition, site preparation, grading, athletic surface and building construction, trenching, paving, architectural coating, and landscaping, which include activities and equipment that may result in the emission of criteria air pollutants (see Table 3). As previously noted, the BAAQMD has developed project screening criteria to provide lead agencies and project applicants with a conservative indication of whether a land use project could result in potentially significant impacts related to criteria air pollutant emissions. Projects below the applicable screening criteria would not exceed thresholds for criteria air pollutants established by the BAAQMD for land-use projects, other than permitted stationary sources. BAAQMD screening criteria include a “city park” category which is compared to the construction of the proposed project for the purpose of this analysis. As discussed in subsection a) and shown in Table 4, the project is proposed to occur on approximately 9.8 acres, which is well below the BAAQMD screening project size of 67 acres for construction of a “city park”. Therefore, construction of the proposed project would not expose sensitive receptors to substantial concentrations of criteria air pollutants.

As previously discussed in subsection a), fugitive dust has the potential to be generated during construction from activities including demolition, site preparation, grading, and trenching. Fugitive dust particles can range in size and are often classified as PM₁₀ and/or PM_{2.5}. Fugitive dust generated from construction activity can result in nuisances and localized health impacts (see Table 3). However, construction activities such as demolition, site preparation, grading, and trenching would be transitory, occurring intermittently over the entire construction site over a short timeframe of approximately 18 to 24 months. Moreover, the NCAUQMD Regulation 1 prohibits nuisance dust generation, such as that generated by construction activity. As previously discussed in subsection a), **Mitigation Measure AQ-1** shall be required to reduce impacts from fugitive dust generation during construction activities to less than significant.

Diesel PM. The use of diesel-powered equipment during construction activity would generate DPM, which is a known carcinogen. The majority of heavy diesel equipment used during construction activity would occur during grading of the project site. However, construction activities would be transitory, occurring intermittently over the entire construction site and over a short timeframe of approximately 18 to 24 months. Residents and other sensitive receptors located within the vicinity of the project site would be exposed to construction contaminants only for the duration of construction activity. These brief exposure periods would substantially limit exposure to hazardous emissions.

In addition, any relevant vehicle or equipment use associated with construction of the project will be subject to CARB standards. The CARB In-Use-Off-Road Diesel Vehicle Regulation applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulations: 1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; 2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System, DOORS) and labeled; 3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and 4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (such as, exhaust retrofits). The requirements and compliance dates of the Off-Road regulation vary by fleet size, as defined by the regulation.

Due to the short duration of construction activity requiring heavy diesel equipment, and in compliance with CARB regulations, construction of the proposed project would not expose sensitive receptors to substantial concentrations of diesel PM.

Operation

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Outdoor athletics facilities and educational facilities are not types of land use that would generally be considered to emit toxic emissions. As noted in the Air Quality Setting, those types of land uses typically include combustion-related power plants, gasoline dispensing facilities, asphalt batch plants, warehouse distribution centers, and quarry operations.

Criteria Air Pollutants. As previously noted, the BAAQMD has developed project screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant impacts related to criteria air pollutant emissions. Projects below the applicable screening criteria would not exceed thresholds for criteria air pollutants established by the BAAQMD for land-use projects. BAAQMD screening criteria include a “city park” category which is compared to the operation of the proposed project for the purpose of this analysis. As discussed in subsection a) and shown in Table 4, the project is proposed to occur on approximately 9.8 acres, which is well below the BAAQMD screening project size of 2,613 acres for operation of a “city park”. Therefore, operation of the proposed project will not expose nearby sensitive receptors to substantial pollutant concentrations.

With the adoption of **Mitigation Measure AQ-1** and based on the information provided above, the proposed project will not expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?* Less-Than-Significant Impact

Construction

During the construction of the proposed project, odors from construction equipment and hot asphalt may be temporarily evident in the immediate vicinity. These odors would be short-term, relatively minor, and would dissipate rapidly. As such, it is not anticipated that odors from construction of the proposed project would reach an objectionable level that would affect a substantial number of people.

Operation

CARB identifies the sources of the most common odor complaints received by local air districts. Typical sources include facilities such as sewage treatment plants, landfills, recycling facilities, petroleum refineries, and livestock operations (CARB, 2005). The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Operation of the project will not involve any activities or sources that would be a source of objectionable odors that would affect a substantial number of people. The proposed project does not propose any of the land uses identified as typically associated with emissions of objectionable odors.

Based on the information provided above, the proposed project will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, the proposed project would result in a less-than-significant impact.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Air Quality*, the following mitigation measures will be implemented:

Mitigation Measure AQ-1. Fugitive Dust Control Measures: Compliance with these requirements shall be required to minimize dust generation during construction activity.

- All active construction areas (for example, parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day during the dry season;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- Dust-generating activities shall be limited during periods of high winds (over 15 mph);
- Suspend excavation and grading activity when winds exceed 25 mph;
- All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered;
- All vehicle speeds shall be limited to 15 miles per hour within the construction area;
- Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment; and
- Conduct digging, backfilling, and paving of utility trenches in such a manner as to minimize the creation of airborne dust.

IV. <u>BIOLOGICAL RESOURCES</u> : <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial 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?		X		
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?		X		
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?		X		
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?				X

Setting: The project site occurs on two distinct areas of the EHS campus, including areas in and around Albee Stadium and Bud Cloney Field. Albee Stadium is bordered by Del Norte Street and Bud Cloney Field to the north and by remnant conifer forested slopes to the east, south, and west. The forested slopes create varying amounts of separation between Albee Stadium and the EHS main campus to the west, and nearby low-density residential development to east and south. Bud Cloney Field is bordered by Del Norte Street and Albee Stadium to the south, and by forested slopes to the north, east, and west. Apart from several residences located along Del Norte Street, the forested slopes create separation between Bud Cloney Field and nearby low- and medium-density residential development to the east and west. To the north of Bud Cloney Field, Cooper Creek and the surrounding forested slopes form a small, northward-sloping urban forest containing extensive wetlands and riparian habitat. The project site is on historically-placed loamy fill and native soil materials within the valley forming Cooper Creek. The project site was filled to existing grade and installed with an extensive drainage system during original buildout of Albee Stadium and Bud Cloney Field. Cooper Creek flows beneath the project site for a total length of 1,500 feet, entering a 30-inch diameter storm drainpipe south of Albee Stadium and daylighting north of Bud Cloney Field. Cooper Creek continues approximately 1.3 miles north before draining into Eureka Slough and Humboldt Bay. Critical failure of the Cooper Creek storm drainpipe has resulted in sinkholes, posing a significant health and safety hazard and resulting in closures of portions of the project site. The project area primarily includes mowed lawn for the football, softball, and baseball fields; however, it also includes portions of the remnant conifer forest, which dominates the steep slopes surrounding the fields and associated facilities. Natural turf surfaces at the site are managed by EHS groundskeepers by conducting mowing, irrigating, fertilizing, sports striping, weeding, and gopher trapping. Non-turf areas within school grounds are managed by EHS groundskeepers by conducting periodic trash removal and weed whacking as needed.

Analysis in this section is based on the Biological Report (SHN, 2020a) and Wetland and Other Waters Delineation Report (SHN, 2020b) that were prepared for this project.

Dominant vegetation in developed/disturbed areas included ruderal species such as English plantain (*Plantago lanceolata*) and allseed (*Polycarpon tetraphyllum* var. *tetraphyllum*), among others. Dominant vegetation in forested areas included coast redwood (*Sequoia sempervirens*), Douglas fir (*Pseudotsuga menziesii*), and Sitka spruce (*Picea sitchensis*) in the canopy, and English ivy (*Hedera helix*), evergreen huckleberry (*Vaccinium ovatum*), and large flower fairy bells (*Prosartes smithii*) in the understory, among others. Dominant

vegetation in open areas included various herbaceous species including sweet vernal grass (*Anthoxanthum odoratum*), creeping bentgrass (*Agrostis stolonifera*), orchard grass (*Dactylis glomerata*), and hairy cat's-ear (*Hypochaeris radicata*), among others. Dominant vegetation in forested wetland areas included skunk cabbage (*Lysichiton americanus*), western lady fern (*Athyrium filix-femina* var. *cyclosum*), and slough sedge (*Carex obnupta*), among others. Dominant vegetation in wetlands within open areas included small fruit bulrush (*Scirpus microcarpus*), creeping buttercup (*Ranunculus repens*), giant horse tail (*Equisetum telmateia*), common horsetail (*Equisetum arvense*), and monteblanca (*Crocodylia x crocosmiflora*), among others. Dominant vegetation in riparian woodland associated with Cooper Gulch Canyon to the north of the project area included red alder (*Alnus rubra*), Pacific willow (*Salix lasiandra* var. *lasiandra*), and coast willow (*Salix hookeriana*), among others, as well as a mix of native and non-native species in the understory.

Special-Status Plant Species

Of the 51 special-status botanical species potentially occurring in the Eureka and surrounding quadrangles, 32 are considered to have low or no potential to occur within the project area, and 19 are considered to have a moderate or high potential of occurrence, including one that was observed. Site investigations were conducted during appropriate seasons for detecting species with moderate or higher potential for occurrence. Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*), a 1B.2 special-status botanical species was observed within the study area during the surveys (Figure 23). No additional special-status botanical species were observed, nor is it likely that additional special-status botanical species occur within the project area due to historical and continued disturbance and use and the presence of non-native species.

Special-Status Animal Species

Of the 61 special-status animal species reported from the Eureka and surrounding quadrangles, 54 animal species are considered to have no or a low potential to occur within the study area and seven species have a moderate to high potential of occurrence based on the available habitat, including one that was observed – black-capped chickadee (*Parus atricapillus*). The seven special-status animal species consist of six bird species and one amphibian species. These are discussed below. No other special-status animal species have moderate or higher potential to occur.

Sensitive Natural Communities

Small fruit bulrush marsh (*Scirpus microcarpus* Herbaceous Alliance) is a sensitive natural community with a rarity rank of G4S2 and exists within several of the wetland areas mapped on site (Figure 23). Riparian woodland associated with Cooper Creek north of Cloney Field is sensitive and is strongly associated with wetland conditions found there. The remnant conifer forest surrounding the athletic facilities does not meet the criteria for a specific special-status vegetation community or alliance but is likely a mix of three natural communities Redwood forest (*Sequoia sempervirens* Forest Alliance), Sitka spruce forest (*Picea sitchensis* Forest Alliance), and Douglas fir forest (*Pseudotsuga menziesii* Forest Alliance).

Wetlands and Jurisdictional Drainages

Wetlands occur surrounding the athletic facilities reflecting stormwater catchment and seeps from adjacent slopes. Several small streams occur within the study area with the largest being Cooper Creek, which flows through a culvert under the length of the football and baseball fields. The remaining streams occurring within the study area flow into Cooper Creek. Freshwater forested/shrub wetlands and jurisdictional drainages occur intermittently among the surrounding slopes and along the margins of the existing athletic fields. The wetlands are classified as Palustrine Forested Broad-leaved Deciduous Seasonally Flooded. The ordinary high-water mark (OHWM) features represent the lateral limits of federal jurisdiction over non-tidal water bodies in the absence of adjacent wetlands. Figures 17 and 18 indicate the jurisdictional wetland boundaries and OHWMs delineated within the project site and surrounding slopes.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Have a substantial 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?* Less Than Significant with Mitigation Incorporated

The project proposes to rehabilitate the failing storm drain system and renovate various athletic and educational facilities at Albee Stadium and Bud Cloney Field in support of existing athletic and educational programs. Surveys of the site were conducted in preparation of a Biological Report, which addresses special-status biological resources present or potentially occurring within the site, evaluates project-related impacts, and recommends appropriate avoidance and minimization measures (SHN, 2020a). Special-status plant and animal species present within the study area are described below.

Special-Status Plant Species

As noted in the Biological Resources Setting, 19 special-status plant species have moderate to high potential of occurrence on the project site, including one special-status species that was observed, Siskiyou checkerbloom. No additional special-status plant



species were observed, nor is it likely that additional special-status plant species occur within the project area due to historical and continued disturbance and use and the presence of non-native species (SHN, 2020a).

Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*) is a perennial herb in the Malvaceae family. It is neither state nor federally listed but has a CRPR of 1B.2 and a heritage rank of G5T2/S2. Its elevation range is reported from 5 to 1,255 meters above sea level. Within its range state-wide its blooming period is reported as April through August. This species is reported from broadleaved upland forests, coast prairie, coast scrub, north coast coniferous forests, and riparian habitats, primarily from woodlands and clearings near the coast, often in disturbed areas. Within the nine-quad search, numerous Rarefind occurrences are reported. The nearest is approximately 1.7 miles southwest of the study area, with an observation date in 1944.

The Siskiyou checkerbloom populations observed within the project area occur on both sides of Del Norte Street near the eastern edge of the biological study area (Figure 23). The population on the north side of Del Norte Street was healthy, while the population on the South side of Del Norte Street consisted of only a few individuals. Both populations were in flower during the May 2020 site visit. Annual mowing/weed whacking of the Del Norte Street right-of-way (ROW) likely allows for the persistence of these populations (SHN, 2020a).

The project has been designed to avoid impacting the Siskiyou checkerbloom populations, neither of which is included within the area subject to potential disturbance. The nearest proposed development to the southern population is the proposed retaining wall at the northeast corner of the softball field, which is located approximately 8 feet from the population. The nearest proposed development to the northern population is the proposed parking lot associated with Bud Cloney Field, which is located approximately 20 feet from the population. To ensure the protection of nearby Siskiyou checkerbloom populations during construction, **Mitigation Measure BIO-1** will be implemented. **Mitigation Measure BIO-1** requires the locations of Siskiyou checkerbloom populations within 50 feet of proposed construction to be clearly identified for avoidance in the contract documents (plans and specifications) and that prior to the start of construction, where construction activities occur within 50 feet of the Siskiyou checkerbloom populations, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the plants, as determined by a qualified biologist. The Siskiyou checkerbloom populations are not anticipated to be impacted during operation of the proposed project because the school's existing and ongoing routine maintenance of these areas, which consists of removing trash and weed whacking each spring will remain unchanged (Ziegler, 2021). Therefore, with the adoption of **Mitigation Measure BIO-1**, there will be a less-than-significant impact on Siskiyou checkerbloom.

Special-Status Bird Species

In support of the Biological Report (SHN, 2020a), reconnaissance-level bird surveys occurred at the project area. During this survey, one special-status bird species was observed – black-capped chickadee (*Poecile atricapillus*). The black-capped chickadee inhabits riparian woodlands in Del Norte and northern Humboldt Counties. It is mainly found in deciduous trees, especially willows and alders, along large or small watercourses. The chickadee excavates its nest cavity in rotten wood, or nests in old woodpecker holes. Suitable habitat exists for this species along the riparian corridors within the study area and it was observed (heard) within the riparian corridor along the western boundary of the project site. Five other special-status bird species have moderate to high potential to occur on the project site, including Cooper's Hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), Vaux's swift (*Chaetura vauxi*), olive-sided flycatcher (*Contopus cooperi*), and Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*). Considering the managed nature and regular use of the project site, special-status birds are expected to choose less disturbed habitat for nesting and roosting, such as the Cooper Gulch Canyon to the north of the project area. However, potential habitat exists for a small number of special-status birds. In addition, native migratory birds may also be present at the project area. The Biological Report states that all locations with tall grass or a shrub or tree canopy layer within the project area may provide suitable nesting habitat for a diverse assemblage of migratory birds. It recommends that to avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented:

- Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between late August and mid-March, when birds are not typically nesting, or
- If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the United States Fish & Wildlife Service (USFWS) and California Department of Fish & Wildlife (CDFW) and implemented to prevent abandonment of the active nest.

This recommendation has been incorporated as **Mitigation Measure BIO-2**. With the implementation of **Mitigation Measure BIO-2**, potential impacts to special status, migratory, and nesting birds would be less than significant.

Special-Status Amphibian Species

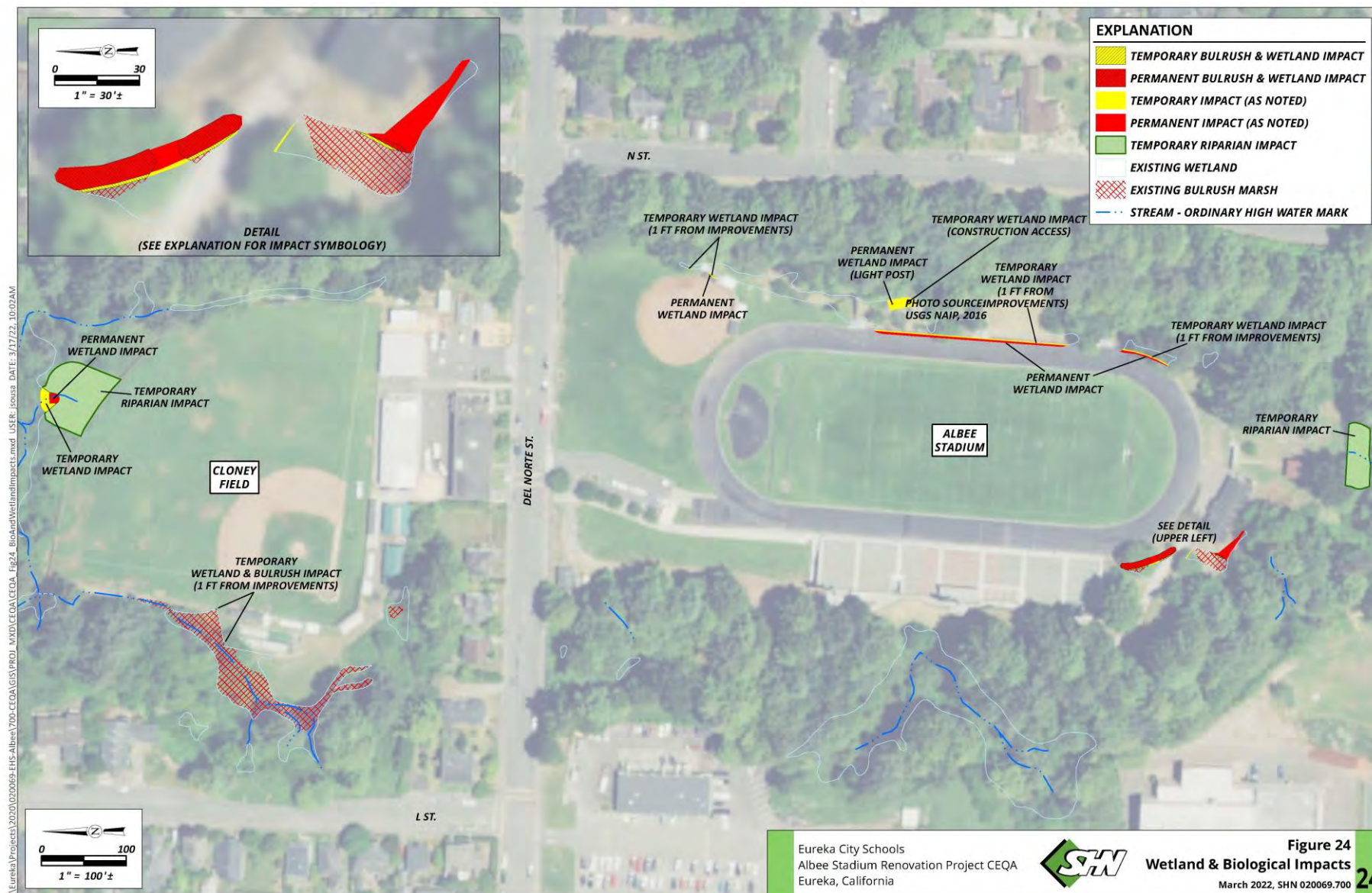
One special-status amphibian species has moderate potential to occur on the project site – northern red-legged frog (*Rana aurora*). Northern red-legged frogs are a State Species of Concern and were evaluated in the Biological Report (SHN, 2020a). They occupy humid forests, woodlands, grasslands, and stream sides in northwestern California, usually near dense riparian cover. They are generally near permanent water but can be found far from water, in damp woods and meadows, during the non-breeding season. Although this species was not detected, suitable habitat exists in several wet locations within the project area, particularly within the active channel of Cooper Creek. The Biological Report recommends that project activities within the active channel of Cooper Creek (including but not limited to storm drainpipe rehabilitation and replacement, rock slope protection, headwall development, or similar ground-disturbing activities) should occur from July 15 through October 31, to minimize potential impacts to aquatic species such as the northern red-legged frog, among others. This recommendation has been incorporated as **Mitigation Measure BIO-3**. With the implementation of **Mitigation Measure BIO-3**, potential impacts to special-status amphibians would be less than significant.

With the implementation of **Mitigation Measures BIO-1, BIO-2, and BIO-3**, and based on the information provided above, it has been determined that the proposed project will not have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by CDFW or USFWS. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- 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?* Less Than Significant with Mitigation Incorporated

Mapping of sensitive natural communities including riparian habitat occurred in May through September 2020. Cooper Creek supports an area of riparian hardwood forest immediately north of the Bud Cloney Field (Figure 23). The area is dominated by red alder, pacific willow, and coast willow, with lesser dominance by Sitka spruce and Sitka willow. The assemblage of vegetation does not meet the definition for a specific special-status vegetation community; however, the area represents habitat for a number of botanical and wildlife species as evidenced by largely intact native species dominated understory. This mapped vegetation community also largely coincides with mapped three-parameter wetlands. Construction activities have the potential to indirectly impact the downstream riparian hardwood forest through the discharge of sediment and/or other pollutants during storm drain replacement and construction of the headwall and energy dissipator. Therefore, **Mitigation Measure HWQ-1** (see Section X – Hydrology and Water Quality) will be implemented to manage stormwater and non-stormwater discharges during construction through the preparation and implementation of a stormwater pollution prevention plan (SWPPP). Construction activities are also anticipated to directly impact approximately 6,662 square feet (sf) of riparian habitat at the inlet and outlet of the main storm drainpipe that conveys Cooper Creek beneath the site (Figure 24). This impact is anticipated to be temporary and is associated with temporary equipment access and grading for construction of new concrete headwalls and rock energy dissipator/rock slope protection. Without mitigation, impacts to special-status riparian habitat would represent a significant impact. **Mitigation Measure BIO-4** requires avoidance of impacts to riparian habitat during construction to the greatest extent feasible and protection of riparian areas during construction with protective fencing. **Mitigation Measure BIO-5** requires the preparation and implementation of a plan to restore and mitigate for impacts to riparian habitat that cannot be avoided during construction. With the implementation of **Mitigation Measures HWQ-1, BIO-4, and BIO-5**, the impact to special-status riparian habitat would be less than significant.

Small fruit bulrush marsh (*Scirpus microcarpus* Herbaceous Alliance) was observed in several locations within the study area. Small fruit bulrush marshes are ranked G4S2, which means that this vegetation community is secure globally, but is uncommon within the state of California. Within the project vicinity the largest, most intact example occurs west of Bud Cloney Field; however smaller occurrences are mapped west and northwest of the Albee Stadium track near the Field House (Figure 23). All examples of this vegetation community within the project vicinity are within areas mapped as three-parameter wetlands and display high levels of cover by native vegetation. The Biological Report recommends avoidance of small fruit bulrush marsh. The project has been designed to avoid and minimize impacts to small fruit bulrush marsh to the extent feasible, but due to the constrained nature of the site and the close proximity of small fruit bulrush marsh to the existing facilities, minor impacts (fill/removal) are proposed to the west of Bud Cloney Field and at the southwest corner of Albee Stadium (Figure 24). Approximately 488 sf of small fruit bulrush marsh is proposed to be removed. Without mitigation, this would represent a significant impact. **Mitigation Measure BIO-6** requires the establishment and maintenance of appropriate buffers to avoid and protect small fruit bulrush marsh during construction. **Mitigation Measure BIO-7** requires the preparation and implementation of a plan to mitigate and compensate for removal of small fruit bulrush marsh that cannot be avoided during construction. The proposed location for onsite small fruit



bulrush marsh mitigation would be adjacent to the existing population along the west side of Bud Cloney Field in an area also proposed for compensatory wetland mitigation (Figure 25). With the incorporation of **Mitigation Measures BIO-6 and BIO-7**, potential impacts to small fruit bulrush marsh would be less than significant.

The majority of the study area surrounding the athletic facilities is dominated by remnant conifer forest best described as north coast conifer forest (Figure 23). Three tree species are dominant within the forest with coast redwood displaying the highest cover, followed by Sitka spruce and Douglas fir. Lesser dominants included western red cedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*), and grand fir (*Abies grandis*). The dominance by coast redwood, Sitka spruce, and Douglas fir do not meet the criteria for a specific special-status vegetation community or alliance but is likely a mix of three natural communities (Redwood forest (*Sequoia sempervirens* Forest Alliance), Sitka spruce forest (*Picea sitchensis* Forest Alliance), and Douglas fir forest (*Pseudotsuga menziesii* Forest Alliance). The mixed conifer forest surrounding the athletic facilities is habitat for a number of botanical and wildlife species that otherwise would not survive in the suburban surroundings (SHN, 2020a). Construction of the project's two potential ADA-compliant ramp options between the Eureka High main campus and Albee Stadium would involve removal of a number of mature trees. If the north ADA ramp option is selected (Figure 19), construction would involve removal of up to 15 redwoods (diameter at breast height [DBH] 24 to 60 inches), 1 Sitka spruce (DBH 36 inches), 1 red alder (DBH 20 inches), and 1 western red cedar (DBH 24 inches). If the south ADA ramp option is selected (Figure 20), construction would involve removal of up to 9 redwoods (DBH 12 to 61 inches) and 1 Douglas fir (DBH 36 inches). One or the other ADA ramp options may be constructed as a result of the project, but not both. It is also possible that neither ADA ramp option will be constructed if ECS can obtain a hardship exemption from the Division of the State Architect (DSA). The trees to potentially be removed do not meet the criteria for a specific special-status vegetation community or alliance, and thus their removal would not constitute a potentially significant impact under CEQA; however, their removal would reduce the habitat for a number of botanical and wildlife species. Therefore, to further reduce the project's potential for adverse biological impacts, **Mitigation Measure BIO-8** will be implemented, requiring that for each mature tree removed for ADA ramp construction, replacement trees will be planted at a 3:1 ratio. Replacement trees shall be of the same species as the trees to be removed and shall be planted in the vicinity of the area opened up by ADA ramp construction. With the incorporation of **Mitigation Measures BIO-8**, potential impacts from tree removal would be less than significant.

With the incorporation of **Mitigation Measures HWQ-1, BIO-4, BIO-5, BIO-6, BIO-7, and BIO-8**, and based on the information provided above, the proposed project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS. Therefore, the proposed project will have a less-than-significant impact with mitigation incorporated on this resource category.

- 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? Less-Than-Significant Impact with Mitigation Incorporated

As described in the Biological Resources Setting and the Wetland and Other Waters Delineation Report (SHN, 2020b), freshwater forested/shrub wetlands meeting the definition of three-parameter wetlands occur intermittently among the surrounding slopes and along the margins of the existing athletic fields. These federally protected wetlands are classified as Palustrine Forested Broad-leaved Deciduous Seasonally Flooded. Small channels drain the steep slopes surrounding the project site. The OHWM features associated with the small channels represent the lateral limits of federal jurisdiction over non-tidal water bodies in the absence of adjacent wetlands. Figures 17 and 18 indicate the jurisdictional wetland boundaries and OHWMs delineated within the project site and surrounding slopes.

Construction activities have the potential to indirectly impact downstream wetland habitat and OHWM through the discharge of sediment and/or other pollutants. Therefore, **Mitigation Measure HWQ-1** (see Section X – Hydrology and Water Quality) will be implemented to manage stormwater and non-stormwater discharges during construction through the preparation and implementation of a stormwater pollution prevention plan (SWPPP).

The proposed project is being designed to avoid and minimize impacts to wetlands and other jurisdictional waters to the extent feasible. However, due to the constrained nature of the site and the close proximity of wetlands and OHWMs to the existing athletic and academic facilities that are to be renovated/replaced, a minor amount of wetland fill is anticipated. Approximately 980 sf of wetland is to be temporarily impacted and approximately 1,504 sf is to be permanently filled/removed during construction (Figure 24). Approximately 75 linear feet of OHWM is to be temporarily impacted through the placement of rock slope protection at the inlet and outlet of the main storm drainpipe (Figure 24). Without mitigation, the impacts to wetlands would represent a significant impact. **Mitigation Measure BIO-9** requires the establishment and maintenance of appropriate buffers to avoid and protect wetlands and other jurisdictional waters during construction. **Mitigation Measure BIO-10** requires the preparation and implementation of a plan to mitigate and compensate for fill/removal of wetlands and other jurisdictional waters that cannot be avoided during construction. The proposed location for onsite wetland mitigation (creation) would be along the west side of Bud

Cloney Field (Figure 21) where there is sufficient area to create wetland mitigation at up to a 3:1 ratio for permanent wetland fill impacts. To mitigate for temporary wetland impacts, there is adequate area for additional wetland mitigation in the form of wetland restoration to the west of the Albee Stadium bleachers (Figure 19). With the incorporation of **Mitigation Measures HWQ-1, BIO-9, and BIO-10** and based on the information provided above, the proposed project will not 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. Therefore, the proposed project will have a less-than-significant impact with mitigation incorporated on this resource category.

- 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?* Less-Than-Significant Impact

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Wildlife movement corridors within the vicinity of the project consist of Cooper Creek and its associated riparian corridor upstream and downstream of the proposed project. Cooper Creek flows beneath the project site for a total length of 1,500 feet, entering a 30-inch diameter storm drainpipe south of Albee Stadium and daylighting north of Bud Cloney Field. Cooper Creek continues north for approximately 1.3 miles north before draining into Eureka Slough and Humboldt Bay. The Biological Report identified no special-status fish species as having a moderate or high potential to occur at the project site due to a lack of surface water connectivity.

The proposed project will be developed within the footprint of Albee Stadium, Bud Cloney Field, and the other existing facilities. Heavy vegetation cover along the western, eastern, and northern boundaries of the project site provides an adequate wildlife movement corridor around the project area. Therefore, the proposed project will not encroach on wildlife movement corridors, and the movement of wildlife species in the project area will continue to occur similar to the baseline condition.

Based on the information provided above, the proposed project will not 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. Therefore, the proposed project will have a less-than-significant impact on this resource category.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?* Less-Than-Significant Impact

The project proposes renovation and replacement of athletic and educational facilities at EHS in the City of Eureka. Although the proposed project is located within the City of Eureka, the project site is located on ECS property under the authority of ECS and the State of California. Public school districts, such as ECS, retain the authority to overrule local zoning and general plan land-use designations if specified procedures are followed pursuant to Government Code sections 53094, 65402(a), and 65403 and Public Resources Code Section 21151.2. Accordingly, ECS adopted Resolution #20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements (ECS, 2020b). However, the proposed project will be required to comply with the existing regulatory requirements of State and federal agencies including the United States Army Corp of Engineers (USACE), North Coast Regional Water Quality Control Board (NCRWQCB), and CDFW. To comply with these regulations, the project has been designed and mitigated to comply with the existing regulatory requirements related to the protection of wetlands, riparian areas, water quality, and sensitive plant and animal species.

Based on the information provided above, the proposed project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, the proposed project will have a less-than-significant impact on this resource category.

- 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?* No Impact

The proposed project is not located within the boundaries of an adopted habitat conservation plan; natural community conservation plan; or other approved local, regional, or state habitat conservation plan. As such, the project would not conflict with the provisions of an adopted habitat conservation plan. Therefore, the proposed project will have no impact on this resource category.



Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Biological Resources*, the following mitigation measures will be implemented:

Mitigation Measure BIO-1. Protect Siskiyou Checkerbloom: To avoid potential impacts to Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*) the following shall be implemented:

- Locations of Siskiyou checkerbloom populations within 50 feet of proposed construction shall be clearly identified for avoidance in the contract documents (plans and specifications); and
- Prior to the start of construction, where construction activities occur within 50 feet of the Siskiyou checkerbloom populations, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the plants, as determined by a qualified biologist.

Mitigation Measure BIO-2. Nesting Bird Surveys: To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented:

- Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between late August and mid-March, when birds are not typically nesting, or
- If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

Mitigation Measure BIO-3. Seasonal Limitation on Work in Active Channel: Project activities within the active channel of Cooper Creek (including but not limited to storm drainpipe rehabilitation and replacement, rock slope protection, headwall development, or similar ground-disturbing activities) shall occur from July 15 through October 31, to minimize potential impacts to aquatic species such as the northern red-legged frog, among others.

Mitigation Measure BIO-4. Protect Riparian Habitat: ECS shall avoid impacts to riparian habitat during construction to the greatest extent feasible. Riparian habitat adjacent to the project site that will not be impacted by the project shall be protected during construction with protective fencing. Protective fencing shall be installed prior to construction and a biological monitor shall supervise the installation of the fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.

Mitigation Measure BIO-5. Mitigate for Riparian Habitat Impacts: ECS shall avoid impacts to riparian habitat to the extent feasible. Where impacts to riparian habitat cannot be avoided, impacts to riparian habitat shall be quantified during construction and habitat shall be restored following construction. Riparian habitat shall be restored within the impact footprint at a 1:1 ratio for temporary impacts and elsewhere onsite at up to a 3:1 ratio for permanent impacts. ECS shall restore the affected areas by planting native flora, primarily trees, to re-establish functional riparian woodland. In addition, removal of concrete and metal debris from the active stream channel and invasive species management will be part of the mitigation effort. A Mitigation Monitoring Plan shall be prepared in coordination with NCRWQCB and CDFW. The Plan shall be acceptable to the regulatory agencies with jurisdiction over riparian areas and shall include the following elements: proposed mitigation ratios; description and size of the restoration area; site preparation and design; plant species; planting design and techniques; maintenance activities; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by ECS. ECS shall also compensate for impacts to riparian areas by obtaining required permits from the NCRWQCB and CDFW, which shall be received prior to the start of any construction activity subject to these permits. ECS shall ensure that any additional measures outlined in the permits are implemented.

Mitigation Measure BIO-6. Protect Small Fruit Bullrush Marsh: ECS shall implement the following mitigation measures to avoid and protect small fruit bullrush marsh (*Scirpus microcarpus* Herbaceous Alliance):

- Prior to the start of construction, a qualified biologist will develop and distribute educational materials to construction crews at a “tail-gate” meeting identifying small fruit bullrush marsh within the project area. This will include (but is not limited to) hard copy information about small fruit bullrush marsh identification and defining protective buffer flagging or fencing to explain where the buffers are placed and what they are intended to protect.

- Except where direct removal of small fruit bulrush marsh is proposed, establish and maintain appropriate buffers as determined by a qualified biologist for the duration of construction. Small fruit bulrush marsh shall be demarcated with high visibility fencing to avoid ground disturbance.

Mitigation Measure BIO-7. Mitigate for Impacts to Small Fruit Bulrush Marsh: ECS shall prepare and implement a Mitigation Monitoring Plan to identify and compensate for removal of small fruit bulrush marsh (*Scirpus microcarpus* Herbaceous Alliance) that cannot be avoided during construction. The Plan will include the following components, must adequately replace habitat, and be approved by the California Department of Fish & Wildlife (CDFW):

- Identify, map, and quantify the impacted small fruit bulrush marsh.
- Determine the appropriate replacement or restoration to impact ratio.
- Identify suitable location(s) for creating replacement habitat (including wetland areas created pursuant to Mitigation Measure BIO-10) or restoring a site that previously had the equivalent small fruit bulrush marsh community.
- Determine success criteria against which the replacement/restoration site would be judged to successfully have replaced or restored the small fruit bulrush marsh.
- Determine appropriate ongoing monitoring for the small fruit bulrush marsh mitigation. Monitoring shall include the timing and frequency of inspections, and documentation of inspections, until it is determined that the success criteria has been met.
- If during monitoring it is found that the replacement and/or restoration is not succeeding, ECS shall consult with CDFW to determine appropriate corrective actions.

Mitigation Measure BIO-8. Mitigate for Tree Removals: If mature trees are to be removed for construction of one of the two ADA ramp options between the Eureka High main campus and Albee Stadium, replacement trees shall be planted at a 3:1 ratio. Replacement trees shall be of the same species as the trees to be removed and shall be planted in the vicinity of the area opened up by ADA ramp construction.

Mitigation Measure BIO-9. Protect Wetlands: Excluding wetlands (and other jurisdictional waters as delineated by ordinary high water mark) that will be filled or must be worked in during project construction, ECS shall protect wetlands and other jurisdictional waters during construction. Prior to the start of construction, where construction activities occur within close proximity (50 feet) to delineated wetlands and other jurisdictional waters, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the wetlands and other jurisdictional waters, as determined by a qualified biologist. The fencing shall be checked weekly by a biological monitor to ensure its continued correct placement and stability.

Mitigation Measure BIO-10. Mitigate for Wetland Impacts: ECS shall avoid the fill of wetlands (and other jurisdictional waters as delineated by ordinary high water mark) to the extent feasible. Where fill of wetlands and other jurisdictional waters cannot be avoided, ECS shall compensate for the loss so there is no net loss of wetlands. ECS shall compensate for impacts to identified wetlands and other jurisdictional waters through restoration, rehabilitation, and/or creation of wetland at a ratio of no less than 1:1. A Mitigation Monitoring Plan shall be prepared in coordination with NCRWQCB, USACE, and CDFW. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with NCRWQCB, USACE, and CDFW. The Plan shall be acceptable to the regulatory agencies with jurisdiction over wetlands and waters and shall include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by ECS. ECS shall also compensate for impacts to wetlands and other waters by obtaining required permits from the USACE, NCRWQCB, and CDFW which shall be received prior to the start of any construction activity subject to these permits. ECS shall ensure that any additional measures outlined in the permits are implemented.

V. CULTURAL RESOURCES: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Archaeological and other resources can be damaged through uncontrolled public disclosure. Archeological site locations and culturally sensitive information is considered confidential and public access to such information is restricted by State and federal law, therefore this information has been redacted for use in the Mitigated Negative Declaration (MND). Professionally qualified individuals, as determined by the California Office of Historic Preservation, may contact the lead agency in order to inquire about its availability.

Information regarding the location, character, or ownership of a historic resource is exempt from the Freedom of Information Act pursuant to 16 U.S.C. 470w-3 (National Historic Preservation Act) and 16 U.S.C. § 470hh (Archaeological Resources Protection Act) and California State Government Code, Section 6254.10.

Setting: A Historical Resources Investigation was completed for the proposed project by William Rich and Associates (WRA). The purpose of this investigation was to document whether significant archaeological or historic period-built environment cultural resources, defined as an Historical Resource or Tribal Cultural Resource in the CEQA Guidelines Title 14 California Code of Regulations (CCR) Section 15064.5(a), are present within the proposed project area. This was completed by performing research of existing information, outreach to Wiyot area tribes and local historical societies, an archaeological field survey, and an evaluation of the historical buildings and structures in the project area (WRA, 2020).

The project site is located in the City of Eureka, which is located within the indigenous territory of the Wiyot people. At the time that Euro-Americans first settled in this region, the Wiyot Tribe held the coastal lands surrounding Humboldt Bay. They were divided into three principal groups, the Patawat, who lived in the villages on the lower Mad River, the Wiki on Humboldt Bay, and the Wiyot along the lower Eel River. It is the name of the Eel River division, which is now used exclusively in accounts pertaining to the entire group. Several Wiyot villages and archaeological sites were mapped along the shore of the bay around a century ago, north and west of the project area; however, none of these sites occur within one-half mile of the proposed undertaking. There are no known Wiyot sites, places of importance, or other cultural resources in the project area (WRA, 2020).

ECS requested a list of regional tribes from the Native American Heritage Commission (NAHC). Registered Professional Archaeologist, William Rich, M.A. invited the Wiyot area tribes to coordinate on field survey and archaeological identification efforts at this project location. This outreach was provided by an emailed letter on September 4, 2020 to Tribal Historic Preservation Officers (THPO) Janet Eidsness of the Blue Lake Rancheria, Erika Cooper of the Bear River Band of the Rohnerville Rancheria, and Chairman Ted Hernandez of the Wiyot Tribe. Under Assembly Bill (AB) 52, Eureka City Schools sent notification letters to these same local Native American tribes on October 19, October 21, and November 5, 2020. Responses were received from the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria requesting that an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation (ECS, 2020a).

In 1850, members of the Mendocino Company landed on the shore of Humboldt Bay and began to lay claim to the region that had long been Wiyot territory. Streets, mills, and buildings were built as development in the region expanded, forming what today is the City of Eureka. The project site is located on what is now portions of the EHS campus. The project site contains Albee Stadium, Bud Cloney Field, and various facilities that serve EHS, including the Field House at Albee Stadium, and the Portable Agriculture Classrooms and Technology Center (formerly misidentified as the Agriculture Building and currently also known as the Welding Shop) near Bud Cloney Field. The project area includes land that was cleared, in-filled, and developed between the 1910s and the 1950s for the construction of EHS facilities. This area was described early as being densely forested prior to being cleared in the late 19th century (WRA, 2020).

Albee Stadium was built in 1925 and has since been used by both EHS students and community members for athletic and recreational activities with periodic improvements over the years. The Albee Stadium Field House was constructed in the 1950s, resembling International Style of design. This simple gabled building contains modest International Style design elements, including the ribbon windows set flush with outer walls; fenestration lacking in decorative detailing; smooth stuccoed outer walls; cantilevered roof sections lacking ground support, and the asymmetrical façade. These elements of the Field House retain requisite integrity to convey the structure's architectural significance (WRA, 2020).

Bud Cloney Field was built over the deeper part of Cooper Creek (also referred to as Cooper Canyon or Cooper Gulch) sometime between 1970 and 1981. It has been used as a baseball diamond since that time, both by EHS students and community members. Adjacent to Bud Cloney Field are Agriculture Buildings, which consist of two adjoining portable classroom trailers, which were installed in 2006, having replaced the original agriculture building which was built in 1952 and torn down in the 1970s. As this building is an entirely modern construction, it does not meet the age criteria or other criteria requisite for inclusion on state or local registers, nor would it be considered a historical resource. Near Bud Cloney Field and the Agriculture Building sits the Technology Center (formerly misidentified as the Agriculture Building and currently also known as the Welding Shop), which was built in 1950, after the land north of Del Norte Street was cleared and filled. Between 1988 and 1990, the Welding Shop was added onto the east side of the Technology Center building. The Technology Center building, containing a classroom, auto garage, and welding shop is an example of International Style, recognized as a significant architectural theme for the campus, sharing several design features with the Willard Gymnasium on the EHS main campus and the Field House at Albee Stadium. The building has been closed to student use since 2017 due to unsafe and hazardous conditions resulting from structural foundation failure (WRA, 2020).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?* Less Than Significant with Mitigation Incorporated

During the Historical Resources Investigation prepared for the proposed project, two buildings within the project area were recognized as being more than 50 years of age. These are the Technology Center (1950) near Bud Cloney Field and the Field House (1950) at Albee Stadium. The Field House and the Technology Center both appeared to retain integrity as modest examples of the International Style. The Field House, Technology Center, and Albee Stadium appeared eligible for the California Register of Historical Resources (CRHR) and the City of Eureka Local Register of Historic Places (LRHP). These structures contribute to the significance of the EHS campus. Other facilities and areas within the project footprint, such as the Portable Agriculture Classrooms and Bud Cloney Field, do not meet the age threshold for consideration as historical resources or meet criteria for inclusion in federal, state, or local registers (WRA, 2020). Therefore, the following discussion focuses on the Field House, Technology Center, and Albee Stadium.

Field House

As described above, the Historical Resources Investigation concluded that the Field House is eligible for the CRHR and LRHP. At the time the Historical Resources Investigation was prepared, the Field House was proposed for replacement of exterior finish, doors, and windows to meet Title 24 energy and Americans with Disability Act (ADA) accessibility requirements. New concrete landings, ramps, and steps were to be added on each end of the building to meet ADA accessibility requirements. The building size was not to be increased.

In preparation for the proposed modifications to this building, WRA recommended that the project utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Secretary of the Interior's Standards were developed to promote consistent preservation practices. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect cultural resources. In the Standards, there are four ways that a historic property may be treated; they include Preservation, Rehabilitation, Restoration, and Reconstruction.

According to the Historical Resources Investigation, the most appropriate standard to use for reviewing this proposed remodeling of the Field House was Rehabilitation. Rehabilitation emphasizes the retention and repair of historic materials, but also acknowledges time moves forward and properties change, and allows additions so long as the essential historic character on the parcel remains. Contemporary or non-historic materials may be used in the construction where the same materials would be impractical. Rehabilitation focuses more on how people continue to use and adapt properties according to changing needs than on historical interpretation.

The Historical Resources Investigation for the proposed project utilized the ten Standards of Rehabilitation to analyze the appropriateness of the Secretary of the Interior's Standards for the Treatment of Historic Properties, concluding that Rehabilitation

of the Field House would adequately reduce impacts to less-than-significant. Additionally, ECS coordinated with Historic Preservation Consultant Jill Macdonald and incorporated her recommendations (Macdonald, 2021a) into the proposed alterations to the Field House (FF&J, 2021). Jill Macdonald reviewed the updated Field House rehabilitation plans and concurred with the proposed modifications (Macdonald, 2021b).

However, since the preparation of the above referenced Historic Resources Investigation, the California Division of the State Architect (DSA) reviewed the plans to rehabilitate the Field House, and further assessed the structural modifications necessary to bring the building up to a code acceptable to schools. DSA's review process is done with the goal of requiring school districts to demolish older buildings and reconstruct them to meet the most current building code requirements. Based on DSA's review of the proposed Field House improvements, and the structural modifications, DSA is now requiring, along with the proposed new interior improvements for the building, the cost to rehabilitate the Field House is over the 50% replacement value of the building. Therefore, current State Building Code requires the Field House building to meet all current building codes, which DSA says cannot be met with the current building. Based upon its review of the Geotechnical and Geohazard Report (SHN, 2021a), DSA determined that the soil under the Field House is unstable and would need to be remediated to eliminate the potential of liquefaction. The anticipated costs involved to make all of the structural modifications make the potential of rehabilitation of the Field House cost prohibitive (Macdonald, 2022).

With rehabilitation of the Field House no longer being feasible, ECS is committed to reconstruction of the building using the Secretary of the Interior Standards for the Treatment of Historic Properties – Reconstruction. This involves reconstructing the building to match the original footprint and exterior appearance, and salvaging and reusing the original windows, doors, frames, and other distinguishing features in order for the building to exemplify its historical architectural style. Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historical location.

The following are the Secretary of the Interior Standards for Reconstruction (NPS-USDI, 2022):

The Standards will be applied, taking into consideration the economic and technical feasibility of each project.

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Jill MacDonald provided a letter stating that because the original plans for the Field House exist, and because of the adequate photographic documentation of the structure in its original form, it is feasible that an accurate reconstruction of the Field House can be attained (Macdonald, 2022). She specified that all of the original materials that can be saved must be incorporated into the reconstruction. Although the interior of the building will have modern upgrades, the exterior must mimic the original facades. She specified that the comments in her letter dated March 25, 2021 (Macdonald, 2021a) are still relevant and need to be incorporated into the final design. She concluded that reconstruction of the Field House is an opportunity to honor the historic context of the campus setting at Eureka Senior High School, and that the Field House reconstruction will be an exemplary example of the benefits of sound preservation practice based on the economic unfeasibility of any other preservation treatment (Macdonald, 2022).

Therefore, reconstruction of the Field House meeting the Secretary of Interior's Standards for the Treatment of Historic Properties – Reconstruction has been included as **Mitigation Measure CR-1**. With the inclusion of the **Mitigation Measure CR-1**, which includes the specific design recommendations provided by Jill Macdonald, the reconstruction of the Field House would not adversely affect the ability of the structure to convey its historical architectural style, either individually or as a contributor to a potential Eureka High School historic district.

To further mitigate any adverse impact to the Field House posed by its proposed demolition and reconstruction, the structure was photographed and documented during preparation of the Historical Resources Investigation. This has been incorporated as **Mitigation Measure CR-2**. In fulfillment of the requirements of this measure, the Historical Resources Investigation included completed California Department of Parks and Recreation (DPR) 523-series historical resources inventory forms for the Field House. Therefore, with the inclusion of the **Mitigation Measures CR-1** (to be completed as part of the project) and **CR-2** (already completed), the demolition of the Field House would result in a less-than-significant impact to a historical resource pursuant to Section 15064.5.

Technology Center

As previously noted, the Historical Resources Investigation concluded that the Technology Center is eligible for listing in the CRHR and LRHP. However, the investigation notes that the proposed demolition of the Technology Center now appears unavoidable given the subgrade failure and subsequent impacts to the building foundation system (WRA, 2020). Due to the Technology Center's eligibility for the CRHR and LRHP, WRA recommended the structure be photographed and documented to mitigate any adverse impact to the structure posed by the proposed demolition of the building. This recommendation has been incorporated as **Mitigation Measure CR-2**. In fulfillment of the requirements of this measure, the Historical Resources Investigation included completed California Department of Parks and Recreation (DPR) 523-series historical resources inventory forms for the Technology Center, and it concluded that the DPR 523 record forms and the historical documentation contained in the Historical Resources Investigation shall serve to mitigate any significant impact to these resources posed by the project. Therefore, with the inclusion of **Mitigation Measure CR-2** (already completed), the demolition of the Technology Center building would result in a less-than-significant impact to the significance of a historical resource pursuant to Section 15064.5.

Albee Stadium

As previously noted, the Historical Resources Investigation concluded that the Albee Stadium is eligible for listing in the CRHR and LRHP. Albee Stadium's eligibility is associated with the historical development of the City of Eureka and its contribution to regional history. However, the proposed project, which seeks to improve stadium lighting, athletic facilities, support structures, and access routes, is not expected to adversely affect the ability of these structures to convey their historical significance, either individually or as contributors to a potential Eureka High School historic district. These improvements are functional modifications which will provide utility to Albee Stadium without detracting from its historical significance. The intended changes to Albee Stadium are relatively minimal and the overall design, massing, scale, and context of the property will not be altered as a result of the proposed project. These small changes could, in fact, allow for the viability of this local landmark, by allowing new and continued uses for older historic spaces (WRA, 2020). Therefore, the proposed improvements to Albee Stadium would result in a less-than-significant impact to the significance of a historical resource pursuant to Section 15064.5.

Based on the information provided above, with the inclusion of **Mitigation Measures CR-1** and **CR-2**, it has been determined that the proposed project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? Less-Than-Significant Impact with Mitigation Incorporated*

The project site includes land that was cleared, in-filled, and developed between the 1910s and the 1950s for the construction of EHS facilities. This area was described as being densely forested prior to being cleared in the late 19th century. The Historical Resources Investigation prepared for the proposed project documents that no Native American archaeological sites, features, or other cultural resources were identified during the investigation, nor have any been identified in the adjacent vicinity during past survey efforts. This does not, however, preclude the potential for these types of resources to be present at this location, due to the proximity to a perennial watercourse in Cooper Creek that drains directly to Humboldt Bay where associated Wiyot sites are known to occur. The location, being situated in the upper canyon of a small stream flowing into Humboldt Bay, could contain archaeological deposits wherever intact soils are present, including along the eastern and western margins of the project area, where imported fill is more shallow or where intact landforms are present.

ECS requested a list of regional tribes from the Native American Heritage Commission (NAHC). Registered Professional Archaeologist, William Rich, M.A. invited the Wiyot area tribes to coordinate on field survey and archaeological identification efforts at this project location. This outreach was provided by an emailed letter on September 4, 2020 to Tribal Historic Preservation Officers (THPO) Janet Eidsness of the Blue Lake Rancheria, Erika Cooper of the Bear River Band of the Rohnerville Rancheria, and Chairman Ted Hernandez of the Wiyot Tribe. Under Assembly Bill (AB) 52, Eureka City Schools sent notification letters to these same local Native American tribes on October 19, October 21, and November 5, 2020. Responses were received from the Wiyot Tribe,

Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria requesting that an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation (ECS, 2020a).

Although the Historical Resources Investigation suggests that it would be relatively unlikely, because of prior disturbances, to encounter intact buried archaeological materials at this location during implementation of the proposed project, Tribal representatives requested an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation. Therefore, implementation of an Inadvertent Discovery Protocol shall be required as **Mitigation Measure CR-3**. The Historical Resources Investigation concludes that with implementation of **Mitigation Measure CR-3**, the proposed project would not result in a substantial adverse change to archaeological resources (WRA, 2020).

With the implementation of **Mitigation Measure CR-3**, the proposed project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

c) *Disturb any human remains, including those interred outside of formal cemeteries?* Less-Than-Significant Impact with Mitigation Incorporated

Due to the past disturbance of the site, the presence of human remains is unlikely. However, there is a possibility that human remains and historic burial sites could exist in the area and may be uncovered during project development. An Inadvertent Discovery Protocol for human remains is included in **Mitigation Measure CR-4**. As such, if human remains are discovered during project construction, work will stop at the discovery location and **Mitigation Measure CR-4** will be implemented immediately.

With the implementation of **Mitigation Measure CR-4**, it has been determined that the proposed project will not disturb any human remains, including those interred outside of formal cemeteries. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Cultural Resources*, the following mitigation measures will be implemented:

Mitigation Measure CR-1. Field House Reconstruction: The Field House shall be reconstructed according to the Secretary of the Interior's Standards for the Treatment of Historic Properties – Reconstruction. Specifically, the following design elements will be incorporated into the reconstruction of the Field House:

1. The roof material will be Composition Luxury grade shingles with a profile which emulates wood shakes in color, texture, and style.
2. Glazing which has been removed or replaced over the years will be replaced with original glazing from the current Jay Willard Gymnasium on the project campus.
3. The horizontal wood elements of the window frames, louvers at the gable ends, and the horizontal wood trim board will be retained. The materials used to replace the existing ship lap siding and plaster will match the scale, texture, and design of the original surface materials. Other wood trim materials found to be in good condition will be restored.
4. The new accessible walkway will run behind the building on its south side, which avoids needing to have a ramping condition around the Field House. New steps will be added on the east and west sides of the building to allow access up to the building from the new finish surface elevations on the north side of the building.
5. The original fenestration, banding, the northeast corner, and front facade accents will be retained. The original front door and side lights on each side will be restored to the original appearance of this building. The door will not be openable, but the appearance will be retained.

Mitigation Measure CR-2. Technology Center and Field House Documentation: Prior to their demolition, the Technology Center and the Field House shall be subject to the historical documentation called for and completed in the Historical Resources Investigation, including photographs of the structure and completion of California Department of Parks and Recreation (DPR) 523-series historical resources inventory forms.

Mitigation Measure CR-3. Inadvertent Discovery Protocol for Archaeological Resources: If archaeological finds dating to the prehistoric and/or historic periods are encountered during construction activities, the contractor foreman shall cease all work in the immediate area and within a 50-foot buffer of the discovery location and immediately notify the Eureka City Schools (ECS). A qualified professional archaeologist shall be retained by ECS to conduct a rapid response examination of the find, assess its potential significance, and recommend a treatment plan to recover important information where significant impacts cannot be avoided. A professional experienced in historic era archaeology shall be required to evaluate and treat historic period (Euro American) finds. In cases where Native American archaeological constituents are inadvertently discovered, the Tribal Historic Preservation Officers (THPOs) for the tribes listed in Section 5.2 will be consulted by the ECS about the discovery's significance and development and implementation of a culturally sensitive treatment plan to be carried out by the consulting archaeologist and tribal representatives as appropriate.

Prehistoric archaeological discoveries may include obsidian or chert flakes and flaked-stone tools; locally darkened ashy midden soils; groundstone artifacts such as mortars and pestles; shellfish and faunal food refuse; shell beads and ornaments; and intact human burials or skeletal remains. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to identify the Most Likely Descendant (MLD), who shall recommend to the property owner the appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

Examples of potentially significant historic archaeological finds include but are not limited to: mortared bricks or rock alignments (possible building foundations); redwood boards or lined sump pits (in-place structural remains), or concentrations of refuse (old bottles, ceramics, metal objects, etc.) that may have been discarded into a pit feature (privy or well).

Mitigation Measure CR-4. Inadvertent Discovery Protocol for Human Remains: If previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5), the Humboldt County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. When the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission, and/or the most likely descendent have been implemented.

VI. ENERGY: Would the project:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Setting: The project site is located in the City of Eureka on portions of the EHS campus, including Albee Stadium and Bud Cloney Field. In Humboldt County, energy is used as a transportation fuel and as electrical and heat energy in homes, businesses, industries, and agriculture.

EHS is enrolled with Redwood Coast Energy Authority (RCEA) for the purchase of electrical energy, which is distributed and delivered through the existing Pacific Gas & Electric (PG&E) electrical grid. RCEA administers Humboldt County's Community Choice Energy (CCE) program. The CCE program allows city and county governments to pool (or aggregate) the electricity demands of their communities in order to increase local control over electric rates, purchase power with higher renewable content, reduce greenhouse gas emissions, and reinvest in local energy infrastructure. The CCE program currently procures approximately 47% of its power from renewable and carbon-free sources, which is approximately 8% greater than the renewable sources provided by the PG&E Base Plan (RCEA, 2019; PG&E, 2019).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *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

Construction

During construction of the proposed project, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment, construction worker and delivery truck travel to and from the project site, and to operate generators to provide temporary power for electronic equipment. Construction activities will include demolition, site preparation, grading, athletic surface and building construction, trenching, paving, architectural coating, and landscaping.

There are no unusual project characteristics that would need construction equipment or practices that would be less energy efficient than at comparable construction sites in the region or state. Construction activity would be temporary and fuel consumption associated with construction activities would cease once construction is completed. Furthermore, various equipment would be supplied by onsite generators, and would not require permanent connections to or otherwise burden local utilities. Due to the temporary nature of construction activities, the fuel and energy needed during construction would not be considered a wasteful or inefficient use of energy. Therefore, it is expected that construction energy consumption associated with the project would be comparable to other similar construction projects, and would therefore not be inefficient, wasteful, or unnecessary.

Operation

The proposed project will involve the continued operation of athletic and educational facilities, which will occur on an intermittent basis and do not have the potential to result in a significant increase in energy use. During operation of the proposed project, energy from the RCEA CCE program would be used for facility lighting, scoreboard, and public address (PA) system operation, restroom and concessions appliances, and irrigation. The CCE program procures approximately 47% of its power from renewable sources (RCEA, 2019). Operational energy use will also be in the form of fuel consumption for facility maintenance and operation of motor vehicles traveling to and from the facility for practice and athletic events. Fuel consumption will occur on an intermittent basis and is not anticipated to result in significant energy use above the existing baseline condition.

New and renovated structures proposed by the project are required to comply with Title 24 Building Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations), which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building

insulation and roofing, and lighting. Implementation of the Title 24 standards significantly reduces energy usage. It has generally been the presumption throughout the State of California that compliance with Title 24 (as well as compliance with the federal and state regulations) ensures that projects will not result in the inefficient, wasteful, and unnecessary consumption of energy.

Based on the information provided above, the proposed project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?* Less-Than-Significant Impact

The project proposes improvements to Albee Stadium and Bud Cloney Field. This is not a type of project that would have the potential to conflict with or obstruct state or local plans for renewable energy or energy efficiency. Instead, the project will be consistent with plans for renewable energy or energy efficiency since it will receive electricity from a CCE program with a power mix containing 47% renewable energy sources, and will be required to comply with the Title 24 Building Energy Efficiency Standards.

Based on the information provided above, the proposed project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: No mitigation measures are required for the project to result in a less-than-significant impact on *Energy*.

VII. GEOLOGY AND SOILS: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a.i) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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 Publications 42.			X	
a.ii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?		X		
a.iii) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?		X		
a.iv) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		X		
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?		X		
e) 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?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

Setting: A Geologic Hazard and Geotechnical Investigation Report was completed for the proposed project (SHN, 2021a). The primary purpose of this investigation was to assess site subsurface conditions and to develop geotechnical recommendations in support of the design and construction of the proposed project. The investigation included: a) field exploration and laboratory testing program; and b) an engineering analysis to develop geotechnical recommendations, including grading and foundation recommendations for the planned construction. A letter providing Supplemental Geotechnical Recommendations for small pole structures and smaller height retaining walls was also completed (SHN, 2021b). A Geologic Hazard and Geotechnical Report prepared for a previous project on the EHS campus also provides geologic setting information (SHN, 2018).

The project site is located in the City of Eureka on portions of the EHS campus, including Albee Stadium and Bud Cloney Field. Eureka is located within the Coast Ranges Geomorphic Province of California, which is characterized by subparallel north- to northwest-trending mountain ranges and intermountain and coastal alluvial valleys and plains. Topography in the province is controlled by the predominant geological structural trends within the Coast Range that generally consist of northwest trending synclines, anticlines, and faulted blocks.

The City of Eureka is located at the southern end of the Cascadia Subduction Zone, which is a tectonically active region with high seismic activity. Historic seismicity and paleoseismic studies in the area suggest sources of damaging earthquakes in the Eureka region can come from the Gorda Plate (a fragment of the Juan de Fuca plate); the Mendocino fault; the Mendocino Triple Junction; the northern end of the San Andreas fault; faults within the North American Plate (including the Little Salmon fault and the Mad River fault zone); and offshore faults from the Cascadia Subduction Zone in general (City of Eureka, 2018).

Due to the dynamic crustal deformation near the Mendocino Triple Junction, there is a high level of seismicity in the north coast region of California, which is the most seismically active region in the continental United States. However, no known active fault crosses the EHS campus. The nearest known active fault is the Little Salmon fault, which is mapped approximately 5 miles to the southwest of EHS. The nearest fault within the Mad River fault zone, the Fickle Hill fault, is nearly 7 miles to the north of EHS. The risk of surface fault rupture at the EHS campus is negligible (SHN, 2018).

The center of project site is relatively flat and developed with the existing athletic fields and ancillary facilities. Elevations rise steeply on the east and west sides of the project site, shaping the site into a gulch that drains to the north. The topography of the project site and surroundings is attributed to the geomorphic effects of Cooper Creek (also commonly referred to as Cooper Canyon or Cooper Gulch). The eastern slope of the valley is a smooth continuous valley wall slope of moderate gradient through the entire project area. Although areas of substantial seepage are present, there are no well-established watercourses on the eastern slope. The western slope of valley is characterized by a drainage canyon consisting of several small springs and wetlands. Groundwater was encountered at the project site between 10 to 20 feet below the site's surface. However, groundwater levels were closer to the ground surface towards the valley margins. Existing drainage facilities are extensive, and some are more effective than others (SHN, 2021a).

Subsurface investigations of the project site indicate that the site is underlain by artificial fill, Holocene age alluvium and colluvium, late Pleistocene age marine terrace deposits, a distinct "pre-terrace" mud, and Hookton formation sediments. Fill soils encountered during the investigation are relatively thin at the upstream (southern) end of Albee Stadium, and thicken toward the downstream (northern) end of the project area north of Del Norte Street, consistent with the natural gradient of the valley. Fill soils are thickest in the center of the valley, and thinner toward the valley margins (SHN, 2021a).

The majority of the project site is in an area characterized as relatively stable, and the surrounding slopes are characterized as having low instability (Humboldt County, 2020b). There is no mapping or geomorphic evidence to suggest landslide potential along the valley walls surrounding the project site. However, the Geologic Hazard and Geotechnical Investigation indicated that areas of the project site have a moderate to high likelihood of liquefying during the design earthquake. It inferred that areas of more significant liquefaction (and settlement) are possible along the valley axis, where uncontrolled fills are thickest, but these areas will support only parking and athletic fields, which are suitably low exposure improvements (SHN, 2021a).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a.i)** *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?* 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 and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead as well as underground utilities. Although the project site resides in region of high seismic activity, the project site, however, does not lie in a fault rupture zone, as delineated by the Alquist-Priolo Earthquake Fault Zoning Map (DOC, 2020a).

Based on the information provided above, it has been determined the proposed project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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. Therefore, the proposed project would result in a less-than-significant impact.

- a.ii)** *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?* Less Than Significant with Mitigation Incorporated

As noted in the Geology and Soils Setting, there is a high level of seismicity in the north coast region of California, which is the most seismically-active region in the continental United States. The entire northern California region is subject to the potential for moderate to strong seismic shaking due to local or distant seismic sources. Seismic shaking has the potential to be generated by faults many miles from the project vicinity. As discussed under subsection a.i), no known active faults traverse the project site.

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. While the proposed project includes the construction and renovation of structures, no structures

that would allow long-term habitation (for example, residences, hospitals, etc.) are proposed by the project. The site will primarily be used for outdoor athletic activities with intermittent use of the structures.

Regional and site-specific conditions of the project site were examined by SHN in preparation of a Geologic Hazard and Geotechnical Investigation. The investigation provides recommendations relating to the design and construction of the proposed project. Based on the results and recommendations of the investigation, the project site is determined to be suitable for construction of the proposed project, provided all site-specific recommendations are incorporated into the project design and construction. Therefore, adherence to the recommendations of the Geologic Hazard and Geotechnical Investigation (SHN, 2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) shall be required as **Mitigation Measure GEO-1** to minimize potential risks from strong seismic ground shaking.

With the implementation of **Mitigation Measure GEO-1** and based on the information provided above, it has been determined the proposed project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

a.iii) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction: Less-Than-Significant with Mitigation Incorporated*

As noted in the Geology and Soils Setting, there is a high level of seismicity in the north coast region of California, which is the most seismically active region in the continental United States. The entire northern California region is subject to the potential for moderate to strong seismic shaking due to local or distant seismic sources. According to the Humboldt County GIS system, the majority of the project site is in an area characterized as relatively stable, with the potential for liquefaction. The surrounding slopes are characterized as having low instability (Humboldt County, 2020b).

Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables, and buildings with shallow foundations.

Design and construction of the project would incorporate appropriate engineering practices to ensure seismic stability as required by the California Building Code (CBC). In addition, the proposed project shall adhere to the recommendations of the Geologic Hazard and Geotechnical Investigation (SHN, 2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) relating to the design and construction of the proposed project. This requirement has been included as **Mitigation Measure GEO-1** to minimize potential risks from seismic hazards.

With the implementation of **Mitigation Measure GEO-1** and based on the information provided above, it has been determined the proposed project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

a.iv) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides: Less-Than-Significant Impact*

Slope failures, commonly referred to as landslides, include many phenomena that involve the downslope displacement and movement of material, either triggered by static (such as, gravity) or dynamic (such as, earthquake) forces. Earthquake motions can induce significant horizontal and vertical dynamic stresses in slopes that can trigger failure. Earthquake-induced landslides can occur in areas with steep slopes that are susceptible to strong ground motion during an earthquake. The youthful and steep topography of the coast range is known for its potential for landslides.

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Elevations are primarily flat within the center of the project site, with elevations rising immediately to the east and west of the project site. According to the Humboldt County GIS system, the majority of the project site is in an area characterized as relatively stable. The surrounding slopes are characterized as having low instability (Humboldt County, 2020b). Furthermore, there is no mapping or geomorphic evidence to suggest landslide potential along the valley wall slopes adjacent to the project site (SHN, 2021a). The majority of surface and subsurface disturbances associated with construction of the proposed project will occur within the footprint of the existing athletic fields where the site is flat.

Based on the information provided above, it has been determined the proposed project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, the proposed project would result in a less-than-significant impact.

b) *Result in substantial soil erosion or the loss of topsoil?* Less Than Significant with Mitigation Incorporated

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Elevations are primarily flat within the center of the project site, with elevations rising steeply immediately to the east and west of the project site. The greatest potential for soil erosion would occur during the construction phase of the proposed project, which would include grading, excavation, trenching, and other ground-disturbing activities that have the potential to result in soil erosion. The majority of surface and subsurface disturbances associated with construction of the proposed project will occur within the footprint of the existing athletic fields.

Protective and avoidance measures shall be implemented during construction of the proposed project pursuant to the requirements of the SWRCB CGP. The SWRCB CGP will require the preparation of a Construction SWPPP, which documents the stormwater dynamics at the site, the BMPs and water quality protection measures that are to be used, and the frequency of inspections. In conjunction with the requirement to prepare a SWPPP, **Mitigation Measure HWQ-1** has been incorporated to provide additional water quality protection during construction through the implementation of appropriate BMPs (see Section X—Hydrology and Water Quality). Adherence to the SWRCB regulatory requirements shall ensure construction of the proposed project will not result in substantial soil erosion or the loss of topsoil.

Additionally, because construction activities will involve work in jurisdictional waters including the replacement of the main storm drainpipe containing Cooper Creek, the proposed project will require a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Certification from the North Coast Regional Water Quality Control Board (NCRWQCB), and a Lake and Streambed Alteration (LSA) Agreement from CDFW, and will need to comply with all permit conditions. Permit conditions will include measures and protocols to minimize soil erosion and the loss of topsoil. Therefore, the risk of soil erosion during construction of the proposed project is minimal.

With the implementation of **Mitigation Measure HWQ-1** and based on the information provided above, it has been determined the proposed project will not result in substantial soil erosion or the loss of topsoil. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated.

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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?* Less-Than-Significant with Mitigation Incorporated

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Elevations are primarily flat within the center of the project site, with elevations rising immediately to the east and west of the project site. According to the Humboldt County GIS system, the majority of the project site is in an area characterized as relatively stable, with the potential for liquefaction. The surrounding slopes are characterized as having low instability (Humboldt County, 2020b). There are no documented on- or offsite landslide hazard areas identified within the project site or the immediate vicinity.

Design and construction of the project would incorporate appropriate engineering practices to ensure seismic stability as required by the CBC. In addition, the proposed project shall adhere to the recommendations of the Geologic Hazard and Geotechnical Investigation (SHN, 2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) relating to the design and construction of the proposed project. This requirement has been included as **Mitigation Measure GEO-1** to minimize potential risks from geologic hazards, including in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

With the implementation of **Mitigation Measure GEO-1** and based on the information provided above, it has been determined the proposed project will not 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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

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?* Less Than Significant with Mitigation Incorporated

Expansive soils are those that undergo a change in volume when exposed to fluctuations in moisture, causing shrinking when dry and swelling when moist. Such change in volume can distort structural elements and damage structures. Typically, soils with high clay contents are most susceptible to these processes.

The Geologic Hazard and Geotechnical Investigation prepared for the project indicates the site is underlain by artificial fill, Holocene age alluvium and colluvium, late Pleistocene age marine terrace deposits, and distinct “pre-terrace” mud, and Hookton formation sediments (SHN, 2021a). The recommendations for design and construction of the proposed project are detailed in the Geologic Hazard and Geotechnical Investigation (SHN, 2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) and have been included as **Mitigation Measure GEO-1**.

With the implementation of **Mitigation Measure GEO-1** and based on the information provided above, it has been determined the proposed project will not create substantial direct or indirect risks to life or property by being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- e) *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

EHS is served by an existing sewer system. The proposed project would not involve the use of septic tanks or any other alternative wastewater disposal systems. As such, the proposed project will not 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. Therefore, the proposed project would have no impact on this resource category.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* Less Than Significant with Mitigation Incorporated

Paleontological resources are classified as nonrenewable scientific resources, such as vertebrate, invertebrate, and plant fossils. The project site has already been substantially disturbed and is currently developed with athletic facilities. There are no known unique paleontological resources or unique geological features on or near the site. Regional uplifting and other seismic activity in the area have limited the potential for discovery of paleontological resources.

However, ground-disturbing activities associated with construction of the proposed project have the potential to result in the accidental damage of previously undiscovered paleontological resources if such exist at the project site. As such, if a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the ECS. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the ECS. The paleontologist shall determine appropriate actions, in cooperation with the ECS, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the ECS for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the ECS that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils. To prevent potential impacts to unknown paleontological resources at the project site, the Inadvertent Discovery Protocol described above has been included as **Mitigation Measure GEO-2**.

With the implementation of **Mitigation Measure GEO-2** and based on the information provided above, it has been determined the proposed project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Geology and Soils*, the following mitigation measures will be implemented:

Mitigation Measure GEO-1. Adherence to Geologic Hazard and Geotechnical Investigation Recommendations: Adherence to all project specific recommendations in the SHN Geologic Hazard and Geotechnical Investigation (SHN, 2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) shall be required during design and

construction of the proposed project. Project specific recommendations pertain to topics such as Seismic Design Parameters, Site Preparation and Grading, Buildings Q and R, Storm Drainage System Rehabilitation, Albee Stadium Track and Field, Synthetic Turf Football Field, Running Track Replacement, Engineered Fills, Excavations, Cut and Fill Slopes, Wet Weather Subgrade Protection, Surface and Subsurface Drainage Control, Utility Trench Backfill, Foundations, Concrete Slabs-on-Grade, Retaining Walls, and Asphalt and Concrete Pavements.

Mitigation Measure GEO-2. Inadvertent Discovery Protocol – Paleontological Resources: If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and a qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the ECS. The paleontologist shall determine appropriate actions, in cooperation with the ECS, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the ECS for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the ECS that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

Also, the following mitigation measure has been required in the Hydrology and Water Quality section of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure HWQ-1 (Best Management Practices): See Hydrology and Water Quality (Section X)

VIII. GREENHOUSE GAS EMISSIONS: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Setting: Greenhouse gases (GHGs) are gases in the atmosphere that absorb and emit radiation. The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of longwave (thermal) radiation, and GHGs in the upper atmosphere absorb and emit this longwave radiation into space and toward the Earth. This “trapping” of the longwave radiation emitted back toward the Earth is the underlying process of the greenhouse effect. Other than water vapor, the primary GHGs contributing to global climate change include the following gases:

- Carbon dioxide (CO₂), primarily a byproduct of fossil fuel combustion in stationary and mobile sources;
- Nitrous oxide (N₂O), a byproduct of fuel combustion and also associated with agricultural operations such as the fertilization of crops;
- Methane (CH₄), commonly created by off-gassing from agricultural practices (for example, livestock), wastewater treatment, and landfill operations;
- Chlorofluorocarbons (CFCs), which were used as refrigerants, propellants, and cleaning solvents, although their production has been mostly prohibited by international treaty;
- Hydrofluorocarbons (HFCs), which are now widely used as a substitute for chlorofluorocarbons in refrigeration and cooling; and
- Perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆) emissions, which are commonly created by industries such as aluminum production and semiconductor manufacturing.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of GHG emissions from global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

California passed Assembly Bill 32 (Global Warming Solutions Act) in 2006, mandating a reduction in GHG emissions and Senate Bill 97 in 2007, evaluating and addressing GHG emissions under CEQA. On April 13, 2009, the Governor’s Office of Planning and Research (OPR) submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for GHG emissions, as required by Senate Bill 97 (Chapter 185, 2007) and they became effective March 18, 2010. As a result of these revisions to the CEQA Guidelines, lead agencies are obligated to determine whether a project’s GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is “less-than-significant” or, in the case of cumulative impacts, less than cumulatively considerable (Sacramento Metropolitan Air Quality Management District [SMAQMD], 2018).

The Global Warming Solutions Act (AB 32) also directed CARB to develop the Climate Change Scoping Plan (Scoping Plan), which outlines a set of actions to achieve the AB 32 goal of reducing GHG emissions to 1990 levels by 2020, and to maintain such reductions thereafter. CARB approved the Scoping Plan in 2008 and first updated it in May 2014. The second update in November 2017 also address the actions necessary to achieve the further GHG emissions reduction goal of reducing GHG emissions to 40 percent below 1990 levels by 2030, as described in Senate Bill 32 (SB 32). In addition, the 2017 Scoping Plan looks forward to the reduction goal of reducing emissions 80 percent under 1990 levels by 2050, as described in Executive Order S-3-05 (EO-S-3-05; CARB, 2017).

In 2018, the State had already met the AB 32 goal of reducing emissions to 1990 levels by 2020 approximately four years early (CARB, 2019b). As stated in the Executive Summary of the 2019 Edition of the California Greenhouse Gas Emissions Inventory: 2000-2017:

“The inventory for 2017 shows that California’s GHG emissions continue to decrease. In 2017, emissions from GHG emitting activities statewide were 424 million metric tons of CO2 equivalent (MMTCO2e), 5 MMTCO2e lower than 2016 levels and 7 MMTCO2e below the 2020 GHG Limit of 431 MMTCO2e.”

The ECS has not adopted quantitative thresholds for determining the significance of GHG emissions, nor has ECS adopted a qualified plan, policy, or regulation to reduce emissions that qualifies for tiering in CEQA documents (per State CEQA Guidelines Section 15183.5(a)).

The project site is located in the NCAB and is under the jurisdiction of the NCUAQMD. The NCUAQMD has also not adopted quantitative thresholds for determining the significance of GHG emissions, nor has the NCUAQMD adopted a qualified plan, policy, or regulation to reduce emissions that qualifies for tiering in CEQA documents (per State CEQA Guidelines Section 15183.5(a); NCUAQMD, 2015). In the absence of quantitative thresholds or a Climate Action Plan from ECS, City of Eureka, or NCUAQMD, thresholds and guidance adopted by other air districts in the State are used for the purposes of this analysis.

In the NCAB, the closest air district to the proposed project that has adopted GHG significance thresholds is the Mendocino County Air Quality Management District (MCAQMD). MCAQMD has adopted an operational emissions threshold of 1,100 metric tons of CO2e per year (MTCO2e/yr; MCAQMD, 2010). This threshold is also recommended for use by the BAAQMD and the SMAQMD. The SMAQMD also recommends use of this threshold for analyzing GHG emissions from construction activity. This threshold was developed to ensure at least 90 percent of new GHG emissions would be reviewed and assessed for mitigation, thereby contributing to GHG emissions reduction goals of AB 32, SB 32, the Scoping Plan, and Executive Orders (SMAQMD, 2018). As such, this threshold has been adopted for use in the NCAB and is one of the most used thresholds in the State for analyzing the potential impacts of construction and operational GHG emissions. For the reasons noted above, the threshold of 1,100 MTCO2e/yr is used to evaluate the proposed project’s construction and operational GHG emissions. If the threshold is exceeded, then the project would have a cumulatively considerable contribution to a significant cumulative environmental impact and would conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing GHG emissions.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* Less-Than-Significant Impact.

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The majority of the proposed project will occur within the footprint of the existing athletic fields, buildings, and other previously developed areas. The proposed project would generate both direct and indirect GHG emissions. Direct GHG emissions include emissions from construction activities, area sources, and mobile (vehicle) sources. Indirect GHG emissions include emissions from energy consumption, solid waste, and water demand. Project construction activities would result in a temporary increase in GHG emissions, including exhaust emissions from on-road haul trucks, worker commute vehicles, and off-road heavy-duty equipment. Because the proposed project is consistent with the existing use of the site, GHG emissions resulting from energy consumption, solid waste, water demand, and mobile (vehicle) sources are not expected to significantly increase as a result of project operation.

The BAAQMD has developed project screening criteria to provide lead agencies and project applicants with a conservative indication of whether operation of a project could result in potentially significant impacts related to GHG emissions. Projects below the applicable screening criteria would not exceed the threshold of 1,100 MTCO2e/yr adopted by the BAAQMD, SMAQMD, and MCAQMD. The BAAQMD screening criteria includes a “city park” category (BAAQMD, 2017). Much like a city park, the proposed project will function as an outdoor recreational space, and provide outdoor athletic and recreation opportunities for students, parents, and community members. Furthermore, the proposed project bears resemblance to a city park by providing public visitation appurtenances and infrastructure, such as restrooms, drive aisles, parking spaces, and walkways. Therefore, for the purpose of this analysis, the proposed project is compared to the BAAQMD operational screening criteria for a “city park.” As shown in Table 5, the proposed project is well below the BAAQMD screening project size for operation of a “city park.” Due to the fact that the proposed project is well below the operational screening criteria size (600 acres), it is conservatively estimated that GHG emissions from construction activity would also be well below the 1,100 MTCO2e/yr threshold. Therefore, construction and operation of the proposed project would not generate GHG emissions that would result in a cumulatively considerable contribution to a significant cumulative environmental impact.

Table 5. BAAQMD GHG Emissions Screening Criteria

Land Use Type	Operational Screening Size	Project Size
City Park	600 acres	9.8 acres
Source: BAAQMD, 2017		

Based on the information provided above, it has been determined that the proposed project will not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Less-Than-Significant Impact*

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project would generate both direct and indirect GHG emissions. Direct GHG emissions include emissions from construction activities, area sources, and mobile (vehicle) sources. Indirect GHG emissions include emissions from energy consumption, solid waste, and water demand.

A GHG impact would be significant if GHG emissions from the proposed project would conflict with an applicable plan, policy, or regulation for the purpose of reducing GHG emissions. As noted in the Greenhouse Gas Emissions Setting, a Climate Action Plan has not been adopted by ECS or City of Eureka. For the proposed project, it is analyzed whether the emissions obstruct compliance with the GHG emission reduction goals in Assembly Bill (AB 32), Senate Bill 32 (SB 32), and Executive Order S-3-05 (EO S-3-05). As stated in the Greenhouse Gas Emissions Setting, to the extent that the proposed project does not exceed the threshold of significance of 1,100 MTCO₂e/yr, it would not result in a conflict with GHG reduction plans.

The proposed project is subject to myriad state regulations applicable to project design, construction, and operation that would reduce GHG emissions, increase energy efficiency, and provide compliance with the CARB Climate Change Scoping Plan (CARB, 2017). The State of California has the most comprehensive GHG regulatory requirements in the United States, with laws and regulations requiring reductions that affect project emissions. Legal mandates to reduce GHG emissions from vehicles, for example, reduce project-related vehicular emissions. Legal mandates to reduce GHG emissions from the energy production sector that will serve the proposed project would also reduce project-related GHG emissions from electricity consumption. Legal mandates to reduce per capita water consumption and impose waste management standards to reduce methane and other GHGs from solid wastes are all examples of mandates that reduce GHGs.

As discussed above, GHG emissions from construction and operation of the proposed project would be well below the threshold of significance adopted by the BAAQMD, SMAQMD, and MCAQMD (1,100 MTCO₂e/yr) for determining the significance of GHG emissions. This threshold was developed to ensure at least 90 percent of new GHG emissions would be reviewed and assessed for mitigation, thereby contributing to GHG emissions reduction goals of AB 32, SB 32, the Scoping Plan, and Executive Orders (SMAQMD, 2018). In addition, the project will be consistent with plans for reducing GHG emissions since it will receive electricity from a Community Choice Energy program with a power mix containing 47% renewable energy sources, and will be required to comply with the Title 24 Building Energy Efficiency Standards.

Based on the information provided above, it has been determined the proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: No mitigation measures are required for the project to result in a less-than-significant impact to *Greenhouse Gas Emissions*.

IX. <u>HAZARDS AND HAZARDOUS MATERIALS</u> : <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X		
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 site?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			X	

Setting: The project site is located in the City of Eureka on portions of the EHS campus, including Albee Stadium and Bud Cloney Field. EHS has used Albee Stadium since before 1946 and Bud Cloney field since before 1983. The athletic field surfaces are managed by EHS groundskeepers by conducting regular mowing, irrigating, sports striping, weeding, fertilizing, and gopher trapping. EHS groundskeepers clean and maintain existing structures, equipment, and restrooms with use of commercially available paints, solvents, and cleaning products. These products are used in adherence to warning labels and storage recommendations from the individual manufacturers.

Hazards are those physical safety factors that can cause injury or death, and while by themselves in isolation may not pose a significant safety hazard to the public, when combined with development of projects, they can exacerbate hazardous conditions. Hazardous materials are typically chemicals or processes that are used or generated by a project that could pose harm to people, either working at the site or in adjacent areas. Many of these chemicals can cause hazardous conditions to occur should they be improperly disposed of or accidentally spilled as part of project development or operations. Hazardous materials are also those listed as hazardous pursuant to Government Code Section 65962.5.

The California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substances and contaminated sites around the State as part of its Envirostor database. According to DTSC, the project site is not identified as containing hazardous materials contamination or the storage of hazardous materials (DTSC, 2020). The SWRCB maintains a list of leaking underground storage tank (LUST) sites and other cleanup sites around the State as part of its GeoTracker database. According to the SWRCB, the project site is not identified as a LUST site or other cleanup site (SWRCB, 2020a).

A Phase I Environmental Site Assessment (ESA) was completed for the proposed project (SHN, 2021c). It encountered no evidence of past land uses that may have generated or caused the release of regulated or hazardous materials, and identified no recognized environmental conditions associated with the project site. No potential or confirmed state or federal Superfund site is located on, or immediately adjacent to, the project site. In its discussion of onsite soil conditions, the Phase I ESA cited the 2018 and 2021 SHN geotechnical reports (SHN, 2018; SHN, 2021a) which concluded the following:

Albee Stadium and adjacent facilities north of Del Norte Street were created by filling the bottom of Cooper Gulch. Based on historic photography, this appears to have been completed in phases, with the development of Albee Stadium pre-dating the development of facilities north of Del Norte Street.

During our investigation, fill soils were limited to flat-lying areas within the project area; significant fill soils were not encountered on the valley wall slopes surrounding Cooper Gulch in the areas under consideration herein.

Fill soils encountered during the investigation are relatively thin at the upstream (southern) end of Albee Stadium, and thicken toward the downstream (northern) end of the project area north of Del Norte Street, consistent with the natural gradient of the valley. At the southern end of Albee Stadium, where the storm drain inlet is visible just below grade, fill thickness was observed on the order of approximately 6 feet (boring B-05-20). To the north, borings advanced near the storm drain alignment along the valley axis (B-03-20, B-07-20, B-08-20, from south to north), encountered fill thicknesses of 10, 16, and 21 feet, respectively. As would be expected, fill soils are thickest in the center of Cooper Gulch, and thin toward the valley margins.

Fill soils observed during the subsurface investigation are highly variable, consisting of mostly silty and clayey sands within Albee Stadium. North of Del Norte Street, near the downstream end of the storm drain (this is the outfield of the existing baseball field), fill soils include large quantities of poorly graded sand, which was imported to the site. The fill soils throughout the project area were generally loose, with standard penetration test blow counts typically less than 10. It is assumed that all the fill soils in the project area were placed without engineering control (that is not placed with verified compaction). It was also noted, both wood and charcoal within the fill soils, both of which are undesirable and suggest placement of random soils without appropriate screening or control (SHN, 2021c).

Although the Phase I ESA encountered no evidence of past land uses that may have generated or caused the release of regulated or hazardous materials and identified no recognized environmental conditions associated with the project site, it identified the presence of fill materials, and potential asbestos-containing materials and/or lead based paints in building materials as Business Environmental Risks for the site. The Phase I ESA conservatively recommended characterization of soil and groundwater quality prior to site construction if excavated fill materials will not be reused on the site as a best management practice to evaluate the need for worker protection and potential disposal options for excavated soil and groundwater (SHN, 2021c).

Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. Sensitive receptors (for example, children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. The nearest known potential sensitive receptors to the project site include EHS students in attendance at the EHS main campus, and private residences in the project vicinity along Del Norte Street, L Street, and N Street. The project is directly adjacent to five private residences along Del Norte Street and is within approximately 100 feet of residences along L Street and N Street.

The Humboldt County Public Works Department operates six county airports. Airports nearest the project site include the Samoa Field (approximately 3.0 miles), Murray Field (approximately 2.1 mi.), the California Redwood Coast-Humboldt County Airport (approximately 12.7 mi.), and the Kneeland Airport (approximately 12.9 mi.). The proposed project site and surrounding area are characterized by features typical of an urban landscape.

Humboldt Bay Fire (HBF) provides fire protection services to the City of Eureka. HBF is a full service fire department which provides emergency response and non-emergency public safety services from five fire stations located in and around Eureka. The nearest fire station is Humboldt Bay Fire Station 4 at Myrtle Avenue and Cousins Street, approximately 0.7 miles from the project.

Eureka and its surrounding area are also subject to potential fire hazards. The California Department of Forestry and Fire Protection (CALFIRE) maps identify fire hazard severity zones (FHSZ) in state (SRA) and local (LRA) responsibility areas for fire protection. The project site is in an LRA, and regional LRA fire severity maps designate some areas within the City limits as moderate FHSZ, specifically the forested slopes forming Cooper Creek (also commonly referred to as Cooper Canyon or Cooper Gulch) north of the Bud Cloney Field are identified as a moderate FHSZ. As a result of this mapping, portions of Bud Cloney Field are also identified as a moderate FHSZ (CALFIRE, 2007; Humboldt County, 2020a).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) *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 project proposes improvements to existing sports field facilities and associated educational facilities. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project.

Construction

Construction of the project would require the temporary use and transport of paints, fuels, oils, solvents, and other chemicals used during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. These activities are controlled by state and federal regulations. Throughout the transport, use, or disposal of potentially hazardous materials, the contractor is required to employ standard cleanup and safety procedures to minimize the potential for public exposure from accidental releases of such substances into the environment. Additionally, construction activities at the project site would require implementation of a SWPPP that would incorporate BMPs for construction, including site housekeeping practices, hazardous material storage, inspections, maintenance, worker training in pollution prevention measures, and secondary containment of releases to prevent pollutants from being carried offsite via runoff. These measures will reduce the risk of transporting, using, and disposing of hazardous construction materials.

Operation

During the operation of the proposed project, maintenance, cleaning, and landscaping products may be stored and used at the project site that contain toxic substances (for example, paints, solvents, pesticides, fertilizers, and cleaning products). However, the use of these products is part of the baseline conditions, as they are periodically used during the existing operation of the site. These products are typically low in concentration and used in small quantities that would not pose a significant risk to humans or the environment during transport and use at the project site. Furthermore, these products will be used in adherence to warning labels and storage recommendations from the individual manufacturers.

Based on the information provided above, it has been determined the proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- 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?* Less-Than-Significant Impact

The project proposes improvements to existing sports field facilities and associated educational facilities. The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project.

Construction

As noted above, construction of the project would require the temporary use and transport of paints, fuels, oils, solvents, and other chemicals used during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. These activities are controlled by state and federal regulations. Throughout the transport, use, or disposal of potentially hazardous materials, the contractor is required to employ standard cleanup and safety procedures to minimize the potential for public exposure from upset and accident conditions involving the release of hazardous materials into the environment. Additionally, construction activities at the project site would require implementation of a SWPPP that would incorporate BMPs for construction, including site housekeeping practices, hazardous material storage, inspections, maintenance, worker training in pollution prevention measures, and secondary containment of releases to prevent pollutants from being carried offsite via runoff. With appropriate storage, handling, and application practices, it is unlikely that any hazardous materials used during construction activity would be released in a manner that would create a significant hazard to the public or the environment.

Operation

As previously noted, the proposed project would not change the type of ongoing operations at the site. Operation of the proposed project will require the storage and use of maintenance, cleaning, and landscaping products that contain toxic substances (for example, paints, solvents, pesticides, fertilizers, and cleaning products). However, the use of these products is part of the baseline conditions, as they are periodically used during the existing operation of the site. These products are typically low in concentration and used in small quantities that would not pose a significant risk to humans or the environment during use at the project site. Furthermore, these products will be used in adherence to warning labels and storage recommendations from the individual manufacturers to reduce the risk of upset and accident conditions. With appropriate storage, handling, and application practices, it is unlikely that any hazardous materials used during operation of the project would be released in a manner that would create a significant hazard to the public or the environment.

Based on the information provided above, it has been determined that the proposed project will not 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. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- c) *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 with Mitigation Incorporated*

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. This is not a type of land use that generally would emit hazardous emissions or handle significant quantities of hazardous or acutely hazardous materials, substances, or waste. The only school within one-quarter mile of the project site is EHS itself (where the proposed project is located).

Construction

Although the Phase I ESA encountered no evidence of past land uses that may have generated or caused the release of regulated or hazardous materials and identified no recognized environmental conditions associated with the project site, it identified the presence of fill materials, and potential asbestos-containing materials and/or lead-based paints in building materials as business environmental risks for the site. The Phase I ESA conservatively recommended characterization of soil and groundwater quality prior to site construction if excavated fill materials will not be reused on the site as a best management practice to evaluate the need for worker protection and potential disposal options for excavated soil and groundwater (SHN, 2021c). Therefore, **Mitigation Measure HM-1** is incorporated, which requires that if excavated material is to be taken offsite rather than reused onsite, ECS must stockpile it onsite and test for petroleum hydrocarbons, semi-volatile organic compounds, and CAM 17 metals. If excavated material is found to have contamination, it must be disposed of in accordance with applicable regulations.

As discussed in Section III (Air Quality), asbestos-containing materials and lead-based materials are present within the existing structures at the site proposed for demolition. The demolition of these structure shall comply with federal and state regulations for the removal, handling, and disposal of asbestos-containing and lead-based materials. Compliance with existing regulatory requirements will reduce the risks associated with demolishing structures containing these materials to less-than-significant levels and would not pose a substantial risk to schools within one-quarter mile of the project site.

As discussed in Section III (Air Quality), a short-term increase in fugitive dust emissions is anticipated during the project construction phase. To reduce impacts to less-than-significant, several dust control measures will be required during construction of the proposed project as outlined in **Mitigation Measure AQ-1**. With the implementation of these dust control measures, fugitive dust emissions would not significantly impact schools within one-quarter mile of the project site.

Operation

As previously noted, the proposed project would not change the type of ongoing operations at the site. Operation of the proposed project will require the storage and use of maintenance, cleaning, and landscaping products that contain toxic substances (for example, paints, solvents, pesticides, fertilizers, and cleaning products). These products are typically low in concentration and used in small quantities that would not pose a significant risk to humans or the environment during use at the project site. Furthermore, these products will be used in adherence to warning labels and storage recommendations from the individual manufacturers. With appropriate storage, handling, and application practices, it is unlikely that any hazardous materials used during operation of the project would pose a substantial risk to schools within one-quarter mile of the project site.

With the adoption of **Mitigation Measure HM-1** and **Mitigation Measure AQ-1** and based on the information provided above, it has been determined the proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Less Than Significant with Mitigation Incorporated*

The State's Hazardous Waste and Substances Sites List (Cortese List, Government Code Section 65962.5) identifies sites with leaking underground fuel tanks, hazardous waste facilities subject to corrective actions, solid waste disposal facilities from which there is a known migration of hazardous waste, and other sites where environmental releases have occurred. According to review of the information available on the SWRCB Geotracker and the DTSC Envirostor websites, the project site is not identified as containing hazardous materials contamination or the storage of hazardous materials (DTSC, 2020) and is not identified as containing a leaking underground storage tank site or another cleanup site (SWRCB, 2020a). There are no other known sites containing hazardous materials contamination in the project area that would have the potential to impact the project site.

A Phase I Environmental Site Assessment was completed for the proposed project (SHN, 2021c). It encountered no evidence of past land uses that may have generated or caused the release of regulated or hazardous materials and identified no recognized environmental conditions associated with the project site. No potential or confirmed state or federal Superfund site is located on, or immediately adjacent to, the project site. The Phase I ESA conservatively recommended characterization of soil and groundwater quality prior to site construction if excavated fill materials will not be reused on the site as a best management practice to evaluate the need for worker protection and potential disposal options for excavated soil and groundwater (SHN, 2021c). Therefore, **Mitigation Measure HM-1** is incorporated, which requires that if excavated material is to be taken offsite rather than reused onsite, ECS must stockpile it onsite and test for petroleum hydrocarbons, semi-volatile organic compounds, and CAM 17 metals. If excavated material is found to have contamination, it must be disposed of in accordance with applicable regulations.

With the incorporation of **Mitigation Measure HM-1**, the project will not create a significant hazard to the public or the environment. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- 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 site?* No Impact

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Public Airports nearest the project site include the Samoa Field (approximately 3.0 miles[mi.]), Murray Field (approximately 2.1 mi.), the California Redwood Coast-Humboldt County Airport (approximately 12.7 mi.), and the Kneeland Airport (approximately 12.9 mi.).

Based on the information provided above, it has been determined the proposed project will not result in a safety hazard or excessive noise from an airport for people residing or working in the project site. Therefore, the proposed project will have no impact on this resource category.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* Less-Than-Significant Impact

The project proposes improvement of existing EHS athletic and educational facilities in the City of Eureka. The proposed project is not of the nature to substantially impact emergency response or evacuation. Similar to the existing condition, access to the proposed project would occur through drive aisles from Del Norte Street. The proposed drive aisles and parking facilities will be designed to meet emergency access standards and accommodate the onsite maneuvering of emergency vehicles. Emergency responders would have adequate access to reach the site in case of an emergency. Furthermore, emergency lighting will be added from bleachers and buildings to stadium exits or safe dispersal area in the case of power outages or other emergencies. Proposed emergency lighting will promote simultaneous emergency evacuation and emergency response. As such, the proposed project will provide improved emergency access to the project site compared to existing conditions.

Based on the information provided above, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- g) *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 area is characteristic of an urban environment, with residential neighborhoods, roadways, public facilities, and parks in the vicinity of the project site. The forested slopes north of Bud Cloney Field are identified as medium FHSZ (CALFIRE, 2007; Humboldt County, 2020a). The risk of wildfire in the immediate vicinity of the project site is limited. The proposed project is consistent with the existing use of the site and would not result in increased risk from wildland fires. The proposed project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Hazards and Hazardous Materials*, the following mitigation measure will be implemented:

Mitigation Measure HM-1. Stockpile and Test Excavated Materials Before Transport Offsite: If excavated material is to be taken offsite rather than reused onsite, ECS must first stockpile it onsite and test for petroleum hydrocarbons, semi-volatile

organic compounds, and CAM 17 metals. If excavated material is found to have contamination, it must be disposed of in accordance with applicable regulations.

Also, the following mitigation measure has been required in the Air Quality section of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures): See Air Quality (Section III)

X. <u>HYDROLOGY AND WATER QUALITY</u>: Would the project:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c.i) Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or offsite?		X		
c.ii) Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
c.iii) Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
c.iv) Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff which would impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Setting: The project is located in the City of Eureka on portions of the EHS campus, including Albee Stadium and Bud Cloney Field. EHS has used Albee Stadium since before 1946 and Bud Cloney Field since before 1983. The project site is approximately three miles east of the Pacific Ocean (Figure 1).

The project site is located in the Eureka Plain (110.00) in the North Coast Region. More specifically, the project site is located in the watershed of Cooper Creek (also commonly referred to as Cooper Canyon or Cooper Gulch), tributary to Eureka Slough and Humboldt Bay. The North Coast Regional Water Quality Control Board (NCRWQCB) adopts and implements the Water Quality Control Plan (Basin Plan) for the North Coast Region, which identifies beneficial uses and recognizes water quality impairments unique to the region. Although Cooper Creek is not recognized as an impaired water body, Humboldt Bay (downstream of the project site) is listed as an impaired waterbody due to concentrations of Dioxin Toxic Equivalents and PCBs (Polychlorinated biphenyls; SWRCB, 2017, 2020b). Typical sources of Dioxin Toxic Equivalents to a given water body include industrial point sources, waste storage/storage tank leaks (above ground), and other unknown sources (SWRCB, 2017). Sources of PCBs in Humboldt Bay are unknown, however, according to the United States Environmental Protection Agency (USEPA), PCBs can still be released into the environment from:

- Poorly maintained hazardous waste sites that contain PCBs
- Illegal or improper dumping of PCB wastes
- Leaks or releases from electrical transformers containing PCBs

- Disposal of PCB-containing consumer products into municipal or other landfills not designed to handle hazardous waste
- Burning some wastes in municipal and industrial incinerators (USEPA, 2020).

Cooper Creek flows beneath the project site for a total length of 1,500 feet, entering a 30-inch diameter storm drainpipe south of Albee Stadium and daylighting north of Bud Cloney Field. Elevations gradually rise to the south of Albee Stadium at the inlet of the Cooper Creek culvert and decline steeply north of Bud Cloney Field at the outlet of the Cooper Creek culvert. To the east and west of Albee Stadium, elevations rise steeply shaping the stadium into a valley-like feature. The slopes surrounding Albee Stadium and Bud Cloney Field are dominated by remnant conifer forests. Small channels drain the slopes surrounding the project site. The athletic fields and surrounding slopes flow towards drainage ditches and/or drainage inlets, which ultimately drain to Cooper Creek. As discussed in Section IV (Biological Resources), the site also contains wetlands, which primarily occur along the margins of the existing athletic fields and among the surrounding slopes. All runoff from the project site drains into Cooper Gulch.

Portions of the project site have become compromised as the result of the critical failure of the underlying storm drain system. Several dangerous sinkholes have developed, resulting in temporary closures to portions of the project site. Additional sinkholes can develop with no warning, which has created an imminent health and safety risk to students, teachers, staff and visitors to the project site. The primary cause of the sinkholes is the failing storm drain system located up to approximately 14 feet beneath the ground surface.

The project site is located in the Eureka Plain Groundwater Basin (Basin No. 1-009). The approximately 37,400-acre groundwater basin is bounded by the Little Salmon Fault to the south, Humboldt Bay and Arcata Bay to the west and northwest, and by Wildcat series deposits to the east (DWR, 2004). The DWR has ranked the Eureka Plain Groundwater Basin as “Very Low” priority because of the condition of the basin and the minimal risk of overdraft and other impacts (DWR, 2020).

Flood zones are geographic areas that the Federal Emergency Management Agency (FEMA) has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM). Each flood zone reflects the anticipated type of flooding in the area. According to FIRM Panel 06023C0845G, areas downstream of the Cooper Creek culvert underlying the project site are located in an area of minimal flood hazard, (Zone X; FEMA, 2017).

Water service (for example, drinking fountains, restrooms, irrigation etc.) is provided to the project site by the City of Eureka, which receives water from the Humboldt Bay Municipal Water District (HBMWD). HBMWD maintains and operates a series of ranney wells that withdraw groundwater from below the bed of the Mad River.

A Draft Stormwater Control Plan for Regulated Projects was prepared for this project (SHN, 2021d). It addresses project stormwater mitigation requirements consistent with the Phase II Small Municipal Separate Storm Sewer System (MS4) Program requirements, including stormwater mitigation for the 85th percentile design storm and hydromodification requirements. The total project area defined by the boundary of proposed improvements to the site is 9.8 acres. The pre-project site has an impervious surface area of approximately 130,442 square feet (sf; 2.99 acres), and a pervious surface area of approximately 296,552 sf (6.81 acres). The post-project site will have an impervious surface area of approximately 155,709 sf (3.57 acres), and a pervious surface area of approximately 271,285 sf (6.23 acres). The project will replace approximately 2.21 acres of impervious surface and will create approximately 0.58 acres of new impervious surface, resulting in a total of approximately 2.79 acres of created or replaced impervious surface. A total of approximately 0.78 acres of existing impervious surface will remain as-is. Because the project will create or replace more than 1 acre of impervious surfaces, hydromodification management is required, which requires that the post-project runoff shall not exceed the pre-project runoff flow rate for the 2-year, 24-hour duration storm. The NCRWQCB has indicated that the approach used in the Draft Stormwater Control Plan is robust and conservative in implementing post-project pollution control measures and that NCRWQCB approves of the proposed strategy and measures (Thompson, 2021).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?* Less Than Significant with Mitigation Incorporated

The surface water features on the project site include small channels along steep slopes surrounding the project site, wetland features along the margins of the project site and along the surrounding slopes, and Cooper Creek which passes beneath the project site in a 30-inch diameter culvert.

Construction

Construction of the proposed project will require demolition, site preparation, grading, athletic surface and building construction, alterations to existing structures, open trenching storm drainpipe replacement, retaining walls, paving, architectural coating, and

landscaping. Due to the constrained nature of the site and the need to rehabilitate the failing stormwater drainage system, the project proposes ground-disturbing activities within and directly adjacent to surface water features such as wetlands and drainage channels along the margins of the project site as well as excavation and replacement of the main storm drainpipe containing Cooper Creek that runs beneath the project site. Proposed construction activities have the potential to result in water quality pollutants such as silt, debris, chemicals, paints, and other solvents. The release of such pollutants would adversely affect water quality. In addition, stormwater discharge may include debris, particulate, and petroleum hydrocarbons as a result of improper storage of construction materials, improper disposal of construction wastes, discharges resulting from construction dewatering activities, and spilled petroleum products. As such, short-term water quality impacts have the potential to occur during construction of the proposed project in the absence of any protective and avoidance measures.

Because construction activities will involve work in jurisdictional waters including the replacement of the main storm drainpipe containing Cooper Creek, the proposed project will require a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE), a Section 401 Certification from the NCRWQCB, and a Lake and Streambed Alteration (LSA) Agreement from CDFW and will need to comply with all permit conditions. Permit conditions will include measures and protocols to minimize the degradation of surface water and groundwater quality.

Because the project will involve more than one acre of ground disturbance, EHS will need to obtain coverage under State Water Resources Control Board Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended by Order No. 2012-0006. In compliance with the NPDES requirements, a Notice of Intent (NOI) would be prepared and submitted to the NCRWQCB, providing notification and intent to comply with the State of California Construction General Permit (CGP). In addition, a Construction SWPPP would be prepared for pollution prevention and control prior to initiating site construction activities. The Construction SWPPP would identify and specify the use of appropriate BMPs for control of pollutants in stormwater runoff during construction-related activities, and would be designed to address water erosion control, sediment control, offsite tracking control, wind erosion control, non-stormwater management control, and waste management and materials pollution control. A sampling and monitoring program would be included in the Construction SWPPP that meets the requirements of the NCRWQCB to ensure the BMPs are effective. A Qualified SWPPP Practitioner would oversee implementation of the SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance. In conjunction with the requirement to prepare a SWPPP, **Mitigation Measure HWQ-1** has been incorporated to provide additional water quality protection during construction through the implementation of appropriate BMPs.

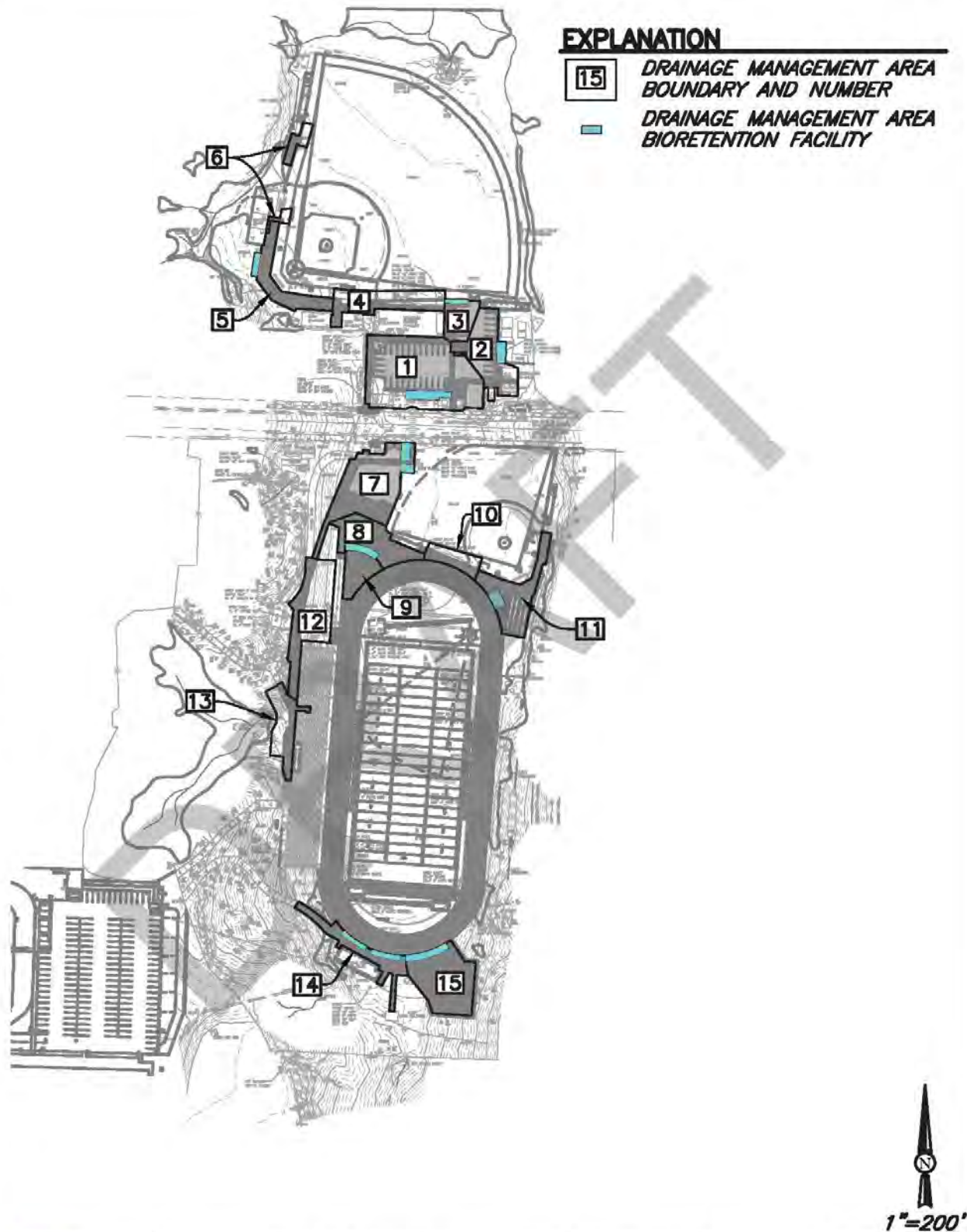
Operation

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project would not involve the use of septic systems or alternative wastewater disposal systems.

The project will replace approximately 2.21 acres of impervious surface and will create approximately 0.58 acres of new impervious surface, resulting in a total of approximately 2.79 acres of created or replaced impervious surface. A total of approximately 0.78 acres of existing impervious surface will remain as-is. The increase in development and impervious surfaces as a result of the proposed project, and the associated increase in stormwater runoff, has the potential to increase the presence of sediment and urban pollutants in stormwater runoff. Stormwater that comes into contact with driveways, parking lots, and roadways is the primary pollutant source in runoff. Gasoline, grease, oil, and their constituents such as benzene and toluene, are commonly released through auto emissions, spills, leaks, gasoline tanks, oil pans, and crankcases. Lead, zinc, pyrene and other metals and hydrocarbons are components of asphalt and tires, which degrade over time and release their constituents to stormwater. Brake linings and clutch facings may wear, releasing copper and possibly asbestos. Landscaped areas may contribute hydrocarbons and pesticides, such as herbicides, insecticides, and fungicides, to stormwater runoff. Landscaping fertilizer contains nutrients, particularly nitrogen, potassium, and phosphorus. The unpaved landscaped areas may also be a source of sediment and organic debris in stormwater. Weathering of buildings over time releases building material constituents. Heavy metals, particularly copper, lead, zinc, and chromium are released from flashings, shingles, gutters and downspouts, galvanized pipes, and metal plating. Paints and other wood preservatives may also contain hydrocarbons.

Because the project will create more than 5,000 sf of impervious surface, it is classified as a "Regulated Project" according to the Phase II MS4 Program, Section E.12.c(ii). Given that the project will result in an increase of less than 50% of the previously existing impervious area (this project will increase impervious area by approximately 19%), stormwater runoff from new and/or replaced impervious surfaces must be mitigated according to Section E.12.c.II.a of Phase II Small MS4 Program. The Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d) provides recommendations to achieve stormwater mitigation for the 85th percentile design storm. Accordingly, the project will use bioretention facilities and disconnected impervious areas to reduce runoff throughout the site. Eleven bioretention basins are proposed throughout the site (Figure 26) to manage and treat stormwater runoff from new or replaced impervious surface areas. Impervious area disconnection is also proposed such that runoff from disconnected impervious

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Eureka City Schools
Albee Stadium at Eureka High School
Eureka, California

Drainage Management Areas and
Bioretention Facilities
SHN 020116

February 2021

020116-FULL SITE SW-MIT-FIG

Figure 26

areas is designed to flow across vegetated areas before being received by the site's storm drain system. The bioretention facilities and impervious area disconnections will minimize adverse impacts to water quality from stormwater runoff potentially containing various pollutants. The NCRWQCB has indicated that the approach used in the Draft Stormwater Control Plan is robust and conservative in implementing post-project pollution control measures and that NCRWQCB approves of the proposed strategy and measures (Thompson, 2021). In addition, the project proposes to replace and rehabilitate the failed elements of the existing drainage system underlying the existing facilities, which is anticipated to improve the water quality of stormwater runoff from the site relative to existing failing drainage system conditions.

The Draft Stormwater Control Plan for Regulated Projects found that due to the unique drainage configuration of a track and due to the fact that the track is located at a relatively low elevation on the site, it is not feasible to direct runoff from the track into a bioretention basin or other vegetated stormwater mitigation features. In discussions with the NCRWQCB regarding the challenges associated with treating runoff from the track surface, and noting that runoff from the track surface is unlikely to contain contaminants, NCRWQCB personnel stated that they are willing to consider alternative design measures as a substitute for providing treatment for runoff from the track surface. The alternative design measure that was mentioned by the NCRWQCB as a possible substitute is the use of a natural infill material for the synthetic turf fields rather than the styrene-butadiene rubber (SBR) infill that is commonly used as an infill material for synthetic turf fields (SHN, 2021d). Therefore, EHS has committed to using a natural infill material for its synthetic fields (such as, olive pits). **Mitigation Measure HWQ-2** has been incorporated to ensure that synthetic turf surfaces will not violate a water quality standard or substantially degrade water quality. It requires that new or replaced synthetic turf surfaces shall utilize virgin materials that have been tested to pass both California and U.S. environmental regulations in terms of chemical and heavy metal tolerances. Synthetic turf surfaces shall utilize a permeable backing, lead-free fibers, and granular infill that will consist of specifically graded sand and a non-SBR infill material (such as, olive pits).

Because the bleachers at the site are existing, runoff from the bleachers will not require treatment. A trench drain will be installed along the base of the bleachers (between the bleacher walkway and the new track surface). This trench drain will receive runoff from the existing bleachers and will convey this runoff to the site storm drain system. The NCRWQCB has requested that the trench drain be fitted with grates with small enough openings to help prevent trash from entering the storm drain system. The most commonly available "heel safe" trench drain grates can have openings as small as 0.25 inches (SHN, 2021d). **Mitigation Measure HWQ-3** has been incorporated to ensure that the trench drains along the base of the bleachers will be fitted with these "heel safe" grates in order to help prevent trash from entering the storm drain system.

Because the project creates or replaces more than one acre of impervious surfaces, hydromodification management is required by Section E.12.f(i) of the Phase II MS4 Program which requires that the post-project runoff shall not exceed the pre-project runoff flow rate for the 2-year, 24-hour duration storm. The peak discharge for the 2-year, 24-hour storm will be lower under the post-project condition than it is under the pre-project condition. The infiltration rate of the soil media in the bioretention facilities will reduce the post-development peak runoff rate and help to mitigate the impacts of the increased impervious surface created by the project. The post-development peak flow of 1.80 cubic feet per second (cfs) is less than the pre-development peak flow of 1.86 cfs, meeting the hydromodification requirements for the project (SHN, 2021d).

With the implementation of **Mitigation Measures HWQ-1, HWQ-2, and HWQ-3**, and based on the information provided above, it has been determined the proposed project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?* No Impact

The project site is currently developed as outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. As noted above, the proposed project will result in the creation of approximately 0.58 acres of new impervious surfaces and includes new site design measures and LID features such as bioretention facilities and impervious area disconnections (SHN, 2021d). In addition, the project proposes to enhance the overall drainage condition of the site by redesigning the existing drainage system underlying the athletic fields. These stormwater and drainage improvements will result in improved infiltration capacity and have the potential to improve groundwater recharge at the site.

The project site has existing connection to the water distribution system operated by the City of Eureka. The City is one of several Public Water Systems that obtains water from a regional wholesale water provider (HBMWD), and water supplied to customers in the City consists entirely of water supplied by HBMWD. HBMWD maintains and operates a series of ranney wells that withdraw

groundwater from below the bed of the Mad River. Water use at the project site includes the irrigation system, fire protection, and drinking water, restroom, and housekeeping appliances. During operation of the proposed project, water will continue to be supplied by City of Eureka. No groundwater well is proposed.

The proposed project is located in the Eureka Plain Groundwater Basin and the HBMWD water source is located in the Mad River Groundwater Basin. The California Department of Water Resources (DWR) has ranked both basins as “Very Low” priority groundwater basins because of the condition of the basins and the minimal risk of overdraft and other impacts indicating that neither groundwater basin is at risk of overdraft. As such, the proposed project will not interfere with the implementation of a sustainable groundwater management plan (DWR, 2020). Therefore, the proposed project is not of the nature to substantially decrease groundwater supplies or interfere with groundwater recharge.

Based on the information provided above, it has been determined the proposed project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Therefore, the proposed project would have no impact on this resource category.

- c.i) *Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or offsite? Less Than Significant with Mitigation Incorporated*

Construction

As noted in the Setting, the project site and surrounding slopes include several wetland areas and surface water drainage features. Construction of the proposed project has the potential to result in erosion and discharge of sediment to nearby drainage features. However, protective and avoidance measures shall be implemented during construction of the proposed project pursuant to the requirements of the SWRCB CGP. The SWRCB CGP will require the preparation of a Construction SWPPP, which documents the stormwater dynamics at the site, the BMPs and water quality protection measures that are to be used, and the frequency of inspections. In conjunction with the requirement to prepare a SWPPP, **Mitigation Measure HWQ-1** has been incorporated to provide additional water quality protection during construction through the implementation of appropriate BMPs. Adherence to the SWRCB regulatory requirements shall ensure construction of the proposed project will not result in substantial erosion or siltation on- or offsite.

Additionally, because construction activities will involve work in jurisdictional waters including the replacement of the main storm drainpipe containing Cooper Creek, the proposed project will require a CWA Section 404 Permit from the USACE, a Section 401 Certification from the NCRWQCB, and an LSA Agreement from CDFW, and will need to comply with all permit conditions. Permit conditions will include measures and protocols to minimize the erosion or siltation on- or offsite.

Operation

The project does not propose to alter the course of existing surface water features. However, as previously noted, the proposed project will result in approximately 0.58 acres of new impervious surfaces, which has the potential to result in increased stormwater runoff that leads to on- or offsite erosion and siltation. As discussed in the Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d), the proposed stormwater system will be designed consistent with the requirements of the City of Eureka MS4 Permit to manage post-construction stormwater runoff through new site design measures and LID features such as bioretention basins and impervious area disconnections. These stormwater and drainage improvements will reduce the volume and rate of runoff, provide for greater infiltration, evaporation, and runoff quality treatment relative to existing conditions, and minimize substantial erosion or siltation on- or offsite.

With the implementation of **Mitigation Measure HWQ-1**, in compliance with the requirements of the USACE, NCRWQCB, and CDFW, and based on the information provided above, it has been determined the proposed project will not substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or offsite. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- c.ii) *Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? Less-Than-Significant Impact*

As noted in the Setting, the project site and surrounding slopes include several wetland areas and surface water drainage features. The project does not propose to significantly alter the course of existing surface water features. However, as previously noted, the proposed project will result in approximately 0.58 acres of new impervious surfaces, which has the potential to increase the rate or

amount of stormwater runoff and result in flooding on- or offsite. During operation of the proposed project, increased volume and speed of runoff could cause runoff to reach downstream areas sooner and coincide more closely with the peak of runoff from lower areas; the effect, along with that of higher runoff, could be increased flood flows.

As discussed in the Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d), the proposed stormwater system will be designed consistent with the requirements of the City of Eureka MS4 Permit to manage post-construction stormwater runoff through new site design measures and LID features such as bioretention basins and impervious area disconnections. These stormwater and drainage improvements will reduce the volume and rate of runoff, provide for greater infiltration, evaporation, and runoff quality treatment relative to existing conditions, and minimize substantial erosion or siltation on- or offsite. As concluded in the Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d), the peak discharge for the 2-year, 24-hour storm will be lower under the post-project condition (1.80 cfs) than it is under the pre-project condition (1.86 cfs). As such, the additional impervious surface proposed by the project would not result in flooding on- or offsite.

Based on the information provided above, it has been determined the proposed project will not substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- c.iii)** *Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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 with Mitigation Incorporated*

As noted above, the project does not propose to alter the course of existing surface water features. However, as previously noted, the proposed project will result in approximately 0.58 acres of new impervious surfaces, which has the potential to result in increased stormwater runoff and on- or offsite erosion and siltation. As discussed in the Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d), the proposed stormwater system will be designed consistent with the requirements of the City of Eureka MS4 Permit to manage post-construction stormwater runoff through new site design measures and LID features such as bioretention basins and impervious area disconnections. These stormwater and drainage improvements will reduce the volume and rate of runoff, provide for greater infiltration, evaporation, and runoff quality treatment relative to existing conditions, and minimize substantial erosion or siltation on- or offsite. As concluded in the Draft Stormwater Control Plan for Regulated Projects (SHN, 2021d), the peak discharge for the 2-year, 24-hour storm will be lower under the post-project condition (1.80 cfs) than it is under the pre-project condition (1.86 cfs). In addition, **Mitigation Measures HWQ-1, HWQ-2, and HWQ-3** have been incorporated to protect water quality during construction and operation. As such, the additional impervious surface proposed by the project would not 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.

With the implementation of **Mitigation Measures HWQ-1, HWQ-2, and HWQ-3** and based on the information provided above, it has been determined the proposed project will not substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- c.iv)** *Substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff which would impede or redirect flood flows? Less-Than-Significant Impact*

According to FIRM Panel 06023C0845G, none of the project is within a designated special flood hazard area. An area including the north end of Bud Cloney Field and northward within Cooper Creek is located in an area of minimal flood hazard, (Zone X; FEMA, 2017). The project would improve the outlet of the main storm drainpipe that conveys Cooper Creek beneath the site by constructing a new concrete headwall and rock slope protection; but these improvements would not impede or redirect flood flows. Therefore, the potential for the proposed project to impede or redirect flood flows is negligible. Although the project would result in approximately 0.58 acres of new impervious surfaces, stormwater and drainage improvements are proposed by the project that would ensure that post-construction stormwater runoff will be less than pre-construction runoff. Furthermore, as noted above, the project does not propose to alter the course of existing surface water features.

Based on the information provided above, it has been determined the proposed project will not substantially alter the existing drainage pattern of the site or area, through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff which would impede or redirect flood flows. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?* No Impact

According to FIRM Panel 06023C0845G, none of the project is within a designated special flood hazard area. An area including the north end of Bud Cloney Field and northward within Cooper Creek is located in an area of minimal flood hazard, (Zone X; FEMA, 2017). FEMA defines Zone X as an area subject to inundation by the 0.2 percent annual chance (or 500-year) flood event. Therefore, the project site is not located within a 100-year flood hazard area. Furthermore, the project is located outside of the mapped tsunami inundation zone (CalEMA, 2009).

Based on the information provided above, it has been determined the proposed project will not be located in a flood hazard, tsunami, or seiche zone, and will not risk release of pollutants due to project inundation. Therefore, the proposed project would have no impact on this resource category.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?* Less-Than-Significant Impact

Water Quality Control Plan

The project site is located in the Eureka Plain in the North Coast Region. More specifically, the project site is located in the Cooper Creek watershed, tributary to Eureka Slough and Humboldt Bay. NCRWQCB adopts and implements the Water Quality Control Plan (Basin Plan) for the North Coast Region which identifies beneficial uses and recognizes water quality problems unique to the region.

Construction of the proposed project requires grading, earthmoving, and stockpiling activities. Due to the extent of these activities (greater than one acre of ground disturbance), construction of the proposed project will require compliance with the SWRCB CGP. Compliance with the CGP will require development and implementation of a SWPPP that would incorporate current BMPs for construction, including site housekeeping practices, erosion control, hazardous material storage, inspections, maintenance, worker training in pollution prevention measures, and secondary containment of releases to prevent pollutants from being carried offsite via runoff. In conjunction with the requirement to prepare a SWPPP, **Mitigation Measure HWQ-1** has been incorporated to provide additional water quality protection during construction through the implementation of appropriate BMPs. Adherence to the SWRCB regulatory requirements shall ensure construction of the proposed project will not obstruct implementation of the Basin Plan.

Additionally, because construction activities will involve work in jurisdictional waters including the replacement of the main storm drainpipe containing Cooper Creek, the proposed project will require a CWA Section 404 Permit from the USACE, a Section 401 Certification from the NCRWQCB, and an LSA Agreement from CDFW, and will need to comply with all permit conditions. Permit conditions will include measures and protocols to minimize the erosion or siltation on- or offsite and ensure the project is consistent with the Basin Plan.

As described in the Setting, Cooper Creek is a tributary to Humboldt Bay, which is listed as an impaired water body for Dioxin Toxic Equivalents and PCBs. The project does not propose the construction or operation sources that will contribute to the water quality impairment of Humboldt Bay from Dioxin Toxic Equivalents and PCBs. Moreover, as previously mentioned, the proposed project includes stormwater and drainage improvements that will reduce the potential for miscellaneous pollutants from entering Cooper Creek and Humboldt Bay, and provide for greater infiltration, evaporation, and runoff quality treatment relative to existing conditions.

Sustainable Groundwater Management Plan

The project site has existing connection to the water distribution system operated by the City of Eureka. The City is one of several Public Water Systems that obtains water from a regional wholesale water provider, the HBMWD, and water supplied to customers in the City consists entirely of water supplied by HBMWD. HBMWD maintains and operates a series of ranney wells that withdraw groundwater from below the bed of the Mad River. Water use at the project site includes the irrigation system, fire protection, and drinking water, restroom, and housekeeping appliances. During operation of the proposed project, water will continue to be supplied by City of Eureka. No groundwater well is proposed.

The proposed project is located in the Eureka Plain Groundwater Basin and the HBMWD water source is located in the Mad River Groundwater Basin. The DWR has ranked both basins as "Very Low" priority groundwater basins because of the condition

of the basins and the minimal risk of overdraft and other impacts indicating that neither groundwater basin is at risk of overdraft. Therefore, the proposed project will not interfere with the implementation of a sustainable groundwater management plan.

Based on the information provided above, it has been determined that the proposed project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Hydrology and Water Quality*, the following mitigation measures will be implemented:

Mitigation Measure HWQ-1. Best Management Practices: The following Best Management Practices shall be implemented to protect water quality during construction to avoid impacts to water quality:

- All contractors that would be performing demolition, construction, grading, storm drainpipe rehabilitation/replacement, or other work that could cause increased water pollution conditions at the site (such as, non-stormwater discharges or dispersal of soils) shall receive training regarding the environmental sensitivity of the site and the need to minimize impacts. Contractors shall also be trained on implementation of stormwater and non-stormwater BMPs for protection of water quality;
- Contractors shall implement appropriate BMPs during construction as determined by a Qualified SWPPP Developer;
- Contractors shall be responsible for minimizing erosion and preventing the transport of sediment to sensitive areas;
- Sufficient erosion control supplies shall be maintained on site at all times, available for prompt use in areas susceptible to erosion during rain events;
- Disturbance of existing vegetation shall be minimized to only that necessary to complete the work;
- Contractors shall make adequate preparations, including training and providing equipment, to contain oil and/or other hazardous materials spills;
- Dewatering and water diversion operations, if needed, shall be conducted where needed from the work location and stored or disposed of appropriately, in accordance with the SWPPP and agency permit conditions;
- Contractors shall ensure that the site is prepared with BMPs prior to the onset of any storm predicted to receive 0.5 inches or more of rain over 24 hours; and
- All erosion and sediment control measures shall be maintained in accordance with their respective BMP fact sheet until disturbed areas are stabilized.

Mitigation Measure HWQ-2. Synthetic Turf Surfaces: New or replaced synthetic turf surfaces shall utilize virgin materials that have been tested to pass both California and U.S. environmental regulations in terms of chemical and heavy metal tolerances. Synthetic turf surfaces shall utilize a permeable backing, lead free fibers, and granular infill that will consist of specifically graded sand and a non-styrene-butadiene rubber (non-SBR) infill material (such as, olive pits).

Mitigation Measure HWQ-3. Heel Safe Trench Drain Grates: Trench drains along the base of the bleachers shall be fitted with “heel safe” grates to help prevent trash from entering the storm drain system.

XI. <u>LAND USE AND PLANNING</u> : <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?				X
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?		X		

Setting: The project site is located in the City of Eureka on portions of the EHS campus, including Albee Stadium and Bud Cloney Field. EHS has used Albee Stadium since before 1946 and Bud Cloney Field since before 1983. EHS is a part of the ECUSD. EHS serves grades 9–12 and has approximately 1,138 students currently enrolled (CDE, 2019).

The project site contains existing athletic and educational facilities and is designated and zoned Public Facility (PF) by the City of Eureka. The project site is centrally located in the City of Eureka. Surrounding land uses include residential development within Low Density Residential (R1), Residential Medium (R2), and Residential High (R3) zoning districts. The remnant conifer forested slopes surrounding the project site create varying degrees of separation between the project site and surrounding residential development.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) *Physically divide an established community?* No Impact

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project would improve an existing athletic facility that is an integral part of the local community. The proposed improvements would occur within the existing footprint of EHS athletic, academic, and ancillary facilities.

Based on the information provided above, it has been determined that the proposed project will not physically divide an established community. Therefore, the proposed project would have no impact on this resource category.

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?* Less Than Significant Impact with Mitigation Incorporated

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The project site is designated and zoned PF by the City of Eureka, which is consistent with the existing and proposed use of the site. The proposed project is located on ECS property under the authority of the State of California. Per Government Code Section 53094, the ECS adopted Resolution No. 20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements. However, the proposed project will be required to comply with the existing regulatory requirements of State and federal agencies. As discussed throughout this document, the project has been designed and mitigated to comply with State and federal regulatory requirements. In all instances where potentially significant impacts have been identified, mitigation is provided to reduce each impact to less-than-significant levels. This was necessary in the following sections of the document:

- Air Quality (Section III)
- Biological Resources (Section IV)
- Cultural Resources (Section V)
- Geology and Soils (Section VII)
- Hazards and Hazardous Materials (Section IX)
- Hydrology and Water Quality (Section X)

- Noise (Section XIII)
- Tribal Cultural Resources (XVIII)

As designed and mitigated, the proposed project would not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

With the implementation of mitigation measures included in other sections of this document and based on the information provided above, it has been determined that the proposed project will not 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. Therefore, the proposed project would have a less-than-significant impact with mitigation incorporated.

Mitigation Measures: The following mitigation measures have been required in other sections of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures)

Mitigation Measure BIO-1 (Protect Siskiyou Checkerbloom)

Mitigation Measure BIO-2 (Nesting Bird Surveys)

Mitigation Measure BIO-3 (Seasonal Limitation on Work in Active Channel)

Mitigation Measure BIO-4 (Protect Riparian Habitat)

Mitigation Measure BIO-5 (Mitigate for Riparian Habitat Impacts)

Mitigation Measure BIO-6 (Protect Small Fruit Bullrush Marsh)

Mitigation Measure BIO-7 (Mitigate for Impacts to Small Fruit Bullrush Marsh)

Mitigation Measure BIO-8 (Mitigate for Tree Removals)

Mitigation Measure BIO-9 (Protect Wetlands)

Mitigation Measure BIO-10 (Mitigate for Wetland Impacts)

Mitigation Measure CR-1 (Field House Reconstruction)

Mitigation Measure CR-2 (Technology Center and Field House Documentation)

Mitigation Measure CR-3 (Inadvertent Discovery Protocol for Archaeological Resources)

Mitigation Measure CR-4 (Inadvertent Discovery Protocol for Human Remains)

Mitigation Measure GEO-1 (Adherence to Geologic Hazard and Geotechnical Investigation Recommendations)

Mitigation Measure GEO-2 (Inadvertent Discovery Protocol for Paleontological Resources)

Mitigation Measure HM-1 (Stockpile and Test Excavated Material Before Transport Offsite)

Mitigation Measure HWQ-1 (Best Management Practices)

Mitigation Measure HWQ-2 (Synthetic Turf Surfaces)

Mitigation Measure HWQ-3 (Heel Safe Trench Drain Grates)

Mitigation Measure NO-1 (Construction Noise Limitations)

XII. MINERAL RESOURCES: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				X

Setting: A mineral resource is land on which known deposits of commercially viable mineral or aggregate deposits exist. The designation is applied to sites determined by the California Geological Survey as being a resource of regional significance and is intended to help maintain any quarrying operations and protect them from encroachment of incompatible uses.

Mineral resources in the vicinity of the City of Eureka are primarily aggregate deposits found along the Eel River and Mad River (outside the project area). Areas along the Eel River and Mad River are currently used for aggregate resource extraction (gravel). Other than instream aggregate, no locally important mineral resources have been identified in the vicinity of the project site.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?* No Impact

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. There are no known deposits of commercially viable mineral or aggregate on the project site.

For these reasons, it has been determined that the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. Therefore, the proposed project would result in no impact on this resource category.

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?* No Impact

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. There are no known deposits of commercially viable mineral or aggregate on the project site.

For the reasons discussed above, it has been determined that the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan, or other land use plan. Therefore, the proposed project would result in no impact on this resource category.

Mitigation Measures: No mitigation measures are required for the project to result in a less-than-significant impact to *Mineral Resources*.

XIII. NOISE: <i>Would the project result in:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?		X		
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 site to excessive noise levels?				X

Setting: Noise impacts are those that exceed noise standards developed to provide reasonable control of noise to residences, parks, open spaces, and other specific designated sites. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations.

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. It is estimated that EHS has used Albee Stadium since before 1946 and Bud Cloney Field since before 1983 for a range of athletic events. However, athletic facilities at the project site are in an aging and deteriorated condition and portions of project site have become compromised as the result of a critical failure of the underlying storm drain system (such as sinkholes, etc.). As discussed under Section 2.2 (Existing Conditions), over the last several years, the aging and deteriorated condition of the project site has led to a steady decline in EHS-affiliated and nonaffiliated events. Moreover, due to the onset of the COVID-19 pandemic in spring 2020, in-person academic and athletic gatherings at EHS have been discontinued at times. As a result, all uses typically held at the project site were temporarily ceased. The most recent date(s) of typical operation and use of the facility is shown in Tables 1 and 2 (Section 2.2). Because of the relatively recent interruption of use of the facilities due to the storm drainage failures and COVID-19, the CEQA baseline is defined as the normal operation of the subject facilities. Existing operational noise generated from the project site includes, but is not limited to spectator cheering, live and/or pre-recorded music, announcers/commentators, and referee whistling. The noise occurs intermittently and is limited to athletic events and other events hosted at the project site.

In the vicinity of the proposed project, noise-generating sources are varied and consist of vehicle traffic along Del Norte Street and the surrounding street systems, and typical residential activity throughout the urban environment. Additionally, day to day activities at the EHS main campus are noise-generating sources (such as students, bells/alarms, intercom, etc.). Regional airports are not a source of substantial noise levels affecting the project site.

Residential uses, schools, hospitals, churches, and libraries are typically considered sensitive noise receptors as these are locations where people sleep or expect low noise levels. The nearest known potential sensitive receptors to the project site include EHS students in attendance at the EHS main campus and private residences in the project vicinity along Del Norte Street, L Street, and N Street. The project is directly adjacent to five private residences along Del Norte Street and is within approximately 100 feet of residences along L Street and N Street. To the east and west of Albee Stadium, elevations rise steeply, shaping the stadium into a valley-like feature. The slopes surrounding Albee Stadium and Bud Cloney Field are occupied by a stand of conifers that form a vegetative buffer of varying width and density between the project site and surrounding land uses. The topography and vegetative buffer may provide some sound attenuation from the project site to nearby sensitive receptors.

The City of Eureka has adopted noise standards, which are included in the General Plan and Land Use Code. The proposed project is located on ECS property under the authority of the State of California. Per Government Code Section 53094, the ECS adopted Resolution No. 20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements (ECS, 2020b).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- 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?* Less Than Significant with Mitigation Incorporated

As noted in the Noise Setting, the proposed project is located on ECS property under the authority of the State of California. Per Government Code Section 53094, the ECS adopted Resolution No. 20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements (ECS, 2020b).

Construction

The project proposes improvement of the existing EHS athletic facilities and associated educational facilities in the City of Eureka. Construction equipment and machinery would include bulldozers, excavators, backhoes, tractors, scrapers, graders, drill rigs, horizontal boring equipment, trenchers, skip loaders, skid steer loaders, dump trucks, bottom dump trailers, compactors, tandem vibratory rollers, pavers, concrete trucks, concrete pumps, concrete finishing equipment, forklifts, boom lifts, cranes, pneumatic rollers, water trucks, street sweepers, pickup trucks, cold planers, winches and pullers, generators, air compressors, air powered construction tools, power saws, hand tools and other standard construction vehicles and equipment. No pile driving or blasting is proposed. Construction of the proposed project would result in a temporary increase in ambient noise levels and may result in nuisance noise impacts to adjacent residential uses. Nuisance noise impacts typically occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when noise-generating sources are adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities would be transitory (occurring intermittently over the construction period) and temporary (occurring over a timeframe of approximately 18 to 24 months). However, to reduce potential nuisance noise impacts during construction, construction activities will not occur during noise-sensitive times of the day (such as, early morning or nighttime) or on more sensitive days (such as, Sundays and recognized union holidays). In addition, it will also be required for all stationary equipment and construction equipment to be maintained in good working order and fitted with manufacturer-approved muffler systems. These requirements for construction activity have been included as **Mitigation Measure NO-1** for the proposed project and require the following: 1) Construction activities will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturdays; 2) Construction activity will not occur on Sunday or recognized union holidays; and 3) All stationary and construction equipment will be maintained in good working order and fitted with manufacturer-approved muffler systems. Specifically, recognized union holidays shall be defined according to the 2022 Calendar for Northern California Master Agreements (United Contractors, 2021) and subsequent year calendars. With the implementation of **Mitigation Measure NO-1**, impacts to nearby sensitive receptors from construction activities will be less-than-significant.

Operation

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. No new noise generating sources are proposed. The proposed project would serve the existing student population and would provide the same uses that have occurred at the project site. Consequently, the proposed project would not result in a significant change in noise at the project site and operational noise would not result in a substantial permanent increase in ambient noise levels compared to the CEQA baseline.

With the adoption of **Mitigation Measure NO-1** and based on the information provided above, it has been determined that the proposed project will not result in the 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. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated.

- b) *Generation of excessive groundborne vibration or groundborne noise levels?* Less Than Significant with Mitigation Incorporated

The proposed project's construction activity has the potential to result in minor groundborne vibration and noise. The closest land uses potentially impacted by groundborne vibration and noise are the residences located approximately 50 feet away from Bud Cloney Field along Del Norte Street. Ground vibrations from construction activities do not often reach the levels that can damage structures. Pile-driving and blasting generate the highest levels of vibration; however, neither of these activities will occur during construction of the proposed project. As discussed under subsection a), construction activity must comply with the requirements in **Mitigation Measure NO-1**, which place limitations on the days and hours of construction activity, to ensure that nearby land uses are not disturbed by early morning or nighttime construction activity. In addition to reducing construction noise levels, compliance with these requirements also minimizes the potential impacts of vibration on persons adjacent to the project site. Construction activities will occur for a short duration and during daytime hours and will not result in groundborne noise levels that are excessive.

With the implementation of **Mitigation Measure NO-1** and for the reasons discussed above, it has been determined that the proposed project will not result in the generation of excessive groundborne vibration or groundborne noise levels. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated.

- 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 site to excessive noise levels?* No Impact

The project site is not located within the vicinity of a private airstrip, within an airport land use plan, or within two miles of a public airport or public use airport. Due to the distance from the project site, regional airports are not a source of excessive noise levels affecting the project site. As such, the proposed project would not expose people residing or working in the project site to excessive noise levels. Therefore, the proposed project would result in no impact on this resource category.

Mitigation Measures: In order for the proposed project to result in a less-than-significant impact to *Noise*, the following mitigation measures will be implemented:

Mitigation Measure NO-1. Construction Noise Limitations: The following measures will be implemented during construction activities to reduce noise levels:

- Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays.
- Construction activity will not occur on Sundays or recognized union holidays.
- All stationary and construction equipment will be maintained in good working order and fitted with factory-approved muffler systems.

XIV. POPULATION AND HOUSING: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Setting: The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka on the EHS campus, which is a part of the ECUSD. According to estimates from the California Department of Finance, the City of Eureka had an estimated population of 26,699 as of January 2020 (DOF, 2020). The project site consists of two existing athletic fields that support various EHS athletic programs. EHS serves grades 9 – 12 and has approximately 1,138 students currently enrolled (CDE, 2019).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- 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)?* No Impact

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. Rather than proposing new housing, businesses, or infrastructure that would have the potential to induce substantial population growth, the project proposes improvement of existing athletic and educational facilities. The proposed project would not substantially alter existing uses on the project site and would not induce growth in the student population. For these reasons, it has been determined that the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly. Therefore, the proposed project would result in no impact on this resource category.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?* No Impact

The project site is currently developed with outdoor athletics facilities and educational facilities and does not contain existing housing. As such, the proposed project would not displace people or housing. For these reasons, it has been determined that the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the proposed project would result in no impact on this resource category.

Mitigation Measures: No mitigation measures are required for the project to result in a less-than-significant impact to *Population and Housing*.

XV. PUBLIC SERVICES: <i>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:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Fire Protection?			X	
b) Police Protection?			X	
c) Schools?		X		
d) Parks?		X		
e) Other public facilities?				X

Setting: The project site is located in the City of Eureka, which has fire and police protection, schools, parks, and other public facilities and services.

Law Enforcement

The Eureka Police Department (EPD) provides law enforcement for residents living within the City of Eureka. EPD is headquartered in downtown Eureka and has two Service Areas, each of which are managed by a Police Captain. Service Area 1 consists of the south and west portions of Eureka, and Service Area 2 consists of the north and east sections of Eureka (City of Eureka, 2018). The nearest police station is at 6th and C Streets, approximately 0.9 miles from the project.

Fire Protection

Humboldt Bay Fire (HBF) provides fire protection services to the City of Eureka. HBF is a full-service department which provides emergency response and non-emergency public safety services from five fire stations located in and around Eureka. HBF was founded in 2011 through a Joint Powers Authority (JPA), which consolidated the former Eureka Fire Department with the Humboldt Fire District to provide service to the City of Eureka and Greater Eureka area (City of Eureka, 2018). The nearest fire station is Humboldt Bay Fire Station 4 at Myrtle Avenue and Cousins Street, approximately 0.7 miles from the project.

Schools

ECS is the largest school district in the City of Eureka, operating several elementary schools, two middle schools, and a high school (such as, EHS) on which the project site is located. EHS serves grades 9 – 12 and has approximately 1,138 students currently enrolled (CDE, 2019).

Parks

The City of Eureka maintains a network of parks and recreation facilities distributed throughout the City that provide many recreational and educational opportunities. The project site is not adjacent to or in immediate proximity to City parks and recreational facilities. However, parks and recreational facilities nearest the project site include Carson Park and Playground, Eureka Dog Park, Ryan Building (Youth Center), and Hammond Park and Playground (City of Eureka, 2018).

Other Public Facilities

Other public facilities in the City of Eureka include library services. Library services in the City of Eureka include the Eureka Main Library, which is considered the main branch of the eleven branches of the Humboldt County Library System which operates throughout the County (City of Eureka, 2018).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- 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 fire protection?* Less-Than-Significant Impact

Fire protection services are currently provided to the project site by the HBF. The project proposes improvement of the existing outdoor athletics facilities and educational facilities at EHS in the City of Eureka. While the proposed project may require fire protection response in the case of an emergency, the type and intensity of land use will not change and the proposed project will not significantly increase the demand for fire protection services to the extent that new or physically altered facilities would be required.

Based on the information provided above, it has been determined that the proposed project does not require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- b)** *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 police protection?* Less-Than-Significant Impact

Police protection services are currently provided to the project site by the EPD. The project proposes improvement of existing outdoor athletics facilities and educational facilities at EHS in the City of Eureka. While the proposed project may require police protection and response in the case of an emergency, the type and intensity of land use will not change and the proposed project will not significantly increase the demand for police protection services to the extent that new or physically altered facilities would be required.

Based on the information provided above, it has been determined that the proposed project would not require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- c)** *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 schools?* Less Than Significant with Mitigation Incorporated

The project proposes improvement of outdoor athletics facilities and educational facilities at EHS in the City of Eureka. The proposed project is not of the nature to increase student enrollment at EHS or have other impacts on existing academic-related operations at EHS that would require new or physically altered school facilities in order to maintain acceptable performance objectives.

The proposed improvements to the EHS athletic and educational facilities would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated in other sections of this document including, Air Quality (Section III), Biological Resources (Section IV), Cultural Resources (Section V), Geology and Soils (Section VII), Hazards and Hazardous Materials (Section IX), Hydrology and Water Quality (Section X), Noise (Section XIII), and Tribal Cultural Resources (XVIII). In instances where significant impacts have been identified, mitigation measures are included to reduce these impacts to less-than-significant levels. No additional mitigation measures beyond those already identified would be required.

With the implementation of mitigation measures included in other sections of this document and for these reasons discussed above, it has been determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. It has also been determined that the proposed project would not require new or physically altered governmental facilities, other than those proposed by the project, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- d)** *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 parks?* Less Than Significant with Mitigation Incorporated

The project proposes improvement of the existing EHS athletic facility in the City of Eureka. The proposed project is not of the nature to increase student enrollment at EHS or cause other growth-inducing impacts that would require new or physically altered park facilities in order to maintain acceptable performance objectives.

The proposed improvements to the EHS athletic facilities would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated in other sections of this document including, Air Quality (Section III), Biological Resources (Section IV), Cultural Resources (Section V), Geology and Soils (Section VII), Hazards and Hazardous Materials (Section IX), Hydrology and Water Quality (Section X), Noise (Section XIII), and Tribal Cultural Resources (XVIII). In instances where significant impacts have been identified, mitigation measures are included to reduce these impacts to less-than-significant levels. No additional mitigation measures beyond those already identified would be required.

With the implementation of mitigation measures included in other sections of this document and for these reasons discussed above, it has been determined that the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. It has also been determined that the proposed project would not require new or physically altered governmental facilities, other than those proposed by the project, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- e) *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 other public facilities?* No Impact

The project proposes improvement of the existing EHS athletic facility in the City of Eureka. The proposed project is not of the nature to increase student enrollment at EHS or cause other growth-inducing impacts that would require new or physically altered public facilities in order to maintain acceptable performance objectives.

For these reasons, it has been determined that the proposed project would not require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. Therefore, the proposed project would have no impact on this resource category.

Mitigation Measures: The following mitigation measures have been required in other sections of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures)

Mitigation Measure BIO-1 (Protect Siskiyou Checkerbloom)

Mitigation Measure BIO-2 (Nesting Bird Surveys)

Mitigation Measure BIO-3 (Seasonal Limitation on Work in Active Channel)

Mitigation Measure BIO-4 (Protect Riparian Habitat)

Mitigation Measure BIO-5 (Mitigate for Riparian Habitat Impacts)

Mitigation Measure BIO-6 (Protect Small Fruit Bullrush Marsh)

Mitigation Measure BIO-7 (Mitigate for Impacts to Small Fruit Bullrush Marsh)

Mitigation Measure BIO-8 (Mitigate for Tree Removals)

Mitigation Measure BIO-9 (Protect Wetlands)

Mitigation Measure BIO-10 (Mitigate for Wetland Impacts)

Mitigation Measure CR-1 (Field House Reconstruction)

Mitigation Measure CR-2 (Technology Center and Field House Documentation)

Mitigation Measure CR-3 (Inadvertent Discovery Protocol for Archaeological Resources)

Mitigation Measure CR-4 (Inadvertent Discovery Protocol for Human Remains)

Mitigation Measure GEO-1 (Adherence to Geologic Hazard and Geotechnical Investigation Recommendations)

Mitigation Measure GEO-2 (Inadvertent Discovery Protocol for Paleontological Resources)

Mitigation Measure HM-1 (Stockpile and Test Excavated Material Before Transport Offsite)

Mitigation Measure HWQ-1 (Best Management Practices)

Mitigation Measure HWQ-2 (Synthetic Turf Surfaces)

Mitigation Measure HWQ-3 (Heel Safe Trench Drain Grates)

Mitigation Measure NO-1 (Construction Noise Limitations)

XVI. RECREATION:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?			X	
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?		X		

Setting: The project site is located in the City of Eureka. The City of Eureka maintains a network of parks and other recreational facilities distributed throughout the City. Eureka's parks have varied facilities and offer many recreational and educational opportunities. The project site is not adjacent to or in immediate proximity to City parks and recreational facilities. However, parks and recreational facilities nearest the project site include Carson Park and Playground, Eureka Dog Park, Ryan Building (Youth Center), and Hammond Park and Playground (City of Eureka, 2018).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- 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

The project proposes improvement of the existing EHS athletic facilities. The proposed project is not of the nature to increase student enrollment at EHS or cause other growth-inducing impacts that would increase the use of existing parks or other recreational facilities such that physical deterioration of these facilities would occur or be accelerated.

Based on the information provided above, it has been determined that the proposed project would not 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. Therefore, the proposed project would have a less-than-significant impact on this resource category.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which will have an adverse physical effect on the environment?* Less-Than-Significant Impact with Mitigation Incorporated

The project proposes improvement of the existing EHS athletic facilities. The proposed improvements to the EHS athletic facilities would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated in other sections of this document including, but not limited to, Air Quality (Section III), Biological Resources (Section IV), Cultural Resources (Section V), Geology and Soils (Section VII), Hazards and Hazardous Materials (Section IX), Hydrology and Water Quality (Section X), Noise (Section XIII), and Tribal Cultural Resources (XVIII). In instances where significant impacts have been identified, mitigation measures are included to reduce these impacts to less-than-significant levels. No additional mitigation measures beyond those already identified would be required.

With the implementation of mitigation measures included in other sections of this document and for these reasons discussed above, it has been determined that the proposed project would not result in adverse physical effects on the environment from the construction or expansion of recreational facilities. Therefore, the proposed project would have a less-than-significant impact with mitigation incorporated on this resource category.

Mitigation Measures: The following mitigation measures have been required in other sections of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures)

Mitigation Measure BIO-1 (Protect Siskiyou Checkerbloom)

Mitigation Measure BIO-2 (Nesting Bird Surveys)

Mitigation Measure BIO-3 (Seasonal Limitation on Work in Active Channel)

Mitigation Measure BIO-4 (Protect Riparian Habitat)

Mitigation Measure BIO-5 (Mitigate for Riparian Habitat Impacts)

Mitigation Measure BIO-6 (Protect Small Fruit Bullrush Marsh)

Mitigation Measure BIO-7 (Mitigate for Impacts to Small Fruit Bullrush Marsh)

Mitigation Measure BIO-8 (Mitigate for Tree Removals)

Mitigation Measure BIO-9 (Protect Wetlands)

Mitigation Measure BIO-10 (Mitigate for Wetland Impacts)

Mitigation Measure CR-1 (Field House Reconstruction)

Mitigation Measure CR-2 (Technology Center and Field House Documentation)

Mitigation Measure CR-3 (Inadvertent Discovery Protocol for Archaeological Resources)

Mitigation Measure CR-4 (Inadvertent Discovery Protocol for Human Remains)

Mitigation Measure GEO-1 (Adherence to Geologic Hazard and Geotechnical Investigation Recommendations)

Mitigation Measure GEO-2 (Inadvertent Discovery Protocol for Paleontological Resources)

Mitigation Measure HM-1 (Stockpile and Test Excavated Material Before Transport Offsite)

Mitigation Measure HWQ-1 (Best Management Practices)

Mitigation Measure HWQ-2 (Synthetic Turf Surfaces)

Mitigation Measure HWQ-3 (Heel Safe Trench Drain Grates)

Mitigation Measure NO-1 (Construction Noise Limitations)

XVII. TRANSPORTATION: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Setting: The project site is currently developed with outdoor athletics facilities and educational facilities at EHS in the City of Eureka. The project sites includes two distinct areas of EHS, including Albee Stadium and Bud Cloney Field. Del Norte Street bisects the project site, separating Albee Stadium from Bud Cloney Field. The City of Eureka has identified Del Norte Street as a “Major Collector,” which includes *“Two lane medium-speed, medium volume roadways that connect arterials to local streets and accommodate intra-city travel. Provide access within and between neighborhoods”* (City of Eureka, 2018).

It is estimated that EHS has used Albee Stadium since before 1946 and Bud Cloney Field since before 1983 for a range of athletic events. However, athletic facilities at the project site are in an aging and deteriorated condition and portions of the project site have become compromised as the result of a critical failure of the underlying storm drain system (such as sinkholes, etc.). Hazardous conditions at the project site have made the existing athletic facilities unsuitable to host athletic events, and since 2019, events that were typically held at the project site have been temporarily relocated to offsite locations. Offsite athletic events resulted in the temporary diversion of student, parent, and spectator from EHS to offsite locations. For the purpose of this analysis, the CEQA baseline predates 2019 and includes EHS athletic events held at the project site. The discussion and analysis below includes information related to the CEQA baseline and typical use of the project site.

Parking Facilities

Paved driveways from Del Norte Street provide vehicular access to Albee Stadium and Bud Cloney Field. Vehicular access is limited by perimeter fencing and associated gates at driveway entrances to Albee Stadium and Bud Cloney Field. Existing parking facilities at the project site are limited and include ADA and faculty/maintenance crew parking. During typical athletic events, parking typically occurs along Del Norte Street, at the EHS main campus, and/or throughout adjacent neighborhood roadways. Parking facilities at the EHS main campus are accessed by way of Del Norte Street and K Street, and provide parking spaces for staff, students, and visitors.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, and curb ramps provide access for pedestrians in the vicinity of the proposed project. Most notably, Del Norte Street is developed with sidewalks on both sides of the roadway From the C Street (west) to Gates Street (east). Pedestrian-scale street lighting is intermittently provided along Del Norte Street.

Pedestrian access to Albee Stadium and Bud Cloney Field is limited by perimeter fencing and associated entry gates. However, when entry gates are opened, Albee Stadium can be accessed by pedestrian pathways from Del Norte Street and the EHS main campus. Similarly, Bud Cloney Field can be accessed by pedestrian pathways from Del Norte Street. Additionally, internal pedestrian pathways provide access between high use areas, such as bathrooms, spectator seating, etc. The aforementioned pedestrian facilities between EHS main campus and the project site are frequently utilized by EHS students (such as, spectators and athletes) to access the site after normal school hours.

Bicycle Facilities

The project site contains bicycle racks at multiple locations for secure bicycle parking. In the project area, Class II Bikeways (Bicycle Lanes) are located along J Street, west of the project site and adjacent to the EHS main campus. The City of Eureka General Plan provides the following definition for Class II bikeways: *“Provides a restricted right-of way and is designated for the use of bicycles with a striped lane on a street or highway. Vehicle and pedestrian cross-flow are permitted”* (City of Eureka, 2018). The Class II Bikeways along J Street provide north-south connections.

Transit Systems

ECS offers a limited number of bus routes within established busing zones for enrolled students. Additional public transit opportunities are available through Humboldt Transit Authority (HTA), a joint powers authority between Humboldt County and the cities of Arcata, Eureka, Fortuna, Rio Dell and Trinidad. Included is the Eureka Transit Service (ETS), which provides fixed bus route systems within and around the City of Eureka, operating several routes in a circular pattern. The nearest ETS bus stop to the project site is located at I and Del Norte Street. For those who are unable to use a fixed route bus system due to a physical or mental disability, City of Eureka Dial-A-Ride, or paratransit, is available through certification.

Transportation Plans and Policies

The ECS has not developed any transportation plans or policies that are applicable to the proposed project. The City of Eureka General Plan contains policies related to the performance of the circulation system for vehicular and non-vehicular modes of transportation. The proposed project is located on ECS property under the authority of the State of California. Per Government Code Section 53094, the ECS adopted Resolution #20-21-014 on September 17, 2020, determining the proposed project is exempt from local regulations, ordinances, and requirements.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?* Less-Than-Significant Impact

The project proposes improvement of an existing EHS athletic facility in the City of Eureka. As noted in the Transportation Setting, the proposed project is located on ECS property under the authority of the State of California. Per Government Code Section 53094, the ECS determined the proposed project is exempt from local regulations, ordinances, and requirements.

Vehicular Facilities

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. The proposed project includes the improvement of internal pedestrian facilities and the expansion of vehicle parking facilities at Bud Cloney Field. The expanded parking facilities would be accessed from Del Norte Street similar to existing drive aisles and parking facilities that serve the site. Operation of the proposed project would not increase the student population or result in any new uses that would generate new or increased vehicle trips. Therefore, the proposed project would not significantly increase congestion on Del Norte Street in a manner that would conflict with the local or regional roadway system.

Pedestrian Facilities

The project proposes to install and maintain internal pedestrian facilities between onsite locations, Del Norte Street, and the EHS main campus. These pedestrian facilities would improve connectivity throughout the project site and immediate vicinity. Therefore, impacts to pedestrian facilities from the proposed project would be less than significant.

Bicycle Facilities

The proposed project will replace or otherwise provide bicycle racks at the project site for secure bicycle parking. The proposed project will not otherwise impact bicycle facilities in the project vicinity. Therefore, impacts to bicycle facilities from the proposed project would be less than significant.

Transit Facilities

The nearest ETS bus stop to the project site is located at I and Del Norte Street. For those who are unable to use a fixed route bus system due to a physical or mental disability, City of Eureka Dial-A-Ride, or paratransit, is available through certification. The project proposes to remedy hazardous conditions at the project site in order to allow use of the site to continue in a manner consistent with the CEQA baseline. The proposed project is served by transit facilities but would not be responsible for a significant number of new transit trips. Therefore, impacts to transit facilities from the proposed project would be less than significant.

Based on the information provided above, it has been determined that the proposed project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- b) *Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?* Less-Than-Significant Impact

Vehicle miles traveled (VMT) represents the total number of daily miles driven by persons traveling to and from a defined geographic area. Many factors affect VMT, including the average distance residents commute to land use projects. CEQA Guidelines Section 15064.3, subdivision (b) indicates that land use projects would have a significant impact if the project resulted in VMT exceeding an applicable threshold of significance. It further notes that if existing models or methods are not available to estimate the vehicle miles traveled for the project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. VMT guidelines have not been adopted by any jurisdiction in Humboldt County and, therefore, a qualitative analysis is appropriate.

The project site is currently developed with outdoor athletics facilities and educational facilities and would continue to function as such under the proposed project. Hazardous conditions at the project site have temporarily relocated athletic events to various offsite locations. The project proposes to remedy hazardous conditions at the project site in order to allow use of the site to continue in a manner consistent with the CEQA baseline. Therefore, the proposed project would not result in a substantial change of use at the site that would increase VMT.

Based on the information provided above, it has been determined that the proposed project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- c) *Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)? Less-Than-Significant Impact*

The project proposes improvement of existing EHS athletic and educational facilities in the City of Eureka. No offsite improvements are proposed or required to implement the proposed project. The project would not change roadway geometry that could increase hazards related to design features. Additionally, the proposed project would not change the existing land use of the site, as the site is currently developed to support EHS athletic and educational programs. Therefore, construction and operation of the proposed project would not result in use of vehicles or equipment, such as farm equipment or tractors, that would be incompatible with existing land uses in the surrounding area.

Based on the information provided above, it has been determined that the proposed project would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- d) *Result in inadequate emergency access? Less-Than-Significant Impact*

The project proposes improvement of existing EHS athletic and educational facilities in the City of Eureka. The proposed project is not of the nature to substantially impact emergency access. Similar to the existing conditions, access to the proposed project would occur through drive aisles from Del Norte Street. The proposed drive aisles and parking facilities will be designed to meet emergency access standards and accommodate the onsite maneuvering of emergency vehicles. Emergency responders would have adequate access to reach the site in case of an emergency. Furthermore, emergency lighting will be added from bleachers and buildings to stadium exits or safe dispersal area in the case of power outages or other emergencies. Proposed emergency lighting will promote simultaneous emergency evacuation and emergency response.

Based on the information provided above, it has been determined that the proposed project would not result in inadequate emergency access. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: No mitigation measures require implementation for the project to result in a less-than-significant impact to Transportation.

<u>XVIII. TRIBAL CULTURAL RESOURCES:</u> <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) 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		X		
b) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

Archaeological and other resources can be damaged through uncontrolled public disclosure. Archeological site locations and culturally sensitive information is considered confidential and public access to such information is restricted by State and federal law, therefore this information has been redacted for use in the Mitigated Negative Declaration (MND). Professionally qualified individuals, as determined by the California Office of Historic Preservation, may contact the lead agency in order to inquire about its availability.

Information regarding the location, character, or ownership of a historic resource is exempt from the Freedom of Information Act pursuant to 16 U.S.C. 470w-3 (National Historic Preservation Act) and 16 U.S.C. § 470hh (Archaeological Resources Protection Act) and California State Government Code, Section 6254.10.

Setting: CEQA requires lead agencies to determine if a proposed project would have a significant effect on tribal cultural resources. The CEQA Guidelines define tribal cultural resources as: 1) a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or 2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code Section 5024.1(c), and considering the significance of the resource to a California Native American tribe.

A Historical Resources Investigation was completed for the proposed project by William Rich and Associates (WRA). The purpose of this investigation was to document whether significant archaeological or historic period-built environment cultural resources, defined as an Historical Resource or Tribal Cultural Resource in the CEQA Guidelines Title 14 California Code of Regulations (CCR) Section 15064.5(a), are present within the proposed project area. This was completed by performing research of existing information, outreach to Wiyot area tribes and local historical societies, an archaeological field survey, and an evaluation of the historical buildings and structures in the project area (WRA, 2020).

The project site is located in the City of Eureka, which is located within the indigenous territory of the Wiyot people. At the time that Euro-Americans first settled in this region, the Wiyot Tribe held the coastal lands surrounding Humboldt Bay. They were divided into three principal groups, the Patawat, who lived in the villages on the lower Mad River, the Wiki on Humboldt Bay, and the Wiyot along the lower Eel River. It is the name of the Eel River division, which is now used exclusively in accounts pertaining to the entire group (WRA, 2020).

Wiyot stone tool technology included flaked stone knives, projectile points, and other tools made from obsidian, basalt and silicates. Groundstone tools included club heads, pipes, and charms, and mortars with a shallow grinding basin and long cylindrical pestles used for grinding acorns. Steatite was much used for making ornaments, toys, and bowls. Beads manufactured from bone, shell, and steatite were used for ornamentation. Wood and bone were used for a variety of tools and weapons, bows, arrow shafts and points, hide preparation tools, fishhooks, pipes, musical instruments, food serving utensils, gaming pieces, hairpins, awls, and punches. Dugout canoes and paddles were routinely made with redwood (WRA, 2020).

Several Wiyot villages and archaeological sites were mapped along the shore of the bay around a century ago, north and west of the project area. The closest known Wiyot habitation sites to the project site occupied the edge of the intertidal zone near the small sloughs now known as First Slough and Target North Slough, about a mile northeast of the project site. However, none of these sites occur within one-half mile of the proposed undertaking. There are no known Wiyot sites, places of importance, or other cultural resources in the project area (WRA, 2020).

ECS requested a list of regional tribes from the Native American Heritage Commission (NAHC). Registered Professional Archaeologist, William Rich, M.A. invited the Wiyot area tribes to coordinate on field survey and archaeological identification efforts at this project location. This outreach was provided by an emailed letter on September 4, 2020 to Tribal Historic Preservation Officers (THPO) Janet Eidsness of the Blue Lake Rancheria, Erika Cooper of the Bear River Band of the Rohnerville Rancheria, and Chairman Ted Hernandez of the Wiyot Tribe. Under Assembly Bill (AB) 52, Eureka City Schools sent notification letters to these same local Native American tribes on October 19, October 21, and November 5, 2020. Responses were received from the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria requesting that an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation (ECS, 2020a).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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 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)?* Less Than Significant with Mitigation Incorporated

The project site includes land that was cleared, in-filled, and developed between the 1910s and the 1950s for the construction of EHS facilities. This area was described as being densely forested prior to being cleared in the late 19th century. The Historical Resources Investigation prepared for the proposed project concludes that no Native American archaeological sites, features, or other cultural resources were identified during the investigation, nor have any been identified in the adjacent vicinity during past survey efforts. This does not, however, preclude the potential for these types of resources to be present at this location, due to the proximity to a perennial watercourse in Cooper Creek that drains directly to Humboldt Bay where associated Wiyot sites are known to occur. The location, being situated in the upper canyon of a small stream flowing into Humboldt Bay, could contain archaeological deposits wherever intact soils are present, including along the eastern and western margins of the project area, where imported fill is more shallow or where intact landforms are present.

ECS requested a list of regional tribes from the NAHC. Registered Professional Archaeologist, William Rich, M.A. invited the Wiyot area tribes to coordinate on field survey and archaeological identification efforts at this project location. This outreach was provided by an emailed letter on September 4, 2020 THPO Janet Eidsness of the Blue Lake Rancheria, Erika Cooper of the Bear River Band of the Rohnerville Rancheria, and Chairman Ted Hernandez of the Wiyot Tribe. Under AB 52, Eureka City Schools sent notification letters to these same local Native American tribes on October 19, October 21, and November 5, 2020. Responses were received from the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria requesting that an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation (ECS, 2020a).

Although the Historical Resources Investigation suggests that it would be relatively unlikely, because of prior disturbances, to encounter intact buried archaeological materials at this location during implementation of the proposed project, Tribal representatives requested an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation. Therefore, implementation of an Inadvertent Discovery Protocol shall be required as **Mitigation Measure CR-3** (see Cultural Resources [Section V]). The Historical Resources Investigation concludes that with implementation of **Mitigation Measure CR-3**, the proposed project would not result in a substantial adverse change to archaeological resources (WRA, 2020).

With the implementation of **Mitigation Measure CR-3**, it has been determined that the proposed project will not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- b) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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 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 Section 5024.1. ? Less Than Significant with Mitigation Incorporated

As discussed under subsection a), an Historical Resources Investigation was prepared for the proposed project by WRA and pursuant to AB 52 notification letters regarding tribal consultation were sent to the Wiyot Tribe, Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, Karuk Tribe, and Trinidad Rancheria. Tribal representatives requested an Inadvertent Discovery Protocol be implemented in the instance that Native American or historic period archaeological materials are inadvertently unearthed during project implementation. For all other construction activities, implementation of an Inadvertent Discovery Protocol shall be required as **Mitigation Measure CR-3** (see Cultural Resources [Section V]). The Historical Resources Investigation concludes that with implementation of **Mitigation Measure CR-3**, the proposed project would not result in a substantial adverse change to archaeological resources (WRA, 2020).

With the implementation of **Mitigation Measure CR-3**, the proposed project will not cause a substantial adverse change in the significance of a tribal cultural resource that is that is 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 Section 5024.1. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

Mitigation Measures: The following mitigation measures have been required in other sections of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure CR-3 (Inadvertent Discovery Protocol) – See Cultural Resources (Section V)

XIX. UTILITIES AND SERVICE SYSTEMS: <i>Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?		X		
b) Have sufficient water supplies available to serve the project and or reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater 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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Setting: The project site is located at the EHS campus in the City of Eureka. The project proposes improvement of existing stormwater infrastructure and athletic and educational facilities at Albee Stadium and Bud Cloney Field at the EHS campus in the City of Eureka.

Electricity

The project site has existing connections to the electrical grid in the project area, which is maintained and operated by PG&E. However, the District is enrolled in the Redwood Coast Energy Authority (RCEA) Community Choice Energy (CCE) program. The CCE program allows city and county governments to pool (or aggregate) the electricity demands of their communities in order to increase local control over electric rates, purchase power with higher renewable content, reduce GHG emissions, and reinvest in local energy infrastructure. The electricity continues to be distributed and delivered through the existing PG&E electrical grid. The CCE program currently procures approximately 47% of its power from renewable and carbon-free sources (RCEA, 2019).

Wastewater

The project site has existing connection to the wastewater collection and treatment system owned and operated by the City of Eureka. All of the wastewater from the City (excluding stormwater runoff) is collected and treated at the Elk River Wastewater Treatment Plant (WWTP) to secondary treatment standards.

Water

The project site has existing connection to the water distribution system operated by the City of Eureka. The City is one of several Public Water Systems that obtains water from a regional wholesale water provider, the Humboldt Bay Municipal Water District (HBMWD), and water supplied to customers in the City consists entirely of water supplied by HBMWD. HBMWD maintains and operates a series of ranney wells that withdraw groundwater from below the bed of the Mad River. HBMWD disinfects the water via chlorination before distributing by pipeline to the City's water treatment complex in Eureka. Water use at the project site includes the irrigation system, fire protection, and drinking water, restroom, and housekeeping appliances.

Stormwater

An existing 30-inch diameter concrete storm drain mainline runs below the entire project site, beginning south of the track, and ending north of the baseball field. This storm drain line conveys the flows in Cooper Gulch under the site. All runoff from the project site drains into Cooper Gulch.

Solid Waste

The project site has existing solid waste collection receptacles. However, there are no existing recycling receptacles to allow separation of recyclable and nonrecyclable materials. Solid waste services are provided by Recology Humboldt County; the sole provider of solid waste collection and removal services for residents living in the City of Eureka, as well as those living in the unincorporated communities adjacent to the City. Humboldt Waste Management Authority (HWMA) is a Joint Powers Authority that provides solid waste processing

and disposal for Eureka, as well as other cities and unincorporated communities throughout Humboldt County. Solid waste is transported to the HWMA Solid Waste Transfer Station in Eureka. Large recyclable materials (scrap metal, wood, and concrete) and hazardous materials (washers, dryers, televisions, tires, etc.) are pulled from the waste stream at the Eureka facility, and the remaining solid waste is shipped to the Dry Creek Landfill in Medford, Oregon and the Anderson Landfill in Anderson, California. There are also recycling drop off centers at Humboldt Sanitation in McKinleyville, Eel River Resource Recovery in Samoa, and HWMA in Eureka.

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

- 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?* Less Than Significant with Mitigation Incorporated

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. The proposed improvements include utility infrastructure improvements such as a new stadium lighting system, new power and signal distribution systems for new and existing buildings, stormwater drainage improvements, and new bioretention basins to manage and treat stormwater runoff.

These utility infrastructure improvements would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated in other sections of this document including, but not limited to, Air Quality (Section III), Biological Resources (Section IV), Cultural Resources (Section V), Geology and Soils (Section VII), Hazards and Hazardous Materials (Section IX), Hydrology and Water Quality (Section X), Noise (Section XIII), and Tribal Cultural Resources (XVIII). In instances where significant impacts have been identified, mitigation measures are included to reduce these impacts to less-than-significant levels. No additional mitigation measures beyond those already identified would be required.

With the implementation of mitigation measures included in other sections of this document and based on the information provided above, it has been determined that the proposed project would not result in significant environmental effects from the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, the proposed project would result in a less-than-significant impact with mitigation incorporated on this resource category.

- b) *Have sufficient water supplies available to serve the project and/or reasonably foreseeable future development during normal, dry and multiple dry years?* Less-Than-Significant Impact

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. Existing water use at the project site includes an irrigation system, fire protection, and drinking water, restroom, and housekeeping appliances. Water will continue to be supplied by the City of Eureka from its source, HBMWD. Because the proposed project will not substantially alter the existing use of the site, proposed water use is assumed to be consistent with the existing water use. Additionally, water use will likely be reduced due to replacing some natural sod turf surfaces with synthetic turf surfaces. Moreover, HBMWD is not experiencing any water shortage, and has sufficient water supply to carry it through multiple future drought years (HBMWD, 2016).

Based on the information provided above, it has been determined that the proposed project would have sufficient water supplies available to serve the project and/or reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- c) *Result in a determination by the wastewater 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

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. Since the proposed project will not substantially alter the existing use of the site, proposed wastewater generation rates are assumed to be consistent with the existing wastewater generation rates.

Based on the information provided above, it has been determined that the proposed project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- 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?* Less-Than-Significant Impact

The project site is currently developed with outdoor athletics facilities and educational facilities in the City of Eureka and would continue to function as such under the proposed project. The proposed improvements would generate solid waste during both construction and operation.

Construction

Waste generated from construction activities may include substandard soil/surface materials from grading, materials and spoils from demolition (such as fencing, building materials, etc.), and excess construction materials. Disposal of waste materials generated during construction activities will be required to comply with applicable federal, state, and local regulations. Solid waste generated by construction of the project would be similar to other comparable construction projects in the region or state. There are no unusual project characteristics that would result in the generation of solid wastes in excess of state or local standards or in excess of the capacity of local infrastructure. Due to the temporary nature of the proposed construction activity, it would not have the potential to impair attainment of solid waste reduction goals.

Operation

During operation of the proposed project, solid waste and recyclables would be generated primarily during sporting events at the proposed athletic facility. Solid waste and recyclables generated by the proposed project would continue to be integrated into the EHS and City of Eureka solid waste stream and are not anticipated to generate significant amounts of solid waste above the existing baseline condition. Since the proposed project will not substantially alter the existing use of the site, proposed solid waste generation rates are assumed to be consistent with the existing solid waste generation rates. As such, the proposed project would not result in a significant increase in solid waste generation within the City. Moreover, the proposed project will develop recycling receptacles at the project site, where none currently exist.

Transfer stations and landfills that currently serve Humboldt County have adequate permitted capacity to accommodate the project's solid waste disposal needs. Furthermore, with the project's conformance to applicable federal, state, and local solid waste reduction and recycling measures, the project is not anticipated to impair the attainment of solid waste reduction goals.

Based on the information provided above, it has been determined that the proposed project will not 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. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?* Less-Than-Significant Impact

Recology Humboldt County collects solid waste and recyclables generated at EHS facilities. During operation of the proposed project, the project site would generate solid waste and recyclables, which would continue to be integrated into the EHS and City of Eureka solid waste stream. As discussed under subsection d), the proposed project would not result in a significant increase in solid waste generation within the City. Moreover, the proposed project will develop recycling receptacles at the project site, where none currently exist.

Based on the information provided above, it has been determined that the proposed project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

Mitigation Measures: The following mitigation measures have been required in other sections of this document, so that when implemented, the proposed project will have a less significant impact:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures)

Mitigation Measure BIO-1 (Protect Siskiyou Checkerbloom)

Mitigation Measure BIO-2 (Nesting Bird Surveys)

Mitigation Measure BIO-3 (Seasonal Limitation on Work in Active Channel)

Mitigation Measure BIO-4 (Protect Riparian Habitat)

Mitigation Measure BIO-5 (Mitigate for Riparian Habitat Impacts)

Mitigation Measure BIO-6 (Protect Small Fruit Bullrush Marsh)

Mitigation Measure BIO-7 (Mitigate for Impacts to Small Fruit Bullrush Marsh)

Mitigation Measure BIO-8 (Mitigate for Tree Removals)

Mitigation Measure BIO-9 (Protect Wetlands)

Mitigation Measure BIO-10 (Mitigate for Wetland Impacts)

Mitigation Measure CR-1 (Field House Reconstruction)

Mitigation Measure CR-2 (Technology Center and Field House Documentation)

Mitigation Measure CR-3 (Inadvertent Discovery Protocol for Archaeological Resources)

Mitigation Measure CR-4 (Inadvertent Discovery Protocol for Human Remains)

Mitigation Measure GEO-1 (Adherence to Geologic Hazard and Geotechnical Investigation Recommendations)

Mitigation Measure GEO-2 (Inadvertent Discovery Protocol for Paleontological Resources)

Mitigation Measure HM-1 (Stockpile and Test Excavated Material Before Transport Offsite)

Mitigation Measure HWQ-1 (Best Management Practices)

Mitigation Measure HWQ-2 (Synthetic Turf Surfaces)

Mitigation Measure HWQ-3 (Heel Safe Trench Drain Grates)

Mitigation Measure NO-1 (Construction Noise Limitations)

XX. WILDFIRE: <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, Would the project:</i>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
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?			X	
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?			X	
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?			X	

Setting: The project site is currently developed with outdoor athletics fields, educational facilities, and ancillary facilities at Eureka High School (EHS) in the City of Eureka. The project site includes two distinct areas of EHS, including Albee Stadium and Bud Cloney Field. As described in Section 1 (Project Description), primary access to the project site is provided by Del Norte Street. Del Norte Street passes through the project site separating Albee Stadium from Bud Cloney Field. Paved drive aisles from Del Norte Street provide vehicular access to the two sites. The center of project site is relatively flat and developed with the existing outdoor athletics fields, educational facilities, and ancillary facilities. Elevations rise steeply on the east and west sides of the project site, shaping the site into a gulch that drains to the north. The slopes surrounding the project site are dominated by remnant conifer forests. Small channels drain the slopes surrounding the project site. The athletic fields and surrounding slopes flow towards drainage ditches and/or drainage inlets, which ultimately drain to Cooper Creek (also commonly referred to as Cooper Canyon or Cooper Gulch). As discussed in Section IV (Biological Resources), the site also contains wetlands, which primarily occur along the margins of the existing athletic fields and among the surrounding slopes. The topography of the project site and surroundings is attributed to the geomorphic effects of Cooper Creek.

Eureka and its surrounding area are subject to potential fire hazards. The California Department of Forestry and Fire Protection (CALFIRE) maps identify fire hazard severity zones (FHSZ) in state (SRA) and local (LRA) responsibility areas for fire protection. The project site is in an LRA, and regional LRA fire severity maps designate some areas within the City limits as moderate FHSZ, specifically the forested slopes forming Cooper Creek north of the Bud Cloney Field are identified as a moderate FHSZ. As a result of this mapping, portions of Bud Cloney Field are also identified as a moderate FHSZ (CALFIRE, 2007; Humboldt County, 2020a). Fire prevention, fire protection, and emergency medical services are provided by Humboldt Bay Fire (HBF). HBF is a full-service department which provides emergency response and non-emergency public safety services from five fire stations located in and around Eureka. HBF was founded in 2011 through a Joint Powers Authority, which consolidated the former Eureka Fire Department with the Humboldt Fire District to provide service to the City of Eureka and Greater Eureka area (City of Eureka, 2018).

Discussion: Based on a field review with EHS staff, existing information available to the School District, and observations made on the project site and in the vicinity, the following findings can be made:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? Less-Than-Significant Impact

The project proposes improvement of the existing athletic fields and ancillary facilities at Albee Stadium and Bud Cloney Field. Primary access to the project site is provided by paved drive aisles from Del Norte Street. The project proposes to expand onsite parking facilities at the project site. The proposed parking facilities will be designed to meet emergency access standards and accommodate the onsite maneuvering of emergency vehicles. As such, the proposed project will provide improved emergency access to the project site compared to existing conditions. Furthermore, the project site is not located in a very high FHSZ where the risk of emergency response and evacuation due to wildfire is extreme.

Based on the information provided above, it has been determined that the proposed project will not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- 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?* Less-Than-Significant Impact

The project proposes improvement of the existing athletic fields and ancillary facilities at Albee Stadium and Bud Cloney Field. The forested slopes north of Bud Cloney Field are identified as medium FHSZ (CALFIRE, 2007; Humboldt County, 2020a). The project site does not exhibit topography, vegetation patterns, or other factors (for example, fuels, aspect, etc.) that would expose people or structures to a significant risk of wildland fires. Furthermore, the proposed project is not of the nature to exacerbate wildfire risks, nor is the project site located in a very high FHSZ where the risk of emergency response and evacuation due to wildfire is extreme.

Based on the information provided above, it has been determined that the proposed project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- 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?* Less-Than-Significant Impact

The project proposes improvement of the existing athletic fields and ancillary facilities at Albee Stadium and Bud Cloney Field. The project site is within the vicinity of existing water, wastewater, stormwater, electrical, and telecommunication facilities available to service the project. The proposed project would require several access and utility improvements. However, due to the location of the proposed project, the installation or maintenance of these improvements is not of the nature to exacerbate fire risk.

Based on the information provided above, it has been determined that the proposed project will not exacerbate fire risk or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities). Therefore, the proposed project would result in a less-than-significant impact on this resource category.

- 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?* Less-Than-Significant Impact

The project proposes improvement of the existing athletic fields and ancillary facilities at Albee Stadium and Bud Cloney Field. The center of the project site is relatively flat. Slopes surrounding the project site rise steeply on the northern, eastern, and southern sides of the site, shaping the project site into a valley. The slopes surrounding the project site are dominated by remnant conifer forests. Small channels drain the slopes surrounding the project site. The athletic fields and surrounding slopes flow towards drainage ditches and/or drainage inlets, which ultimately drain to Cooper.

The project area is characteristic of an urban environment, with residential neighborhoods, roadways, public facilities, and parks in the vicinity of the project site. The forested slopes north of Bud Cloney Field are identified as medium FHSZ (CALFIRE, 2007; Humboldt County, 2020a). The risk of wildfire in the immediate vicinity of the project site is limited. The proposed project is consistent with the existing use of the site and is not located in an area that would expose people or structures to downslope or downstream flooding or landslides resulting from post-fire slope instability, runoff, or drainage changes.

Based on the information provided above, it has been determined that the proposed project will not 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. Therefore, the proposed project would result in a less-than-significant impact to this resource category.

Mitigation Measures: No mitigation measures require implementation for the project to result in a less-than-significant impact to *Wildfire*.

XXI. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?		X		
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 the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have potential environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly?		X		

Discussion: Based on the analysis undertaken as part of this Initial Study – Mitigated Negative Declaration, the following findings can be made:

- 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 with Mitigation Incorporated

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animal species, and historical and prehistorical resources were evaluated as part of the analysis in this document. Where impacts were determined to be potentially significant, mitigation measures have been imposed to reduce those impacts to less than significant levels. In other instances, the project design and compliance with existing laws and regulations would reduce impacts of the project to less than significant levels. Therefore, the proposed project as designed, mitigated, and in compliance with existing regulatory requirements, would not substantially degrade the quality of the environment and impacts would be less than significant with mitigation incorporated.

Mitigation:

All Mitigation Measures discussed in this document shall apply.

- 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 the effects of past projects, the effects of other current projects, and the effects of probable future projects)?* Less Than Significant with Mitigation Incorporated

As discussed throughout this document, the project would not increase the number of sporting and other events held by EHS at the project site but would allow the return of such events which have been limited or suspended due to the deteriorated and unsafe conditions of the project site. As such, most potential impacts from operation of the proposed project are part of the existing baseline condition. The mitigation measures required for the proposed project are primarily to mitigate the impacts of construction activity. Implementation of the proposed project has the potential to result in impacts to the environment that are individually limited, but are not cumulatively considerable, including impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and tribal cultural resources. In most instances where the project has the potential to result in individually limited significant impacts to the environment (including the resources listed above), mitigation measures have been imposed to reduce the potential effects to less-than-significant levels. In other instances, the project design and compliance with existing laws and regulations would reduce impacts of the project to less-than-significant levels. Therefore, based on the discussion and findings in this document, there is no evidence to suggest that the proposed project would have impacts that are cumulatively considerable.

Mitigation:

All Mitigation Measures discussed in this document shall apply.

- c) *Does the project have potential environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly?* Less Than Significant with Mitigation Incorporated

The proposed project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this document. In instances where the proposed project has the potential to result in direct or indirect adverse effects to human beings, including impacts to Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources, mitigation measures have been applied to reduce the impact to below a level of significance. With required implementation of mitigation measures identified in this document, construction and operation of the proposed project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Therefore, impacts would be Less Than Significant with mitigation incorporated.

Mitigation Measures: Same as the following Mitigation Measures related to construction and operation of the proposed project:

Mitigation Measure AQ-1 (Fugitive Dust Control Measures)

Mitigation Measure BIO-1 (Protect Siskiyou Checkerbloom)

Mitigation Measure BIO-2 (Nesting Bird Surveys)

Mitigation Measure BIO-3 (Seasonal Limitation on Work in Active Channel)

Mitigation Measure BIO-4 (Protect Riparian Habitat)

Mitigation Measure BIO-5 (Mitigate for Riparian Habitat Impacts)

Mitigation Measure BIO-6 (Protect Small Fruit Bullrush Marsh)

Mitigation Measure BIO-7 (Mitigate for Impacts to Small Fruit Bullrush Marsh)

Mitigation Measure BIO-8 (Mitigate for Tree Removals)

Mitigation Measure BIO-9 (Protect Wetlands)

Mitigation Measure BIO-10 (Mitigate for Wetland Impacts)

Mitigation Measure CR-1 (Field House Reconstruction)

Mitigation Measure CR-2 (Technology Center and Field House Documentation)

Mitigation Measure CR-3 (Inadvertent Discovery Protocol for Archaeological Resources)

Mitigation Measure CR-4 (Inadvertent Discovery Protocol for Human Remains)

Mitigation Measure GEO-1 (Adherence to Geologic Hazard and Geotechnical Investigation Recommendations)

Mitigation Measure GEO-2 (Inadvertent Discovery Protocol for Paleontological Resources)

Mitigation Measure HM-1 (Stockpile and Test Excavated Material Before Transport Offsite)

Mitigation Measure HWQ-1 (Best Management Practices)

Mitigation Measure HWQ-2 (Synthetic Turf Surfaces)

Mitigation Measure HWQ-3 (Heel Safe Trench Drain Grates)

Mitigation Measure NO-1 (Construction Noise Limitations)

References

The following documents were used in preparation of this Initial Study. The reference documents are available from Eureka City School upon request. Please contact the District's Assistant Superintendent by e-mail at zieglerp@eurekacityschools.org.

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**Mitigation Monitoring and Reporting Program
Eureka High School - Albee Stadium Renovation Project**

The California Environmental Quality Act (CEQA) requires that when a lead agency adopts an Initial Study/Mitigated Negative Declaration (IS/MND), it must also adopt a mitigation monitoring and reporting program (MMRP) for all required mitigation measures (CEQA Guidelines Section 15097). This MMRP identifies the monitoring program for mitigation measures identified by the IS/MND to reduce or avoid impacts associated with implementing the proposed Eureka High School - Albee Stadium Renovation Project. The MMRP shall be maintained by Eureka City Schools (ECS).

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initials	Date	Remarks
AQ-1: Fugitive Dust Control Measures Compliance with these requirements shall be required to minimize dust generation during construction activity. <ul style="list-style-type: none"> All active construction areas (for example, parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day during the dry season; Hydroseed or apply non-toxic soil stabilizers to inactive construction areas; Dust-generating activities shall be limited during periods of high winds (over 15 mph); Suspend excavation and grading activity when winds exceed 25 mph; All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered; All vehicle speeds shall be limited to 15 miles per hour within the construction area; Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment; and Conduct digging, backfilling, and paving of utility trenches in such a manner as to minimize the creation of airborne dust. 	ECS with the Construction Contractor shall be responsible for implementing AQ-1 during construction activities.	ECS with Construction Contractor shall be responsible for monitoring AQ-1 during construction activities.	North Coast Unified Air Quality Management District (NCUAQMD)	Less-Than-Significant			
BIO-1: Protect Siskiyou Checkerbloom To avoid potential impacts to Siskiyou checkerbloom (<i>Sidalcea malviflora</i> ssp. <i>patula</i>) the following shall be implemented: <ul style="list-style-type: none"> Locations of Siskiyou checkerbloom populations within 50 feet of proposed construction shall be clearly identified for avoidance in the contract documents (plans and specifications); and Prior to the start of construction, where construction activities occur within 50 feet of the Siskiyou checkerbloom populations, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the plants, as determined by a qualified biologist. 	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-1 prior to and during construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-1 during construction activities.	California Department of Fish and Wildlife (CDFW)	Less-Than-Significant			

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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
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BIO-2: Nesting Bird Surveys To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented: <ul style="list-style-type: none"> • Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between late August and mid-March, when birds are not typically nesting, or • If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest. 	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-2 prior to and during any construction activities proposed during the nesting bird season.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-2 during construction activities.	CDFW and U.S. Fish and Wildlife Service (USFWS)	Less-Than-Significant			
BIO-3: Seasonal Limitation on Work in Active Channel Project activities within the active channel of Cooper Creek (including but not limited to storm drainpipe rehabilitation and replacement, rock slope protection, headwall development, or similar ground-disturbing activities) shall occur from July 15 through October 31, to minimize potential impacts to aquatic species such as the northern red-legged frog, among others.	ECS with the Construction Contractor shall be responsible for implementing BIO-3 during construction activities.	ECS with the Construction Contractor shall be responsible for monitoring BIO-3 during construction activities.	CDFW	Less-Than-Significant			
BIO-4: Protect Riparian Habitat ECS shall avoid impacts to riparian habitat during construction to the greatest extent feasible. Riparian habitat adjacent to the project site that will not be impacted by the project shall be protected during construction with protective fencing. Protective fencing shall be installed prior to construction and a biological monitor shall supervise the installation of the fencing and monitor at least once per week until construction is complete to ensure that the protective fencing remains intact.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-4 prior to and during construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-4 during construction activities.	CDFW	Less-Than-Significant			
BIO-5: Mitigate for Riparian Habitat Impacts ECS shall avoid impacts to riparian habitat to the extent feasible. Where impacts to riparian habitat cannot be avoided, impacts to riparian habitat shall be quantified during construction and habitat shall be restored following construction. Riparian habitat shall be restored within the impact footprint at a 1:1 ratio for temporary impacts and elsewhere onsite at up to a 3:1 ratio for permanent impacts. ECS shall restore the affected areas by planting native flora, primarily trees, to re-establish functional riparian woodland. In addition, removal of concrete and metal debris from the active stream channel and invasive species management will be part of the mitigation effort. A Mitigation Monitoring Plan shall be prepared in coordination with NCRWQCB and CDFW. The Plan shall be acceptable to the regulatory agencies with jurisdiction over riparian areas and shall include the following elements: proposed mitigation	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-5 prior to, during, and after construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-5 prior to, during, and after construction activities.	CDFW	Less-Than-Significant			

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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
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ratios; description and size of the restoration area; site preparation and design; plant species; planting design and techniques; maintenance activities; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by ECS. ECS shall also compensate for impacts to riparian areas by obtaining required permits from the NCRWQCB and CDFW, which shall be received prior to the start of any construction activity subject to these permits. ECS shall ensure that any additional measures outlined in the permits are implemented.							
BIO-6: Protect Small Fruit Bullrush Marsh ECS shall implement the following mitigation measures to avoid and protect small fruit bulrush marsh (<i>Scirpus microcarpus</i> Herbaceous Alliance): <ul style="list-style-type: none">• Prior to the start of construction, a qualified biologist will develop and distribute educational materials to construction crews at a “tail-gate” meeting identifying small fruit bulrush marsh within the project area. This will include (but is not limited to) hard copy information about small fruit bulrush marsh identification and defining protective buffer flagging or fencing to explain where the buffers are placed and what they are intended to protect.• Except where direct removal of small fruit bulrush marsh is proposed, establish and maintain appropriate buffers as determined by a qualified biologist for the duration of construction. Small fruit bulrush marsh shall be demarcated with high visibility fencing to avoid ground disturbance.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-6 prior to and during construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-6 during construction activities.	CDFW	Less-Than-Significant			
BIO-7: Mitigate for Impacts to Small Fruit Bullrush Marsh ECS shall prepare and implement a Mitigation Monitoring Plan to identify and compensate for removal of small fruit bulrush marsh (<i>Scirpus microcarpus</i> Herbaceous Alliance) that cannot be avoided during construction. The Plan will include the following components, must adequately replace habitat, and be approved by the California Department of Fish & Wildlife (CDFW): <ul style="list-style-type: none">• Identify, map, and quantify the impacted small fruit bulrush marsh.• Determine the appropriate replacement or restoration to impact ratio.• Identify suitable location(s) for creating replacement habitat (including wetland areas created pursuant to Mitigation Measure BIO-10) or restoring a site that previously had the equivalent small fruit bulrush marsh community.• Determine success criteria against which the replacement/restoration site would be judged to successfully have replaced or restored the small fruit bulrush marsh.• Determine appropriate ongoing monitoring for the small fruit bulrush marsh mitigation. Monitoring shall include the timing and frequency of inspections, and documentation of inspections, until it is determined that the success criteria has been met.• If during monitoring it is found that the replacement and/or restoration is not succeeding, ECS shall consult with CDFW to determine appropriate corrective actions.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-7 prior to, during, and after construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-7 prior to, during, and after construction activities.	CDFW	Less-Than-Significant			

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BIO-8: Mitigate for Tree Removals If mature trees are to be removed for construction of one of the two ADA ramp options between the Eureka High main campus and Albee Stadium, replacement trees shall be planted at a 3:1 ratio. Replacement trees shall be of the same species as the trees to be removed and shall be planted in the vicinity of the area opened up by ADA ramp construction.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-8 during and after construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-8 during and after construction activities.	CDFW	Less-Than-Significant			
BIO-9: Protect Wetlands Excluding wetlands (and other jurisdictional waters as delineated by ordinary high water mark) that will be filled or must be worked in during project construction, ECS shall protect wetlands and other jurisdictional waters during construction. Prior to the start of construction, where construction activities occur within close proximity (50 feet) to delineated wetlands and other jurisdictional waters, high visibility construction fencing shall be erected to establish a no-disturbance buffer that would be adequate for the protection of the wetlands and other jurisdictional waters, as determined by a qualified biologist. The fencing shall be checked weekly by a biological monitor to ensure its continued correct placement and stability.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-9 prior to and during construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-9 prior to and during construction activities.	CDFW, North Coast Regional Water Quality Control Board (NCRWQCB), U.S. Army Corps of Engineers (USACE)	Less-Than-Significant			
BIO-10: Mitigate for Wetland Impacts ECS shall avoid the fill of wetlands (and other jurisdictional waters as delineated by ordinary high water mark) to the extent feasible. Where fill of wetlands and other jurisdictional waters cannot be avoided, ECS shall compensate for the loss so there is no net loss of wetlands. ECS shall compensate for impacts to identified wetlands and other jurisdictional waters through restoration, rehabilitation, and/or creation of wetland at a ratio of no less than 1:1. A Mitigation Monitoring Plan shall be prepared in coordination with NCRWQCB, USACE, and CDFW. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with NCRWQCB, USACE, and CDFW. The Plan shall be acceptable to the regulatory agencies with jurisdiction over wetlands and waters and shall include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by ECS. ECS shall also compensate for impacts to wetlands and other waters by obtaining required permits from the USACE, NCRWQCB, and CDFW which shall be received prior to the start of any construction activity subject to these permits. ECS shall ensure that any additional measures outlined in the permits are implemented.	ECS with the Construction Contractor and a Qualified Biologist shall be responsible for implementing BIO-10 prior to, during, and after construction activities.	ECS with a Qualified Biologist shall be responsible for monitoring BIO-10 prior to, during, and after construction activities.	CDFW, NCRWQCB, USACE	Less-Than-Significant			
CR-1: Field House Reconstruction The Field House shall be reconstructed according to the Secretary of the Interior's Standards for the Treatment of Historic Properties – Reconstruction. Specifically,	ECS with the Construction Contractor and a Qualified Historian	ECS with a Qualified Historian shall be responsible for monitoring CR-1	National Park Service (NPS) Secretary of the Interior	Less-Than-Significant			

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<p>the following design elements will be incorporated into the reconstruction of the Field House:</p> <ol style="list-style-type: none"> 1. The roof material will be Composition Luxury grade shingles with a profile which emulates wood shakes in color, texture, and style. 2. Glazing which has been removed or replaced over the years will be replaced with original glazing from the current Jay Willard Gymnasium on the project campus. 3. The horizontal wood elements of the window frames, louvers at the gable ends, and the horizontal wood trim board will be retained. The materials used to replace the existing ship lap siding and plaster will match the scale, texture, and design of the original surface materials. Other wood trim materials found to be in good condition will be restored. 4. The new accessible walkway will run behind the building on its south side, which avoids needing to have a ramping condition around the Field House. New steps will be added on the east and west sides of the building to allow access up to the building from the new finish surface elevations on the north side of the building. 5. The original fenestration, banding, the northeast corner, and front facade accents will be retained. The original front door and side lights on each side will be restored to the original appearance of this building. The door will not be openable, but the appearance will be retained. 	shall be responsible for implementing CR-1 prior to and during construction activities.	prior to and during construction activities.					
<p>CR-2: Technology Center and Field House Documentation</p> <p>Prior to their demolition, the Technology Center and the Field House shall be subject to the historical documentation called for and completed in the Historical Resources Investigation, including photographs of the structure and completion of California Department of Parks and Recreation (DPR) 523-series historical resources inventory forms.</p>	ECS with a Qualified Historian shall be responsible for implementing CR-2 prior to demolition of these structures.	ECS with a Qualified Historian shall be responsible for monitoring CR-2 prior to demolition of these structures.	California Department of Parks and Recreation (CDPR)	Less-Than-Significant			
<p>CR-3: Inadvertent Discovery Protocol for Archaeological Resources</p> <p>If archaeological finds dating to the prehistoric and/or historic periods are encountered during construction activities, the contractor foreman shall cease all work in the immediate area and within a 50-foot buffer of the discovery location and immediately notify the Eureka City Schools (ECS). A qualified professional archaeologist shall be retained by ECS to conduct a rapid response examination of the find, assess its potential significance, and recommend a treatment plan to recover important information where significant impacts cannot be avoided. A professional experienced in historic era archaeology shall be required to evaluate and treat historic period (Euro American) finds. In cases where Native American archaeological constituents are inadvertently discovered, the Tribal Historic Preservation Officers (THPOs) for the tribes listed in Section 5.2 will be consulted by the ECS about the discovery's significance and development and implementation of a culturally sensitive treatment plan to be carried out by the consulting archaeologist and tribal representatives as appropriate.</p>	ECS with the Construction Contractor shall be responsible for implementing CR-3 during ground-disturbing activities.	ECS with the Construction Contractor shall be responsible for monitoring CR-3 during ground-disturbing activities.	ECS and the THPOs for the Wiyot Tribe, Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria.	Less-Than-Significant			

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<p>Prehistoric archaeological discoveries may include obsidian or chert flakes and flaked-stone tools; locally darkened ashy midden soils; groundstone artifacts such as mortars and pestles; shellfish and faunal food refuse; shell beads and ornaments; and intact human burials or skeletal remains. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to identify the Most Likely Descendant (MLD), who shall recommend to the property owner the appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.</p> <p>Examples of potentially significant historic archaeological finds include but are not limited to: mortared bricks or rock alignments (possible building foundations); redwood boards or lined sump pits (in-place structural remains), or concentrations of refuse (old bottles, ceramics, metal objects, etc.) that may have been discarded into a pit feature (privy or well).</p>							
<p>CR-4: Inadvertent Discovery Protocol for Human Remains</p> <p>If previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5), the Humboldt County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. When the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission, and/or the most likely descendent have been implemented.</p>	<p>ECS with the Construction Contractor shall be responsible for implementing CR-4 during ground-disturbing activities.</p>	<p>ECS with the Construction Contractor shall be responsible for monitoring CR-4 during ground-disturbing activities.</p>	<p>ECS, Humboldt County Coroner, Native American Heritage Commission (NAHC)</p>	<p>Less-Than-Significant</p>			

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GEO-1: Adherence to Geologic Hazard and Geotechnical Investigation Recommendations Adherence to all project specific recommendations in the SHN Geologic Hazard and Geotechnical Investigation (SHN,2021a; and subsequent recommendations such as the Supplemental Geotechnical Recommendations; SHN, 2021b) shall be required during design and construction of the proposed project. Project specific recommendations pertain to topics such as Seismic Design Parameters, Site Preparation and Grading, Buildings Q and R, Storm Drainage System Rehabilitation, Albee Stadium Track and Field, Synthetic Turf Football Field, Running Track Replacement, Engineered Fills, Excavations, Cut and Fill Slopes, Wet Weather Subgrade Protection, Surface and Subsurface Drainage Control, Utility Trench Backfill, Foundations, Concrete Slabs-on-Grade, Retaining Walls, and Asphalt and Concrete Pavements.	ECS with the Construction Contractor shall be responsible for implementing GEO-1 prior to and during construction activities.	ECS with the Construction Contractor and Project Engineer shall be responsible for monitoring GEO-1 prior to and during construction activities.	California Division of the State Architect (DSA)	Less-Than-Significant			
GEO-2: Inadvertent Discovery Protocol – Paleontological Resources If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and a qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the ECS. The paleontologist shall determine appropriate actions, in cooperation with the ECS, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the ECS for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the ECS that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.	ECS with the Construction Contractor shall be responsible for implementing GEO-2 during ground-disturbing activities.	ECS with the Construction Contractor shall be responsible for monitoring GEO-2 during ground-disturbing activities.	ECS	Less-Than-Significant			
HM-1: Stockpile and Test Excavated Materials Before Transport Offsite If excavated material is to be taken offsite rather than reused onsite, ECS must first stockpile it onsite and test for petroleum hydrocarbons, semi-volatile organic compounds, and CAM 17 metals. If excavated material is found to have contamination, it must be disposed of in accordance with applicable regulations.	ECS with the Construction Contractor shall be responsible for implementing HM-1 during ground-disturbing activities and materials transport.	ECS with the Construction Contractor shall be responsible for monitoring HM-1 during ground-disturbing activities and materials transport.	Department of Toxic Substances Control (DTSC)	Less-Than-Significant			

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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initials	Date	Remarks
HWQ-1: Best Management Practices The following Best Management Practices shall be implemented to protect water quality during construction to avoid impacts to water quality: <ul style="list-style-type: none"> • All contractors that would be performing demolition, construction, grading, storm drainpipe rehabilitation/replacement, or other work that could cause increased water pollution conditions at the site (such as, non-stormwater discharges or dispersal of soils) shall receive training regarding the environmental sensitivity of the site and the need to minimize impacts. Contractors shall also be trained on implementation of stormwater and non-stormwater BMPs for protection of water quality; • Contractors shall implement appropriate BMPs during construction as determined by a Qualified SWPPP Developer; • Contractors shall be responsible for minimizing erosion and preventing the transport of sediment to sensitive areas; • Sufficient erosion control supplies shall be maintained on site at all times, available for prompt use in areas susceptible to erosion during rain events; • Disturbance of existing vegetation shall be minimized to only that necessary to complete the work; • Contractors shall make adequate preparations, including training and providing equipment, to contain oil and/or other hazardous materials spills; • Dewatering and water diversion operations, if needed, shall be conducted where needed from the work location and stored or disposed of appropriately, in accordance with the SWPPP and agency permit conditions; • Contractors shall ensure that the site is prepared with BMPs prior to the onset of any storm predicted to receive 0.5 inches or more of rain over 24 hours; and • All erosion and sediment control measures shall be maintained in accordance with their respective BMP fact sheet until disturbed areas are stabilized. 	ECS with the Construction Contractor and a Qualified SWPPP Developer and Qualified SWPPP Practitioner shall be responsible for implementing HWQ-1 prior to, during, and after construction activities.	ECS with the Construction Contractor and a Qualified SWPPP Developer and Qualified SWPPP Practitioner shall be responsible for monitoring HWQ-1 prior to, during, and after construction activities.	NCRWQCB	Less-Than-Significant			
HWQ-2: Synthetic Turf Surfaces New or replaced synthetic turf surfaces shall utilize virgin materials that have been tested to pass both California and U.S. environmental regulations in terms of chemical and heavy metal tolerances. Synthetic turf surfaces shall utilize a permeable backing, lead free fibers, and granular infill that will consist of specifically graded sand and a non-styrene-butadiene rubber (non-SBR) infill material (such as, olive pits).	ECS with the Construction Contractor shall be responsible for implementing HWQ-2 during construction activities.	ECS with the Construction Contractor shall be responsible for monitoring HWQ-2 during construction activities.	ECS	Less-Than-Significant			

Mitigation Monitoring and Reporting Program
Eureka High School - Albee Stadium Renovation Project

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initials	Date	Remarks
HWQ-3: Heel Safe Trench Drain Grates Trench drains along the base of the bleachers shall be fitted with “heel safe” grates to help prevent trash from entering the storm drain system.	ECS with the Construction Contractor shall be responsible for implementing HWQ-3 during construction activities.	ECS with the Construction Contractor shall be responsible for monitoring HWQ-3 during construction activities.	ECS	Less-Than-Significant			
NO-1: Construction Noise Limitations The following measures will be implemented during construction activities to reduce noise levels: <ul style="list-style-type: none">Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays.Construction activity will not occur on Sundays or recognized union holidays.All stationary and construction equipment will be maintained in good working order and fitted with factory-approved muffler systems.	ECS with the Construction Contractor shall be responsible for implementing NO-1 during construction activities.	ECS with the Construction Contractor shall be responsible for monitoring NO-1 during construction activities.	ECS	Less-Than-Significant			

Responses to Comments Received on Draft Initial Study/ Mitigated Negative Declaration

Comments Received

ECS received two comment letters during the 30-day public review period, which began April 7, 2022 and ended May 7, 2022. The respondents were:

- 1) David and Marian Vasilevich (email April 28, 2022)
- 2) Denise Vanden Bos and Peter Pennekamp (email April 28, 2022)

The two comment letters are included herein (following). Within each comment letter, substantive comments about the contents of the Draft Initial Study/Mitigated Negative Declaration are identified with marginal lines on the right side of each page. Comment responses are provided below.

Comment Responses

- 1-1. The concrete block wall is not a part of the scope of work for this project. It is not proposed to be damaged or removed.
- 1-2. The parking lot must be removed to perform the new work required for this project. New storm drain lines must be installed under this area. A new public restroom and concession building is proposed to be constructed at the southerly end of this current parking lot to meet ADA and the Division of the State Architect requirements. ADA and the Division of the State Architect also require a bus loading/unloading area be provided within Albee Stadium. The geotechnical report requires the area under the current parking lot, as well as throughout Albee Stadium, to be reconditioned to meet current building codes and the requirements of the California Geological Survey.
- 1-3. The livestock facility is not a part of the scope of this project. There are no current plans to modify or relocate these facilities.

- 2-1. See page 32 of the Draft Initial Study which addresses the CEQA question “Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?”

Exterior lighting associated with the proposed project includes stadium lighting, emergency lighting, pedestrian-scale lighting, and parking lot lighting. Exterior lighting fixtures would be designed to minimize light spillover onto adjacent properties and streets or upward into the night sky. All project lighting would be directed to onsite facilities. Stadium lighting at Albee Stadium would be replaced and reconfigured such that lighting would be mounted on four new poles rather than the existing six poles. A photometric analysis prepared for the proposed project simulated trespass light spillage from proposed stadium lighting and parking lot lighting beyond the school property boundaries (Michael Baker

International, 2020). Trees were included in the simulation to include their attenuation effects on the light spillage levels. Light spillage is reported in foot-candle power. A foot-candle is the unit for measuring the light present on a surface or work plane. One foot-candle is roughly equal to the uniform distribution of light from an ordinary wax candle on a one-square-foot surface, located one foot away from the flame. For this analysis, a significant impact would occur if the proposed project would produce trespass light spillage greater than one foot-candle on any adjacent residential property (City of Eureka, 2018). The limit of all trespass light spillover (including values below one foot-candle) is shown on Figure 22. Although the figure does not show a line that corresponds with the one foot-candle threshold of significance, the results are such that the proposed project would result in trespass light spillage of less than one foot-candle on all adjacent residential properties (Michael Baker International, 2020). Therefore, the reconfigured stadium lighting would not result in a significant impact.

- 2-2. No trees are scheduled to be removed along N Street as a part of this project.
- 2-3. No new fencing is planned to occur along N Street as a part of this project.
- 2-4. No upgrades or changes are planned for the PA System as a part of this project.

David & Marian Vasilevich
2010 O Street
Eureka, CA 95501

April 28, 2022

Paul Zeigler
Eureka City Schools
2100 J Street
Eureka, CA 95501

RE: Comments Pertaining to the Proposed Mitigated Negative Declaration for the Eureka High School – Albee Stadium/Clooney Field Renovation Project

Dear Mr. Zeigler:

We reviewed the April 7th notice and related reference documents on the Eureka City Schools website regarding the plans to rehabilitate Albee Stadium and Cloney Field. We own the two properties that neighbor the project location, 1137 and 1147 Del Norte Street. Overall, we see these proposed changes as very positive, especially the removal of the old Technology Center Building and the accessory structures.

We would like to make you aware of a concrete/block wall (approximately 4' x 20') separating the east side of 1147 Del Norte Street (AP: 005-132-006) from the school property (AP: 005-132-008), and easily visible from the street. We do not want it damaged in any way during the demolition of the old Technology Center Building and surrounding cement work. The previous property owner of 1147 Del Norte Street had the wall professionally constructed, according to a building permit filed at the City on 8/20/56. The wall is in excellent shape, provides a nice solid boundary, and has historical value. (There is a planter/bench which butts up to the wall which is on school property which can be easily separated.)

1-1

It is proposed that the existing parking lot in Albee Stadium be replaced. That existing parking lot was placed there, along with landscaping less than 20 years ago as a result of a school bond passed in 2002. From a property owner's perspective, it is difficult to accept the removal of an improvement we are still paying on. We would suggest that the parking lot remain, be integrated into the overall mitigation and renewal of the stadium, and money saved for other needs.

1-2

Perhaps this is the time to consider moving the livestock facility which has intermittently been a nuisance to residents at 1137 and 1147 Del Norte Street, since it was expanded in the '90s. Over the years, Agriculture staff stated that there was little space and money to place the animals elsewhere. Now it appears the school has both. When the latest Bond was being proposed I met with Superintendent Fred Van Vleck and he reviewed with me the needs that the Bond would

1-3

address. I asked about relocation of the animals and he suggested that conversation could possibly happen if the Bond passes. It appears that this is the time for that conversation.

1-3

Thank you for inviting comments regarding this proposed mitigation plan.

Sincerely,

David and Marian Vasilevich

cc. Fred Van Vleck, Superintendent

From: Denise Vanden Bos <Denise.Vanden.Bos@humboldt.edu>

Sent: Thursday, April 28, 2022 12:27 PM

To: Paul Ziegler <zieglerp@eurekacityschools.org>

Subject: Public Comment on Albee Stadium Renovation Project

Hi Paul,

I hope this finds you well. You and I worked together briefly on a Eureka Chamber of Commerce subcommittee. I've since retired from my role at HSU. I live with my husband, Peter Pennekamp, at 2117 N St, just behind Albee stadium.

Paul, my first thought is that it would be really good if ECS could host an informational meeting for your neighbors. The draft report is dense and a lot to read, and like you, we are busy people. It would be nice to sit down with you and hear more about what is proposed and what you think the impacts will be to the neighborhood for noise, dust, etc, and how long the project may go on for. It's not clear to me from the draft report exactly what we will be living with. My husband and I are supportive- the high school needs an upgrade to the fields/stadium, but we're also going to be living with the construction and de-construction.

Additional questions are:

1. Will the new lighting affect us by being brighter or shining into our homes? | 2-1
2. Are you planning to remove any trees along the N St border? If so, how many? | 2-2
3. Will the new fence include the N St border? | 2-3
4. Will the new PA system be louder (I hope not!) | 2-4

In short, what can we expect as your neighbors? I'd love to chat about my letter at your convenience. I can be reached at the email address above, or 707-499-9985, but let's set up a time to do so.

Thanks very much,

Denise Vanden Bos and
Peter Pennekamp

AGENDA ITEM

Agenda Title: Process for Filling Board Member Vacancies

Meeting Date: May 19, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to discuss and determine the process for the filling Board member vacancy which will occur after Trustee Taplin resigns, effective June 18, 2022. These options exist: Appoint or order a special election.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

The Eureka City Schools Governing Board currently has one pending Board member vacancy and staff is looking for direction on how to move forward in filling the vacancy.

The Board is required to order an election or make a provisional appointment within 60 days from the date of the vacancy. If the Board decides to hold a Special Meeting to make a provisional appointment, staff propose holding the Special Meeting in mid-June 2022.

Should the board decide to appoint, the provisional appointment of the new member must be made and announced in a public meeting. A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment. Within 10 days after the provisional appointment, the governing board must post notices of the actual vacancy and also the name of the provisional appointee in three public places in the district, and further, must publish the notice in a newspaper of general circulation published in the district. The notice must state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the filing of, and the effective date of, the resignation. The notice must also contain the full name of the provisional appointee to the board, the date of his or her appointment, and a statement that unless a petition calling for a special election containing a sufficient number of signatures is filed in the office of the county superintendent of schools within 30 days of the provisional appointment, the appointment shall become an effective appointment. (Education Code 5092)

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

Not applicable.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

\$20,000, potentially, for a special election, but there is no way to have an accurate number ahead of time.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D., Superintendent

ATTACHMENTS:

Description

- ▣ SB Board Bylaw 9222 - Resignation
- ▣ ECS BB 9223 - Filling Vacancies

Bylaw 9222: Resignation

Status: ADOPTED

Original Adopted Date: 06/21/2017

A member of the Governing Board who wishes to resign from the Board shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

The resigning Board member shall also notify the Board and give a copy of his/her written resignation to the Board clerk.

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that he/she shall not have the right to vote for his/her successor in an action taken by the Board to make a provisional appointment. (Education Code 5091, 35178)

(cf. 9223 - Filling Vacancies)

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date he/she leaves office. (Government Code 87302, 87500)

(cf. 9270 - Conflict of Interest)

Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 02/25/2016 | **Last Reviewed Date:** 02/25/2016

Events Causing a Vacancy

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warrant proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)

- a. Upon district business with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law

(Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
11. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

Provisional Appointments

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code

5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

AGENDA ITEM

Agenda Title: Citizens' Oversight Committee (COC) Annual Report to the Board
Meeting Date: May 19, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is asked to receive the Citizens' Oversight Committee's Annual Report.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Per the Citizens' Bond Oversight Committee Bylaws, 3.3 Annual Report. "The Committee shall present to the Board, in public session...an annual written report which shall include the following:

- (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
- (b) A summary of the Committee's proceedings and activities for the preceding year."

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 12: NEW AND MODERNIZED FACILITIES

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the seventh annual report from the COC since Measure S passed in November, 2014, and the formation of the COC in February, 2015.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

Not applicable.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Annual Report

SEVENTH ANNUAL REPORT TO THE COMMUNITY

July 1, 2020 – June 30, 2021

This is the seventh annual report to the community by the Citizens' Oversight Committee (COC) concerning the status of the school improvement bond measure approved by Eureka voters in November 2014. Bond Measure S authorized \$49.75 million for the District's pre-school, elementary, middle, and high schools. Pursuant to state law, the Eureka City Schools' Governing Board appointed a Citizens' Oversight Committee, an independent committee representing various segments of the community. Responsibilities of the committee include informing the public regarding bond construction projects and their costs, ensuring the projects are within the scope of the bond measures and that no bond proceeds are used for any teacher or administrative salaries or other operating costs, and presenting to the Board of Trustees a written report which summarizes the Committee's proceedings and activities for the preceding year, including a statement indicating whether the District is in compliance with requirements of Article XIII A, Section I(b)(3) of the California Constitution.

Committee Activities

The committee met virtually four times during the year at its regularly scheduled quarterly meetings. Standing meeting topics include reviewing quarterly and annual financial reports and receiving updates on progress of bond projects. Due to the pandemic, the committee conducted no site tours during the year.

Project Report

In the year ended June 30, 2021, Eureka City Schools expended a total of \$3,399,825 for projects related to Bond Measure S. This brings total bond expenditures since the inception of the bond program to \$21,042,281.

One of the major accomplishments during the year was completion of the Eureka High School Agricultural Complex project. Students are now receiving in-person instruction in the new 10,000 sq. ft. state-of-the-art facility, which features an agri-mechanics classroom, mechanics shop area, and two agri-science classrooms with attached kitchen.

Work also began on construction of the Eureka High School Gymnasium. The project will be comprised of four phases, including construction of the new gymnasium, abatement of hazardous materials from the current facility, demolition of the current gymnasium, and construction of a new parking lot.

Demolition and removal of the remaining buildings on the Jacobs site was also completed during 2020/21.

The Eureka High School Public Announcement bell and clock system was finalized, and work continued on the Winship perimeter fencing

Two other significant projects are either awaiting approval from the Division of State Architect, or are in the development or planning stages. These include modernization of the Eureka High Science Building, as well as the Albee Stadium/Cloney Field project.

Bond Sale

The authorized issuance amount of the Measure S General Obligation Bonds Series 2015 is \$49,750,000. The first series of bonds in the amount of \$25,000,000 was issued in August 2015. The second series of bonds, in the amount of \$24,750,000, was issued in July 2020. Total Building Fund balances, including interest and other state revenues as of June 30, 2021, is \$29,905,701.

Additional Revenues

In addition to providing support for facility construction and modernization efforts, the bond funds also qualify the District for state matching funds. During 2017/18, the District received \$364,590 in state matching funds through new bond authority approved by the California electorate in November 2016. The District also received a \$3 million matching Career Technical Education State grant, which augments the local Measure S funds allocated to the Eureka High School Agricultural Complex project. These state School Facility Program funds will be transferred into the Building Fund in 2021/22. Eureka City Schools continues to follow the required state guidelines for its bond projects in order to remain eligible for additional matching funds.

Findings and Conclusion

The firm of James Marta & Company LLP of Sacramento, California, conducted independent performance and financial audits. The objective of the performance audit was to determine with reasonable assurance that “the District expended the 2015 Measure S General Obligation Bond funds for the year ended June 30, 2021, only for purposes approved by voters and only for specific projects adopted by the District’s Board of Trustee”, and not for any other purpose. In the opinion of the auditing firm, “Eureka City Schools has properly accounted for the expenditures of 2015 Measure S General Obligation Bond Fund”.

James Marta & Company further opined that the fund financial statements “present fairly, in all material respects, the financial position of the Eureka City Schools District Measure S General Obligation Bond Series 2015 Building Fund as of June 30, 2021, and the results of its operations the year then ended in conformity with accounting principles generally accepted in the United States of America.”

The Citizens’ Oversight Committee believes, based on the opinion expressed by the auditing firm of James Marta & Company LLP, that Measure S proceeds have been properly expended only for the purposes set forth in the Bond measure.

Respectfully submitted by the Citizens’ Oversight Committee Members:

Denise Jones, Chair (Taxpayer Organization)
Greg Burger (School District/Parent-Teacher Organization)
Jason Mayhorn (School District Parent/Guardian)
Shalise Miles (At-large)

Becky Reece, Vice Chair (Business Community)
Burt Campton (At-large)
Syn-dee Noel (Senior Citizens Organization)

AGENDA ITEM

Agenda Title: Food Services Department Update

Meeting Date: May 19, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board will receive a report updating the operations and fiscal status of the Food Services Program.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Food Services provides meals and snacks to school sites across the District, and also contracts with other schools and programs. Over time Food Services has required Transfers-In from the Unrestricted General Fund to help support the program.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

This in an annual report.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

The departmental budget for 2021-22 is approximately \$2.5M.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Presentation

The background image shows a food service kitchen. On the left, there are trays of food, including what looks like fruit and small containers. In the center, there's a white fan on a stand. To the right, there's a rack of packaged snacks, including bags of chips. The wall in the background has several notices or menus posted on it. A large teal rectangle is overlaid on the left side of the image, containing the title and presentation information.

ECS Food Services

Presented by: Kevin Ralston, FS Director
May 2022

WE ARE PERSEVERING
AND ADAPTING TO
THE CHALLENGES
AND EVER-CHANGING
LANDSCAPE!



32
team
members

SERVING
3,600
students



262,200+

SERVED SINCE
THE FIRST DAY
OF THE
SCHOOL YEAR!



96,400
BREAKFASTS



129,580

LUNCHES
IN 2020-2021

Agenda

ECS Nutrition Team

- Current
- Anticipated Needs

From Pandemic to Endemic

- Meal Programs
- Changes and Challenges
- Opportunities

A Look Ahead

- 2022 Summer Meals Program
- 2022/23 School Year

The Central Kitchen



Not pictured: Rebecca Day

The FS Site Teams

Eureka High School

Colleen Wicklander – Cook Manager

Nikaela Walters – Assistant Cook

Becki Mann – Food Service Worker

Elisaveth Ramirez – Food Service Worker



Zane

Jean Spurgin – Senior Food Service Worker

Kelby Ross – Senior Food Service Worker

Heaven Roth – Food Service Worker

Winship

Amanda Jeffares – Senior Food Service Worker

ToLate Ith – Food Service Worker

Sarah Hernandez – Food Service Worker

Washington

Kristin Vogel – Senior Food Service Worker

Christin Chill – Food Service Worker

Leonard McCarthy – Food Service Worker

Lafayette

Glenda Staley – Senior Food Service Worker

Dan McHugh – Food Service Worker



Alice Birney

Roberta Swift – Senior Food Service Worker

Jeana Sorden – Food Service Worker

Nancy Martin – Food Service Worker

Grant

Jennifer Gooch – Senior Food Service Worker

Chellyn Khounsinvong – Food Service Worker

Meal Programs

- **NSLP / Seamless Summer**

- Breakfast Program**

- 21-22 Projected Meals Served: 225,000

- Lunch Program**

- 21-22 Projected Meals Served: 290,000

- **Child and Adult Care Food Program**

- After School Supper Program**

- 21-22 Projected Meals Served: 90,000

- **Fresh Fruit and Vegetable Program**

- Grant Funded Program

- \$28,084 in Fresh Fruit and Vegetables



Moving out of Pandemic Style Service: Challenges and Opportunities

- Retraining Our Staff and Our Students on Reimbursable Meal Service
- Introducing Titan Point of Service Software to Track Reimbursable Meals at Each Site
- Exploring New Trends in School Food Service and Implementing them into our Existing Models



Summer Meals

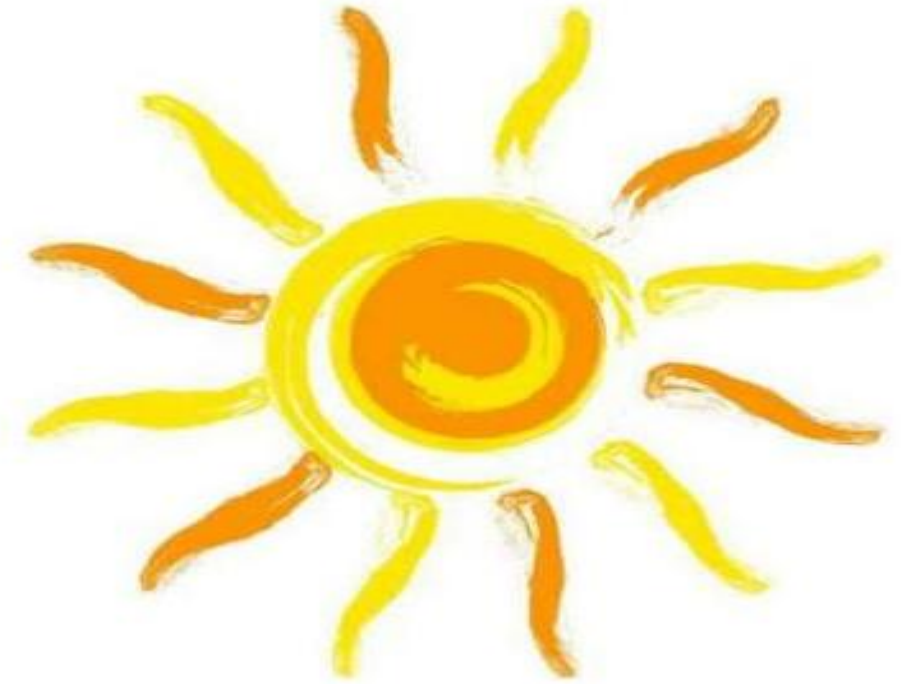
2022 Participating Sites

Summer School Sites

- Alice Birney Elementary
- Zane Middle School
- Eureka High School

Additional Service Sites

- Zoe Barnum
- Lafayette Elementary
- Washington Elementary



ECS Central Kitchen 2022 Contracted Meal Production Partners

- Camp Cooper
- Fortuna Summer Sun / Rhoner Park
- Pine Hill School
- Rio Dell Resource Center
- Sequoia Park



Trends and Projections

20-21 Reimbursement Totals

NSLP– Seamless
Summer

\$1,214,486.16

CACFP

\$336,756.52

21-22 Reimbursement Estimated Totals

NSLP– Seamless
Summer

\$1,927,720.00

CACFP

\$506,930.00



Food Service 22-23 Program Participation

- 20-25% Decrease in NSLP Breakfast Participation as Meal Service moves Back into the Cafeteria
- Potential Growth in NSLP Lunch Participation with California Universal Meals Launching in 22-23
- Focus on Expanded Offerings, Service Times, and Outreach for CACFP Supper Program



Additional Funding Sources for the 22-23 School Year

- **NSLP Equipment Grant: Approved**

Replacing Aging Kettles in the Central Kitchen

- **Kitchen Infrastructure Grant: Approved**

Improvements for Food Service Equipment

- **Supply Chain Assistance Grant: Approved**

Funds to Assist in Procurement of Fresh / Unprocessed Food Products

- **Local Food For Schools Grant: Pending**

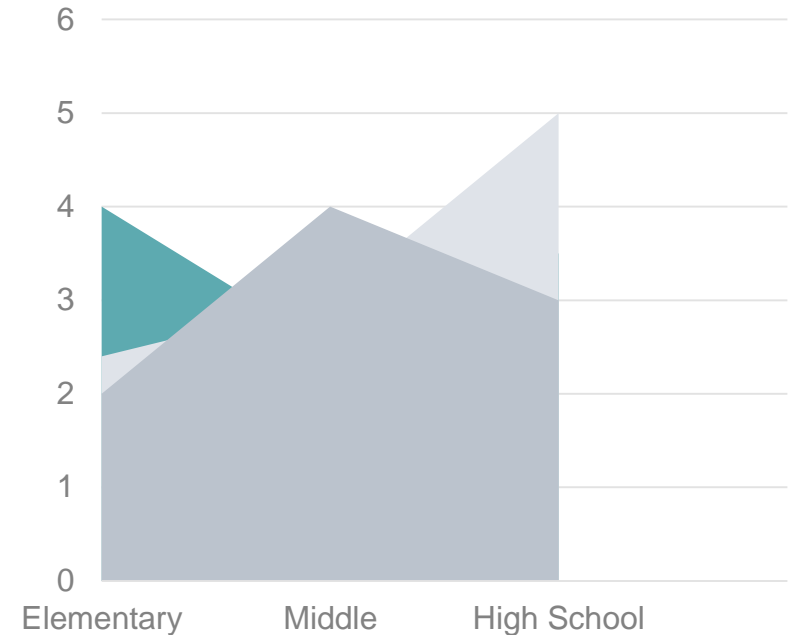
Funds Allocated Specifically for Purchases from Local Growers and Producers to be Used in School Meal

2022/23 School Year

UNIVERSAL MEALS FOR ALL

Keys for Successful Implementation

- Accurate Tracking of Daily Participation at all Sites
- Coordination Between Food Services and Student Information Systems
- Menu Planning that Actively Addresses Food Insecurity and Nutritional Needs in the Community
- Partnerships with School Sites, Parent Groups, and Community Organizations to Inform our Families of Available Meal Options and Encourage Participation
- **A Meal Program that is Appealing to our Students**



Challenges Ahead: 22-23 School Year



- **Senate Bill 1383 – California Food Waste Initiative**
Requires all Organic Waste to be Diverted from Landfills
- **Supply Chain**
Discontinued Menu Items, Shortages, Longer than Normal Lead Times, Significantly Higher Costs, Delayed Deliveries

ECS Food Service is Prepared for a Successful 2022-2023



AGENDA ITEM

Agenda Title: Enrollment Update

Meeting Date: May 19, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board will receive a report providing updates on 2021-22 enrollment and attendance.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

Enrollment and Average Daily Attendance (ADA) are key factors in determining the amount of revenue generated by the Local Control Funding Formula (LCFF) and other revenue sources.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 5: STUDENT TRANSITIONS AND INITIAL ENROLLMENT

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report, updated throughout the fiscal year.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

On average across the grade spans, one unit of ADA provides approximately \$11,692 of Annual Local Control Funding Formula (LCFF) revenue for 2021-22. In a declining enrollment environment the District utilizes Prior Year guarantee for its ADA figure.

WHO *(list the name of the contact person(s), job title, and site location)*

Paul Ziegler, Assistant Superintendent of Business Services

ATTACHMENTS:

Description

- ▣ Presentation
- ▣ Article - California Public School Enrollment Drops Below 6 Million Mark

Enrollment & Attendance Update



May 19, 2022
Presented by Paul Ziegler
Assistant Superintendent

ENROLLMENT / ATTENDANCE REPORTS

CBEDS: California Basic Education Data System.
The statewide system of collecting enrollment, staffing and salary data on “Information Day”, the first Wednesday of October.

In 2021/22, Information Day was October 6, 2021.

ENROLLMENT / ATTENDANCE REPORTS

School agencies report their attendance three times during a school year.

- **The First Principal Apportionment (P-1 Count)** covers the period from July 1 through the last school month ending on or before December 31 of a school year
 - o A “school month” is a four week period that does not necessarily correspond to the calendar year
- **The Second Principal Apportionment (P-2 Count)** covers the period from July 1 through the last school month ending on or before April 15 of a school year
- **Annual ADA** is based on the count from July 1 through June 30

The final recalculation of the apportionment is based on a school agency’s P-2 ADA Count.

AVERAGE DAILY ATTENDANCE (ADA)

- Daily Attendance, averaged over each school day through end of P-2

ATTENDANCE RATIO

- Number of enrolled students attending school on each given day

LCFF Base Revenue is determined by multiplying:

Grade Span per ADA amount

X

Total ADA for each Grade Span

- 2021/22 BASE REVENUE per ADA ranges from \$8,093 for TK-3 up to \$9,802 for 9-12;
Unweighted average Grade Span per ADA is \$8,642

Information Day 2021-22

SCHOOL ENROLLMENT BY SITE AND GRADE LEVEL

Enrollment as of: October 6, 2021

School Site	TK	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	TOTAL
Alice Birney Elementary	20	64	53	78	65	53	57								390
Grant Elementary		47	42	30	45	40	46								250
Lafayette Elementary	13	47	39	43	27	38	44								251
Washington Elementary	25	74	76	85	80	83	67								490
Winship Middle								95	164	158					417
Zane Middle								121	156	190					467
Eureka High School											360	353	320	248	1,281
Zoe Barnum High												3	31	39	73
TOTALS BY GRADE	58	232	210	236	217	214	214	216	320	348	360	356	351	287	3,619

**Eureka City School District
CBEDS Results**

	2015-16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	PROJECTED		
								2022/23	2023/24	2024/25
TK	56	56	45	57	60	33	58	68	98	98
K	247	246	249	212	239	201	232	237	237	237
1	253	245	242	235	215	235	210	230	246	246
2	269	251	239	232	222	208	236	203	227	227
	825	798	775	736	736	677	736	738	808	808
3	251	261	251	214	224	211	217	229	202	202
4	263	239	249	230	209	216	214	208	227	227
5	281	263	237	245	222	209	214	211	207	207
	795	763	737	689	655	636	645	648	636	636
6	263	298	262	231	259	224	216	220	215	215
7	345	337	381	365	345	345	320	293	319	319
8	297	351	325	360	372	344	348	315	294	294
	905	986	968	956	976	913	884	828	828	828
9	345	313	347	305	391	353	360	344	272	272
10	281	326	300	326	298	364	356	347	334	334
11	301	273	323	300	322	281	351	349	331	331
12	282	308	288	331	296	316	287	355	349	349
Un Gr	0	0	0	0	0	0	0	0	0	0
	1,209	1,220	1,258	1,262	1,307	1,314	1,354	1,395	1,286	1,286
Grand Total	3,734	3,767	3,738	3,643	3,674	3,540	3,619	3,609	3,558	3,558
Annual Change	12	33	(29)	(95)	31	(134)	79	(10)	(51)	0
P-2 ADA	3,534.39	3,539.28	3,484.94	3,405.62	3,449.54	3,363.14	3,212.97			
% of CBEDS	94.65%	93.95%	93.23%	93.48%	93.89%	95.00%	88.78%	94.26%	94.29%	94.29%
Projected P-2								3,401.90	3,354.97	3,354.97

EUREKA CITY SCHOOLS
ENROLLMENT COMPARISON: CBEDS to P-1 to P-2

	Enrollment				CBEDS to P-2
	CBEDS	P-1	Change	P-2	Change
2012/13	3,670	3,666	(4)	3,632	(38)
2013/14	3,726	3,729	3	3,662	(64)
2014/15	3,722	3,708	(14)	3,678	(44)
2015/16	3,734	3,728	(6)	3,713	(21)
2016/17	3,767	3,755	(12)	3,716	(51)
2017/18	3,738	3,701	(37)	3,662	(76)
2018/19	3,643	3,645	2	3,614	(29)
2019/20	3,674	3,669	(5)	3,651	(23)
2020/21	3,540	3,533	(7)	3,558	18
2021/22	3,619	3,606	(13)	3,577	(42)
Average Change :			(9)		(37)

EUREKA CITY SCHOOLS
CBEDS ENROLLMENT to P-2 ADA Comparison

	<u>CBEDS Enrollment</u>	<u>P-2 ADA</u>	<u>Ratio</u>
2011/12	3,843	3,576.91	93.08%
2012/13	3,670	3,450.77	94.03%
2013/14	3,726	3,521.70	94.52%
2014/15	3,722	3,507.52	94.24%
2015/16	3,734	3,534.39	94.65%
2016/17	3,767	3,539.28	93.95%
2017/18	3,738	3,484.94	93.23%
2018/19	3,643	3,405.62	93.48%
2019/20	3,674	3,449.54	93.89%
2020/21	3,540	3,363.14	95.00%
2021/22	3,619	3,212.97	88.78%
Average CBEDS Enrollment to P-2 ADA:			<u><u>93.53%</u></u>

EUREKA CITY SCHOOLS With Independent
ADA SITE INCENTIVE TRACKING Study

CUMULATIVE for 2021/22

		2020-21	CBEDS 2021-22	2021-22 YTD								Differenc e + / (-)
	BASE YEAR 2020-21	Month 8		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	
ALICE BIRNEY	93.50%	93.50%	390	90.26%	90.61%	91.20%	91.30%	90.70%	89.40%	89.50%	89.57%	-3.93%
GRANT	94.78%	94.78%	250	90.66%	90.94%	90.90%	91.13%	90.61%	89.95%	90.11%	90.41%	-4.37%
LAFAYETTE	93.67%	93.67%	251	92.33%	92.72%	93.04%	93.15%	92.35%	90.92%	91.17%	91.34%	-2.33%
WASHINGTON	96.20%	96.20%	490	94.42%	94.02%	93.81%	93.48%	92.86%	92.52%	92.71%	92.76%	-3.44%
WINSHIP	96.77%	96.77%	417	88.12%	88.55%	88.81%	88.39%	87.91%	86.69%	86.69%	86.76%	-10.01%
ZANE	97.33%	97.33%	467	89.12%	90.97%	91.95%	91.81%	91.57%	89.88%	89.96%	90.22%	-7.11%
EUREKA HIGH	96.53%	96.53%	1,281	93.87%	93.81%	93.39%	93.19%	92.49%	91.26%	91.20%	91.20%	-5.33%
ZOE BARNUM	69.21%	69.21%	73	67.67%	67.53%	69.00%	67.55%	66.69%	64.54%	64.08%	63.12%	-6.09%
DISTRICT WIDE TOTAL	95.40%	95.40%	3,619	91.44%	91.71%	91.79%	91.61%	91.01%	89.84%	89.88%	89.94%	-5.46%

EUREKA CITY SCHOOLS With Independent
ADA SITE INCENTIVE TRACKING Study

	BASE YEAR 2020-21	2020-21	CBEDS 2021-22	2021-22 YTD								Differenc e + / (-)
		Month 8		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	
ALICE BIRNEY	93.50%	93.50%	390	90.26%	90.96%	92.48%	91.69%	86.53%	83.94%	90.20%	90.00%	-3.50%
GRANT	94.78%	94.78%	250	90.66%	91.22%	90.82%	91.94%	86.97%	87.17%	91.18%	92.16%	-2.62%
LAFAYETTE	93.67%	93.67%	251	92.33%	93.10%	93.76%	93.58%	86.84%	85.05%	92.82%	92.32%	-1.35%
WASHINGTON	96.20%	96.20%	490	94.42%	93.62%	93.36%	92.28%	88.47%	91.07%	94.01%	93.00%	-3.20%
WINSHIP	96.77%	96.77%	417	88.12%	88.97%	89.38%	86.85%	84.48%	81.50%	86.65%	87.18%	-9.59%
ZANE	97.33%	97.33%	467	89.12%	92.81%	94.17%	91.30%	89.84%	82.67%	90.48%	91.70%	-5.63%
EUREKA HIGH	96.53%	96.53%	1,281	93.87%	93.74%	92.46%	92.46%	87.48%	85.96%	90.76%	91.24%	-5.29%
ZOE BARNUM	69.21%	69.21%	73	67.67%	67.41%	71.93%	62.25%	61.03%	55.97%	61.34%	57.87%	-11.34%
DISTRICT WIDE TOTAL	95.40%	95.40%	3,619	91.44%	91.99%	91.96%	90.96%	86.80%	84.84%	90.12%	90.30%	-5.10%

Per ADA LCFF Revenue

LCFF Base Revenue	\$8,962
Grade Span Adjustment	317
Supplemental/Concentration	2,240
Add-ons (Transportation, targeted instruction)	173
* Total Average Revenue Per ADA	<u>\$11,692</u>

** Estimated from 2021/22 2nd Interim*

EUREKA CITY SCHOOLS

Through MONTH 8 (April 1, 2022)

GRADE SPAN ADJUSTMENT (GSA) CALCULATION

Site: * Average Class Enrollment

ALICE BIRNEY	24.5
GRANT	22.5
LAFAYETTE	25.0
WASHINGTON	25.0

** Average Class Enrollment rounded to nearest half integer*

INTRA-DISTRICT ENROLLMENT

	Inside School of Residence	Outside School of Residence	Total Enrollment	% Students Inside SOR
Washington	209	281	490	43%
Lafayette	153	98	251	61%
Grant	88	162	250	35%
Alice Birney	197	193	390	51%
Total Elementary	647	734	1,381	47%
Winship	322	95	417	77%
Zane	331	136	467	71%
EHS	1,247	34	1,281	97%

** Enrollment numbers as of CBEDS 2021-22*

INTRA-DISTRICT ENROLLMENT

	Inside School of Residence Only	Actual Enrollment	Enrollment Over/ Under SOR
Washington	335	490	155
Lafayette	421	251	(170)
Grant	179	250	71
Alice Birney	320	390	70
Winship	432	418	(14)
Zane	418	468	50

California public school enrollment drops below 6 million mark

IN SUMMARY

According to new data from the California Department of Education, enrollment continues to drop at faster rates than before the pandemic.

For the first time since the start of the century, California has fewer than 6 million students attending public schools.

According to new data released by the California Department of Education, [enrollment in public schools continues to drop](#) more quickly than it did before the pandemic, stirring fears of more budget cuts and long-term financial instability for schools.

Among key takeaways from the newly released data:

- Statewide enrollment has dropped by more than 110,000 students to 5,892,240 during the current school year, a 1.8% dip from last year but less steep than the 2.6% decline during the first year of the pandemic.
- Charter school enrollment also is down for the first time since at least 2014.
- Kindergarten enrollment is up, though nowhere near pre-pandemic levels.
- And 9,000 more students are enrolled in private schools, a 1.7% increase, but that doesn't explain much of the exodus from public schools.

For the better part of a decade, public school enrollment was in steady decline in California mostly due to a lack of affordable housing, education officials across the state said. When the pandemic reached

California, early job losses collided with that trend, making the decline worse.

Richard Barrera, a board trustee at San Diego Unified, the state's second largest district, said families were moving out of the district, especially those in gentrifying areas, resulting in disproportionate losses for schools in those neighborhoods. Then workers started to lose jobs in 2020, and more families had to relocate.

"When we opened up the schools last year, those schools had lower in-person attendance," Barrera said. "It's just more expensive for people with kids to live in California."

In the years before the pandemic, enrollment in traditional, non-charter public schools fell by about 1% a year. The first year of the pandemic, however, enrollment dropped by more than 3%, or about 175,000 students.

Even charter school enrollment slid, losing 12,600 students this year, a major reversal of historical trends. Since 2015, charter schools have seen only increases each year of at least 10,000 students.

Officials at the California Department of Education did not have a clear explanation for this sudden drop.

The California Charter Schools Association President Myrna Castrejón said this decline illustrates how charter schools "are facing the same statewide challenges as non-charter public schools." She called for equitable funding for charters.

For non-charter schools, much of the enrollment drop during the first year of the pandemic was due to tens of thousands of parents opting

not to enroll their children in kindergarten. Most school campuses were closed at the time and children were learning online.

This year, with school buildings open, kindergarten enrollment went up by more than 7,000 students, recovering slightly from last year's 60,000-student plunge.

Enrollment numbers for first graders, however, dropped by 18,000 students this year — one of the steepest drops for a single grade level — suggesting that many students who were of kindergarten age in 2020 did not return to public schools for first grade.

California Department of Education officials would not comment on where those students went. Some school district officials said they also are looking for answers.

"It's a problem across all grade levels," said Barrett Snider of Capitol Advisors, a lobbying firm for school districts. "We just aren't sure where they've gone."

Because most of California's public schools are funded based on a combination of enrollment and attendance, small school districts are especially feeling the pain. Just a few students leaving can mean large chunks of money gone from their budgets.

"We've had declining enrollment since the turn of the century," said Linda Irving, superintendent of Sebastopol Union School District. "As a school gets smaller, it gets more difficult to provide quality programming, like music classes."

The 788-student district has been using one-time state grants to cover its costs, Irving said, but she needs a more permanent solution.

It can be depressing working at a school where the student population is shrinking, she said. Administrators have a marketing budget to attract more families, yet they are being forced to cut staff.

“I was driving home from the gym yesterday, and I heard another superintendent on the radio,” Irving said. “We’re competing against each other.”

Brett McFadden, superintendent of the Nevada Joint Union High School District, said a large portion of the residents in his rural community work in the service industry and had to seek other jobs when businesses closed during the pandemic. Others left more recently, as the state began enforcing masking rules and issuing vaccine mandates.

“It’s tough to do exit interviews, but our takeaway is that people left because of jobs,” McFadden said. “Or they left because private schools weren’t enforcing mask mandates.”

According to state data, Nevada Joint Union High’s enrollment was stable before the pandemic at around 2,800 students. As of Friday, McFadden said, enrollment is at 2,605. He said he lost 197 students since the school year started, which translates to more than \$2 million in lost funding.

“Declining enrollment cannot be fixed,” he said. “I think we have to recognize that declining enrollment is part of broader demographic trends that are happening in our state.”

Softening the blow

State leaders are floating measures to lessen the pain of declining enrollment.

In his proposed budget, Gov. Gavin Newsom said he would allow school districts to use a three-year average attendance rate to calculate next year's funding. This could be a substantial help, especially because attendance at most schools plummeted during this year's omicron surge.

State Sen. Anthony Portantino, a Democrat from Glendale, authored [Senate Bill 830](#), which would pay districts based on

While the policy debate over enrollment versus attendance-based funding has been ongoing for years, Portantino said this is the right time to make the change because of the state's surplus and the acute crisis of plummeting attendance and enrollment.

"School districts have to budget based on enrollment," Portantino said. "It makes no sense to penalize them if you have absences throughout the year."

Under his proposal, districts would still be funded based on attendance but could apply for additional money based on enrollment. The bill would require that districts use 30% of the additional funding to address chronic absenteeism.

While these proposals might ease the fiscal effects of ebbing enrollments, district leaders still don't have a clear picture of why [so many students are leaving](#). And they feel powerless to reverse the trend.

"Schools have been reacting to a public health crisis and trying to keep their lights on, so when kids disappear there's not a lot of capacity to chase them down and see what happened," said Snider, the lobbyist. "But I think that's going to be a big focus as we climb out of this."

AGENDA ITEM

Agenda Title: Local Control Accountability Plan Update

Meeting Date: May 19, 2022

Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to receive an update on the development of the 2022-2023 Local Control and Accountability Plan (LCAP).

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This presentation is part of a series of presentations about the LCAP. The intent is to keep members of the School Board well-informed on the progress and development of the plan.

STRATEGIC PLAN/PRIORITY AREA:

This item applies to all strategic plan areas.

HISTORY *(list previous staff or board action(s) with dates if possible)*

The 2021-22 LCAP is a three-year plan that will describe the goals, actions, services, and expenditures to support positive student outcomes that address state and local priorities. Annually, beginning in the winter and continuing until final action to approve in June, the Board receives regular updates on ECS's LCAP development.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- ▣ Eureka City Schools 2022 LCAP Update

ECS-LCAP, UPK, Safety, and Summer School Development/Timeline Calendar 2022 “Plan”demic Timeline

LCAP

UPK

A-G

Summer School

ONGOING

A-G: Grant recipients must report to the State Superintendent of Public Instruction on or before **December 31, 2023** on how they are measuring the impact of the funds on their A-G completion rate

JANUARY

A-G: Develop a plan by **January 1, 2022** for A-G funds to increase or improve services for unduplicated students.

FEBRUARY

UPK: Form UPK Writing Team (TBD)

UPK: Complete UPK Projected Enrollment and Needs Assessment (TBD)

LCAP: Writing Team meets to begin work on Annual Updates (LCAP and LCP) and 2019-20 Annual Update Templates

LCAP: Initial Input Survey sent to stakeholder groups

LCAP: Board update on LCAP process **02/04/22**

LCAP: Meet with school site councils to gather input

LCAP: Supplement to Annual Update for 2021-22 LCAP, present to School Board **2/17/22**

A-G: Application period opens **02/25/22**

MARCH

UPK: Review Projected Enrollment and Needs Assessment (TBD)

UPK: Parents Survey sent home **March 9, 2022**

UPK: Writing Team meets re: Focus Areas A-E & Technical Assistance Questions (TBD)

LCAP: Writing Team continues work on Annual Updates (LCAP and LCP)

LCAP: Board update **03/10/22**

LCAP: Initial Meeting with bargaining units for required consultation

LCAP: Complete stakeholder input (Including DELAC and District Stakeholder Committees) **3/25/22**

LCAP: Board Presentation **3/31/22**

Summer: Advertise, interview, and hire Summer School Principals

Summer: Advertise, interview and hire Summer School Secretary

Summer: Principal to survey families to determine projected enrollment

A-G: Completion plan must be created by **04/01/22**

APRIL

UPK: Writing Team meets to finalize draft (TBD)

UPK: submitted to HCOE for technical assistance **(04/15/2022)**

LCAP: Writing Team meets to finalize Annual Updates and start first draft

LCAP: Annual update shared with HCOE staff for initial review

LCAP: Board Update **04/27/22**

LCAP: Writing Team finalizes first draft to HCOE for review

Summer: Principals to advertise, interview, and hire Summer School Teachers

Summer: Principals to decide on curriculum

MAY

UPK: Writing Team meets to revise draft based on HCOE feedback (TBD)

LCAP: Writing Team meets to revise first draft based on feedback from HCOE

LCAP: First draft shared with Board **05/12/22**

Safe Return to In-Person Instruction - Must be reviewed and approved every 6 months

JUNE

UPK: Presented to Board (06/28/2022)

LCAP: Board conducts public hearing **06/02/22**

LCAP: Board adopts 2022 LCAP **06/23/22**

LCAP: Approved 2022 LCAP posted on website and sent to HCOE within 5 days

A-G: Expected Notification Date **06/07/22**

A-G: Presented to the Board **06/23/22**

Summer: 1st day of summer session **06/24/22 (ELE, MID, HS)**

JULY

LCAP: HCOE staff reviews LCAP and provides District with any required revisions

Summer: Last day of summer session **07/22/22 (HS)**

AUGUST

LCAP: Board approves Strategic Plan that guides following year's LCAP development

Summer: Last day of summer session **08/05/22 (ELE, MID)**

SEPTEMBER

LCAP: Deadline for HCOE Superintendent to approve current year LCAP

December

Safe Return to In-Person Instruction - Must be reviewed and approved every 6 months

ESSER III Expenditure Plan Update (Only if necessary)

AGENDA ITEM

Agenda Title: Annual District English Learner Advisory Committee (DELAC) Presentation
Meeting Date: May 19, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

This is an advisory report with regards to EL programs and services as required by the State.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This report is part of the advisory role mandated by the DELAC committee structure. The DELAC represents voices of parents and school staff from all ECS sites' English Learner Advisory Committees (ELAC).

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 13: FAMILY AND COMMUNITY ENGAGEMENT

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is an annual report.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

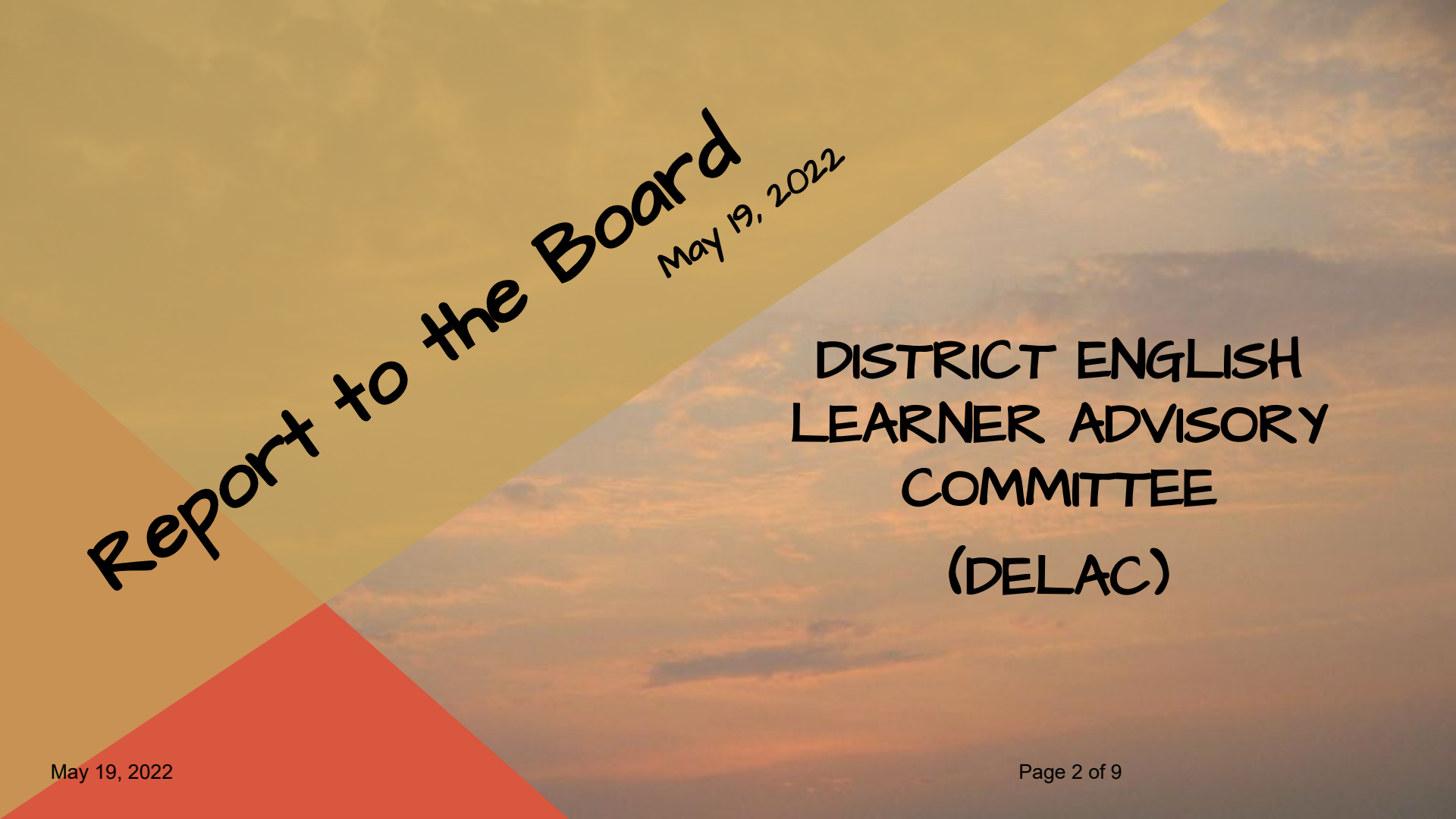
WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- DELAC input to ECS Board 2022

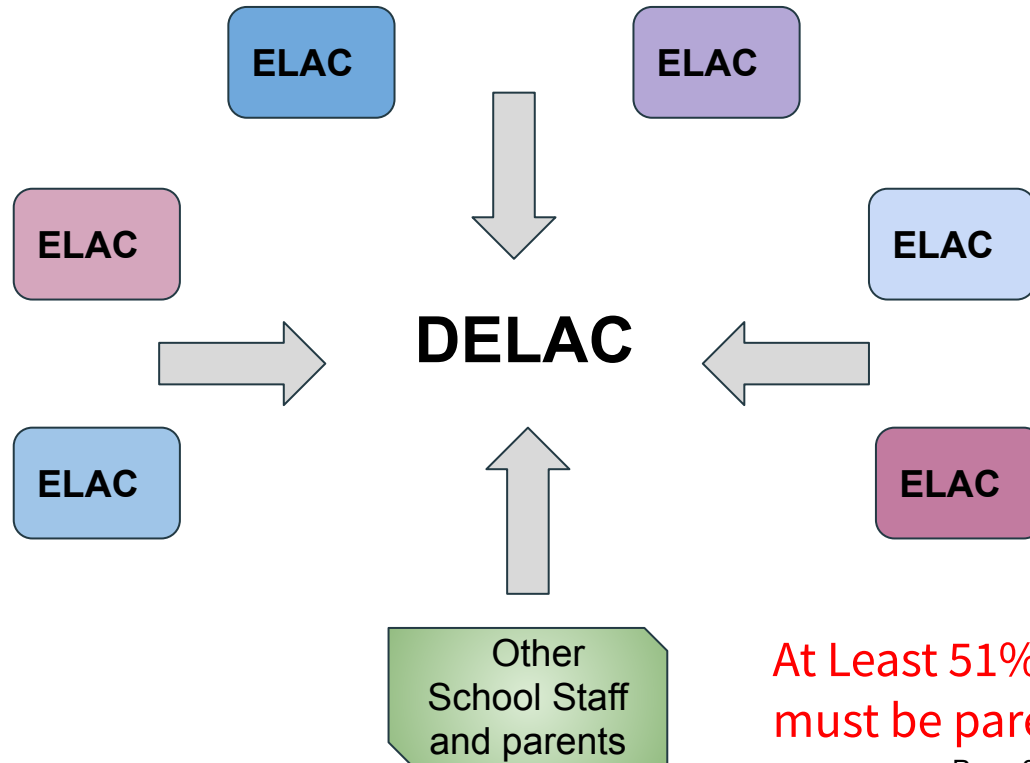


Report to the Board

May 19, 2022

DISTRICT ENGLISH
LEARNER ADVISORY
COMMITTEE
(DELAC)

Who is part of DELAC?



DELAC Responsibilities

- Elections & By-laws
- Conduct District-wide Needs Assessment
 - **Provide input on the LCAP**
- Examine Goals & Objectives for EL Programs and Services
- Advise the Governing Board

Responsibilities

The DELAC shall advise the school district governing board on at least the following tasks:

1. Development of a district master plan for education programs and services for English learners. The district master plan will take into consideration the school site master plans.
2. Conducting of a district wide needs assessment on a school-by-school basis.
3. Establishment of district program, goals, and objectives for programs and services for English learners.
4. Development of a plan to ensure compliance with any applicable teacher and/or teacher aide requirements.
5. Review and comment on the school district reclassification procedures.
6. Review and comment on the written notifications required to be sent to parents and guardians.
7. The DELAC shall also review and comment on the development or annual update of the Local Control and Accountability Plan (**LCAP**).*

Our Accomplishments

- Provided input on LCAP
- Received reports on EL student performance data and EL student services data
- Curriculum in place for EL programs
- Continued effort to solicit involvement of EL families in school events and decision-making meetings--Members voted in favor of a new multi-district program: Parent Institute for Quality Education (PIQE)
- Members of DELAC supported the distribution of chromebooks that were allotted to EL families as part of a grant
- Provided a Spanish interpreter for every meeting
- Provided childcare at every meeting so that parents could attend

Our Input for Improved Services

- Increase the amount of bilingual staff available for interpretation/translation. Translate all communications into parents' preferred language.
- Review current EL curriculum and update if needed.
- Professional development opportunities for ELD teachers and EL technicians.

Our Input continued...

- Designated ELD program for all proficiency levels at each site (elementary, middle and high school)
- Increase multicultural awareness and sensitivity through multicultural fairs, celebrations, and equity committees.
- More aides in the classrooms to assist in learning loss mitigation.
- Newcomer support

QUESTIONS?

AGENDA ITEM

Agenda Title: Annual CTE Report (Career and Technology Plan for Secondary Schools including Continuation High School and Dual Enrollment)
Meeting Date: May 19, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to receive an update on the Career and Technical Education Plan for secondary schools in the District.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

This presentation is part of a series of presentations about the District's programs. The intent is to keep members of the School Board well informed of programs, including changes that are happening in the Career and Technical Education programs at all of the Eureka City Schools secondary school sites.

STRATEGIC PLAN/PRIORITY AREA:

Priority Area 6: CAREER AND TECHNICAL EDUCATION PROGRAMS

HISTORY *(list previous staff or board action(s) with dates if possible)*

ECS continues to offer an excellent selection of CTE courses. This update will inform the Board on the current offerings.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no cost associated with this item.

WHO *(list the name of the contact person(s), job title, and site location)*

Gary Storts, Assistant Superintendent, Educational Services

ATTACHMENTS:

Description

- Annual CTE and Dual Enrollment Presentation 2022

Overview Presentation: **CTE Offerings & Dual Enrollment**

May 19, 2022

VISION

- CTE is critical to ensuring that the United States leads in global competitiveness.
- CTE actively partners with employers to design and provide high-quality, dynamic programs.

-
- CTE prepares students to succeed in further education and careers.
 - CTE is a results-driven system that demonstrates a positive return on investment.

Why CTE in Eureka City Schools?

- College and career readiness for ALL
- Captures and directs students' varied interests
- Strong relationship with improved academic performance in other areas
- Opportunity for community/business partnership -
“filling the void” of vacant CTE-related jobs

Program Offerings: Winship

2021-2022

- 8th grade students take Agriculture Science
- All Science classes taught in accordance with Next Generation Science Standards
- CTE elective opportunities will include: Digital Media and Technology

Program Offerings: Zane

2021-2022

- All 7th and 8th grade students have the opportunity to enroll in a Technology elective where they are introduced to computer programming and robotics
- In 7th and 8th grade, students are able to take a digital media production course where they work to produce advertisements and help produce the school yearbook
- All Science classes taught in accordance with Next Generation Science Standards

Program Offerings: Zoe Barnum

2021-2022

- **ZBHS Culinary Arts:**
 - Two periods a day
- **The Trades Academy:**
 - Building Trades (HCOE)
- **Exploration of Trades Programs at CR:**
 - Partnership with HCOE taking students to CR to learn more about the trades program and employment.
- **Future opportunities:**
 - Two CTE credentialed teachers (art and culinary).



CTEIG Funding

- CTEIG funding of \$215,376.00 for 2022-2023
- Perkins funding of \$65,252.00
- Ag. Incentive funding of \$16,897.00

Funds will be used to support existing programs

Program Offerings: EHS

2021-2022

- 14 sections of Agriculture-ranging from Floral Design to Welding
 - 9 sections approved for UC/CSU A-G requirements
 - 25+ students in Welding I/II dual enrolled with College of the Redwoods (CR)
- Culinary has four sections, including Culinary 2



EHS new welding and fabrication shop



EHS Students visit Gym Building Site

EHS Architectural Design, Welding and Engineering students got to see what they are learning in the classroom being applied throughout the gym construction project!

Students got to see the plans for the building, phases of construction, types of materials used, welding wages, and the identification and explanations of building design for our area.



Humboldt Recology Visits Auto

Our Autoshop students got to check out the new equipment, the different vehicles used and how they perform diagnostics and inspections on them, and meet with four different employees to learn about employment opportunities with Humboldt Recology!

Program Offerings: EHS

2021-2022 continued...

- 3 sections of Auto Shop
 - All sections are full
- 5 sections of Business/Computer Science
 - Accounting UC/CSU A-G elective
 - Computer programming is articulated with CR
 - Engineering - UC/CSU a-g elective
- 5 sections of Woodshop/Architectural Design
 - Architectural Design is an art A-G class (F)



Schmidbauer Lumber Supply (pre COVID)

This year students have attended virtual field trips

Dual Enrollment

2021-2022

- 9 sections of Freshman Seminar with 105 students
- 3 sections of AP Comp with 86 students
- 2 sections of Ag Welding with 26 students
- 1 section on Accounting with 8 students

Any
Questions
or
Comments?

AGENDA ITEM

Agenda Title: Policy Updates from CSBA - December 2021 and Revisions to BB 9400 (First Review)
Meeting Date: May 19, 2022
Item: Discussion

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

The Governing Board is being asked to discuss the policy updates from CSBA - December 2021 and Revisions to BB 9400.

WHY *(briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans)*

From time to time, relatively minor changes occur that affect the text of CSBA sample board policies, administrative regulations, and board bylaws but do not warrant reissuing the entire sample because the changes are limited. It is recommended that districts review the revisions and incorporate them in district materials as appropriate. Although the revisions are minor, the district should still use its normal adoption process to adopt the board policies, administrative regulations, and/or board bylaws affected by these revisions. The following Board Policies, Administrative Regulations and Board Bylaws have various changes due to changes in laws, new laws, court decisions, and clarification.

STRATEGIC PLAN/PRIORITY AREA:

Governance and Policy updating is not reflected in the Strategic Plan Priority Area

HISTORY *(list previous staff or board action(s) with dates if possible)*

This is the first reading of these policies.

HOW MUCH *(list the revenue amount \$ and/or the expense amount \$)*

There is no revenue or expense related to this agenda item.

WHO *(list the name of the contact person(s), job title, and site location)*

Fred Van Vleck, Ed.D., Superintendent

ATTACHMENTS:

Description

- Index and Policies - 1st Review



CSBA December 2021 Policies and BB 9400 District Deletions/Revisions

Recommendations for Board Policy Revisions

1st Review: Board Meeting on May 19, 2022

December ECS DRAFT - Policy Updates & Revisions to BB 9400

Type:	Number:	Title:	Recommended Action	Clarification	Comments	Page
BP	0420.42	Charter School Renewal	Use CSBA Recommendation	Policy updated to reflect NEW LAW (AB 130, 2021) which extends the term by two years for all charter schools whose term expires on or between January 1, 2022 and June 30, 2025 and requires, for renewals and denials, that the most recent years for which state data is available preceding the renewal or denial decision be used in determining whether specified criteria are met if the two consecutive years preceding the renewal or denial include the 2019-20 or 2020-21 school year. Policy also updated for clarity and consistency with law.	Pg c #1a New Language re: Extension for renewal Pg d #3a New Language re: Denial based on state data	CSBA: 1-7 ECS: 8-10
BP	1312.3	Uniform Complaint Procedures	Use CSBA Recommendation	Policy updated to reflect NEW LAW (AB 131, 2021) which renumbers the license-exempt California State Preschool Program code sections, ensure consistency with the California Department of Education's 2021-22 federal program monitoring instrument, clarify that districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student, add Item #3 to the section regarding "Non-UCP Complaints" that any complaint alleging that a student, while in an education program or activity as specified, was subjected to sexual harassment as defined in 34 CFR 106.30 be addressed through federal Title IX complaint procedures, and clarify in Item #5 that complaints alleging a physical safety concern that interferes with a free appropriate public education is a non-UCP complaint.	Mandated Pg f #3 New Language re: Sexual harassment will be addressed through Title IX Pg g #5 New Language re: Violation related to Special Education	CSBA: 11-20 ECS: 21-23
AR	1312.3	Uniform Complaint Procedures	Use CSBA Recommendation	Regulation updated to delete outdated and/or repealed U.S. Department of Education's Office for Civil Rights (OCR) references and where appropriate add current OCR material, ensure consistency with the California Department of Education's 2021-22 federal program monitoring instrument, clarify posting requirements for the annual notification, compliance officer contact information and information related to Title IX, add material regarding the requirement for	Mandated Pg b Check position Pg e #7 New Language re: Graduation requirements Pg f ¶ 3 New Language re: Site administrator who receives a complaint	CSBA: 24-42 ECS: 43-50

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				an administrator who is not designated as a compliance officer who receives a complaint to notify the compliance officer, clarify that districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student, add descriptions to the OPTION headings for districts that do or do not allow complainants to appeal to the governing board, delete material regarding respondent being sent the investigation report at the same time it is provided to complainant as this simultaneous exchange is not required by law, amend language in regard to pursuing civil law remedies in the notice to complainants included in investigation reports for allegations of unlawful discrimination, harassment, intimidation, and bullying based on state law, clarify when either party may request reconsideration of an appeal by the Superintendent of Public Instruction, and reflect NEW LAW (AB 131, 2021) which renumbers the license-exempt California State Preschool Program code sections.	Pg j Option 1 Pg m #1 New Language re: Injunctions and restraining orders can be pursued outside of the district	
E (1)	1312.3	Uniform Complaint Procedures	Use CSBA Recommendation	Exhibit updated to reflect NEW LAW (AB 131, 2021) which renumbers the license-exempt California State Preschool Program code sections.	No significant changes Ed code numbers	CSBA: 51-52 ECS: 53-55
E (2)	1312.3	Uniform Complaint Procedures	Use CSBA Recommendation	Exhibit updated to reflect NEW LAW (AB 131, 2021) which renumbers the license-exempt California State Preschool Program code sections.	No significant changes Ed code numbers	CSBA: 56-57 ECS: 58-60
AR	3515.6	Criminal Background Check for Contractors	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 130, 2021) which requires any entity, including a sole proprietor, that has a contract with a district to ensure that employees who interact with students outside of the immediate supervision and control of the student's parent/guardian or school staff have a valid criminal records summary and to immediately provide any subsequent arrest and conviction information received pursuant to the subsequent arrest service. Regulation also updated to delete the list of service providers as the services in Items #1-5 are no longer listed in law and the services in Item #6 regarding the construction,	Review for New and Revised Language throughout	CSBA: 61-62 ECS: 63-64

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				reconstruction, rehabilitation, or repair of a school facility are considered in another portion of the regulation, delete material regarding an exception for employees with limited contact with students as it is no longer provided for in law, generalize information regarding steps that may be taken to protect the safety of students who may come in contact with employees of contracting entities, and rearrange placement of material for clarity and context.		
AR	4217.3	Layoff/Rehire	Use CSBA Recommendation	<p>Regulation updated to add descriptions to the OPTION headings for the determination of "length of service" for order of layoff purposes, reflect NEW LAW (AB 438, 2021) which, for both merit and non-merit districts, specifies notice requirements and hearing rights districts must provide to permanent classified employees, as defined, who are subject to layoff due to lack of work or lack of funds, including that notice be given no later than March 15, and that classified staff may be reduced due to lack of work or lack of funds when the governing board determines during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies that the district's local control funding formula apportionment per unit of average daily attendance for the fiscal year of the Budget Act has not increased by at least two percent. Regulation also updated to provide material regarding a permanent classified employee's request for a hearing, including a hearing before an administrative law judge in which the board makes the final decision regarding the sufficiency of the cause and disposition of the layoff, provide material regarding final notice before May 15 to employees affected by the layoff unless a continuance is granted, add material regarding notice to affected employees when classified positions are eliminated as a result of the expiration of a specifically funded program, and include that districts may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds.</p>	<p>Optional</p> <p>Pg b Option 2</p> <p>Pg c-d Review New and Revised Section "Notice of Layoff and Hearing Rights"</p> <p>Pg f ¶ 1 New Language re: Rejecting 2 offers</p> <p>Pg f ¶ 2 New Language re: Fail to respond to notification of vacancy</p> <p>Pg f ¶ 7 New Language re: Salary step</p>	<p>CSBA: 65-71 ECS: 72-73</p>

Because of the complexity of related Education Code provisions and the interaction with collective bargaining agreements, it is strongly recommended that the district consult with legal counsel before instituting layoff proceedings.

December ECS DRAFT - Policy Updates & Revisions to BB 9400

AR	5125	Student Records	Use CSBA Recommendation w/Additional Revisions	Regulation updated to enhance clarity by separating administrative guidance for requests involving changes to student records of current students and guidance related to requests for changes to gender or legal name of former students. Regulation also updated to move materials related to former students to end of regulation in new section - "Updating Name and/or Gender of Former Students."	Pg o Review Section "Changes to Student Records" New Guidelines re: Requests for Change Pg u-v New Section "Updating Name and/or Gender of Former Students"	CSBA: 74-95 ECS: 96-106
AR	5145.3	Nondiscrimination/Harassment	Use CSBA Recommendation	Regulation updated to clarify how district employees should handle requests by or on behalf of transgender and gender-nonconforming students when changing gender and legal name on student records. Regulation also updated to broaden the section on "Transgender and Gender-Nonconforming Students" to include support for intersex and nonbinary students and related definitions.	Mandated Pg b Check Position Pg h-i New Section Title and definitions for "Issues Unique to Intersex, Nonbinary, Transgender, and Gender-Nonconforming Students" Pg k #1 New Language re: Privacy and disclosure Pg m #5 New Language re: Change to name or gender	CSBA: 107-120 ECS: 121-125
BP	5148	Child Care and Development	Use CSBA Recommendation	Policy updated to reflect NEW LAW (AB 131, 2021) which repealed the Child Care and Development Services Act from the Education Code and reenacted the laws in the Welfare and Institutions Code with responsibility for administering child care programs transferring to the California Department of Social Services (CDSS). Policy also updated to reflect NEW LAW (AB 130, 2021) pursuant to which a child's eligibility for transitional kindergarten may not impact family eligibility for a child care program and which requires, as a condition of funding, that a child care program that is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, but funded to be operational, provide distance learning services as specified by CDSS.	Optional Pg a ¶ 2 Changed Language re: Shall to may Pg b ¶ 1 Changed Language re: Shall to may Pg b ¶ 3 New Language re: Covid closures Pg c ¶ 1 New Language re: Welfare and Institutions code Pg c ¶ 3 New Language re: Eligibility for transitional kindergarten shall not affect eligibility for preschool	CSBA: 126-132 ECS:133-134
AR	5148	Child Care and Development	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 131, 2021) which (1) repealed the Child Care and Development Services Act from the Education Code	Pg g ¶ 1 Deleted Language re: The District shall maintain a waiting list	CSBA: 135-148 ECS: 149-154

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				and reenacted the laws in the Welfare and Institutions Code, (2) waives fees for families receiving subsidized child care services for 2021-22, and (3) requires a California State Preschool Program or child care program to provide a parent/guardian of a child transferring to a public school with specified information.	Pg i ¶ 2 New Language re: 2021-2022 year information shall not be collected	
BP	5148.2	Before/After School Programs	Use CSBA Recommendation	Policy updated to reflect NEW LAW (AB 130, 2021) which (1) establishes the Expanded Learning Opportunities (ELO) Program, (2) allocates ELO funding to districts under a formula based on a district's percentage of unduplicated students and average daily attendance, (3) requires districts receiving funds to, for the 2021-22 school year, offer access to ELO programs to all unduplicated students in grades TK-6, provide access to such programs to at least 50 percent of enrolled unduplicated students and, commencing in the 2022-23 school year, offer access to all students in grades TK-6 inclusive and ensure that access is provided to any student whose parent/guardian requests their placement in an ELO program, and (4) requires After School Education and Safety, 21st Century Community Learning Center, and ELO programs that charge family fees to schedule fees on a sliding scale that considers family income and ability to pay and to waive the cost of such fees for a student who is eligible for free or reduced-price meals.	Pg b ¶ 3 New Language re: 21 st century programs Pg c Option 2 Pg d ¶ 1-2 New Language re: ASSETs program & 21 st Century	CSBA: 155-161 ECS: 162
AR	5148.2	Before/After School Programs	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 130, 2021) which (1) establishes the Expanded Learning Opportunities (ELO) Program, (2) requires districts receiving ELO funds to, for the 2021-22 school year, offer access to ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students, (3) commencing in the 2022-23 school year, offer access to all students in grades TK-6 inclusive and ensure that access is provided to any student whose parent/guardian requests placement in an ELO program, (4) requires districts	Pg a New Definitions Pg b ¶ 1-2 New Language re: ELO program Pg e #4c New Language re: Tk ratio 10-1 Pg f #5c New Language re: ELO program in person before or afterschool Pg h #8a New Language re: 9 hours ELO program	CSBA: 163-174 ECS: 175-178

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				receiving grants through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten, (5) requires ELO programs serving transitional kindergarten and/or kindergarten students to maintain a student-to-staff member ratio of no more than 10 to 1, and (6) requires that ELO programs, for school days, provide in-person before- or after-school expanded learning opportunities that, when added to daily instructional minutes, are not less than nine hours of combined instructional time and, for intersession periods, provide in-person expanded learning opportunities of no less than nine hours per day for at least 30 non-school days. Regulation also updated to include definition of expanded learning opportunities and unduplicated student and to reflect the expectation that ELO programs will comply with all requirements for the After School Education and Safety program.		
BP	5148.3	Preschool/ Early Childhood Education	Use CSBA Recommendation w/Additional Revisions	Policy updated to reflect NEW LAW (AB 131, 2021) which amended and renumbered the statutes governing the California State Preschool Program (CSPP) within the Education Code, and to reflect NEW LAW (AB 130, 2021) which (1) revised the timespans for mandatory transitional kindergarten (TK) admittance requirements to be phased in starting in the 2022-23 school year to the 2025-26 school year, (2) created a grant program for the construction or modernization of new preschool classrooms pursuant to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program, (3) requires, in combination with NEW STATE GUIDANCE, as a condition of funding, that a CSPP program that is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, but funded to be operational, provide distance learning services as specified by the California Department of Education, (4) requires districts receiving grants	Optional Pg d See Note re: Tk admittance requirements starting 2022-2023 Pg d ¶ 2 New Language re: Tk eligibility will not affect preschool eligibility Pg e ¶ 1 New Language re: Meet the needs of dual language learners Pg g ¶ 1 New Language re: Link the preschool program to other programs in the community Pg g ¶ 2-3 New Language re: Full day learning programs and distance learning when closed for health reasons	CSBA: 179-189 ECS: 190-191

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten, and (5) prohibits TK eligibility from impacting family eligibility for a preschool or childcare program. Policy also updated to reflect that a CSPP program may be a part-day or full-day program and that a child under four years of age must be served in a CSPP facility licensed in accordance with Title 22 of the California Code of Regulations. Additionally, policy updated to reflect NEW LAW (AB 1363, 2021) which requires the quality indicators for CSPP programs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English.		
AR	5148.3	Preschool/ Early Childhood Education	Use CSBA Recommendation	Regulation updated to include definitions of three- and four-year-old children and to reflect NEW LAW (AB 131, 2021) which (1) amended and renumbered the statutes governing the California State Preschool Program (CSPP) within the Education Code, (2) clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent/guardian has opted to retain or enroll the child in a CSPP program, (3) requires CSPP programs to include certain components including minimum days per year for a full-day CSPP program, (4) repeals applicable code sections, (5) revises the eligibility criteria and enrollment priorities for part-day CSPP programs, (6) adds eligibility criteria and enrollment priorities for full-day CSPP programs, (7) waives fees for families receiving subsidized child care services for the 2021- 22 school year, and (8) revises the order by which families must be disenrolled from CSPP programs if disenrollment is necessary. Policy also updated to delete section on "Wraparound Child Care Services" to reflect the repeal of code sections as	Pg a New Definitions Pg a ¶ 1 New Language re: Full Day preschool programs Pg b ¶ 1 #1-8 New Language Pg c ¶ 1 New Language re: Full day operating 246 days Pg e-g New Section "Eligibility and Enrollment Priorities for Part-Day CSPP Programs" Pg g -h New Section "Eligibility and Enrollment Priorities for Full-Day CSPP Programs" Pg j ¶ 2 New Language re: Full day program Pg k ¶ 1 New Language re: 2021-2022 fees shall not be collected Pg k ¶ 5 New Language re: Disenroll in reverse priority	CSBA: 192-204 ECS:205-209

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				stated above.		
BP	6112	School Day	Use CSBA Recommendation	Policy updated to reflect clarification in the California Department of Education's Frequently Asked Questions about Independent Study that minimum school day requirements for regular school attendance apply to traditional independent study programs.	Optional Pg a ¶ 3 New Language re: 20-minute recess & changed shall to may Pg b ¶ 2 New Language re: Alternative block schedule	CSBA: 210-212 ECS: 213
AR	6112	School Day	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 131, 2021) which exempts activities related to the Expanded Learning Opportunity program from the calculation of the maximum school day for kindergarten and transitional kindergarten. Regulation also updated to specify when the school day may begin for students in middle and high schools, and to move material to enhance clarity.	Pg a ¶ 2 New Language re: Fewer than 40 students in Kindergarten Pg b ¶ 1 New Language re: More than 4 hour day Pg b ¶ 4 New Language re: Multitrack year-around Pg c ¶ 4 New Language re: Middle School shall not begin before 8 a.m. Pg c ¶ 5 New Language re: High School start time 8:30 a.m. Pg d #4 ¶ 2 New Language re: Written Request Pg e ¶ 1 Deleted New Language re: Evening High School Pg f ¶ 2 Deleted New Optional Language re: 900 minutes	CSBA: 214-219 ECS: 220-221
BP	6143	Courses of Study	Use CSBA Recommendation	Policy updated to (1) expand student characteristics for which districts may not provide any course separately or require or refuse participation, (2) include that the district's course of study may provide for a rigorous academic curriculum that integrates academic and career skills, includes applied learning across all disciplines, and prepares students for high school graduation and career entry, and (3) clarify that the a-g requirements for the University of California and California State University system is 15 yearlong or 30 semesters.	Pg a ¶ 3 New Language re: Expanded student characteristics Pg b ¶ 2 New Language re: Rigorous curriculum	CSBA: 222-225 ECS: 226

December ECS DRAFT - Policy Updates & Revisions to BB 9400

AR	6143	Courses of Study	Use CSBA Recommendation	<p>Regulation updated to clarify that optional instruction in prenatal care is for pregnant individuals, to reflect NEW LAW (AB 101, 2021) which, subject to funding in the annual Budget Act or other statute, requires a one-semester course in ethnic studies beginning in the 2025-26 school year and as a requirement for graduation beginning with students who graduate in the 2029-30 school year, clarify that the a-g requirements for the University of California and California State University system is 15 yearlong or 30 semesters, and add a new section "Financial Aid Requirements for Students in Grade 12 that reflects NEW LAW (AB 132, 2021) which (1) requires, starting in the 2022-23 school year, districts to confirm that each student in grade 12 completes and submits a Free Application for Federal Student Aid (FAFSA) to the U.S. Department of Education and/or if a student is exempt from paying nonresident tuition, a California Dream Act Application (CADAA) to the Student Aid Commission unless the student's parent/guardian, emancipated minor, or student age 18 years or older submits an opt-out form to the district, or the district, in specified circumstances, exempts the student or the student's parent/guardian from completing the FAFSA, CADAA, or opt-out form and completes and submits an opt-out form on the student's behalf, (2) requires districts to ensure that each high school student in Grade 12, and if applicable the student's parent/guardian, be directed to any support and assistance necessary to complete the FAFSA and/or CADAA, and (3) that information shared by students and parents/guardians in completing and submitting the FAFSA and CADAA is handled in compliance with the federal Family Rights and Privacy Act and applicable state law, regardless of any person's immigration status or other personal information.</p>	<p>Pg h #12-13 New Language</p> <p>Pg i-j Review Section "Notification and Information to Students in Grades 9-12" for new and revised language</p> <p>Pg j-k New Section "Financial Aid Requirements for Students in Grade 12"</p>	<p>CSBA: 227-237 ECS: 238-241</p>
BP	6158	Independent Study	Use CSBA Recommendation	<p>Policy updated to reflect NEW LAW (AB 167, 2021) which relaxes certain independent study (IS) requirements with respect to any student who is unable to attend in-person instruction due to a quarantine or school closure during the 2021-22</p>	<p>Pg b ¶ 3 New Language re: 2021-2022 Covid Quarantine</p> <p>Pg b ¶ 5 New Language re: 2021-2022 quarantine restrictions</p>	<p>CSBA: 242-260 ECS: 261-267</p>

December ECS DRAFT - Policy Updates & Revisions to BB 9400

				school year and to incorporate California Department of Education program clarifications, including that a district is permitted to (1) require students who cannot participate in classroom-based instruction during the school year due to quarantine or school closure because of infection with or exposure to COVID-19 to participate in IS, (2) claim apportionment credit for such students' participation in IS for fewer than the minimum three consecutive days generally required for IS, and (3) obtain a signed written agreement from each participating student not later than 30 days after IS begins, rather than before a student may participate in IS.	<p>Pg c ¶ 3 New Language re: Minimum instructional minutes</p> <p>Pg f #1-2 New Language re: Tiered reengagement</p> <p>Pg i #8 ¶ 2 New Language re 2021-2022 school year</p> <p>Pg j #10 ¶ 2 New Timeline re: October 15</p> <p>Pg o ¶ 1 New Language re: Signed Learning Agreement</p> <p>Pg o ¶ 3 New Language re: Parent conference</p> <p>Pg p ¶ 2 New Language re: Live instruction nonparticipation</p>	
AR	6158	Independent Study	Use CSBA Recommendation	Regulation updated to reflect NEW LAW (AB 167, 2021) which permits districts to offer Independent Study (IS) to students who are unable to attend in-person instruction due to a quarantine pursuant to local or state public health guidance because of exposure to or infection with COVID-19. Regulation also revised to clarify that a student must be enrolled in school in order to participate in IS.	<p>Pg a New Definition re: Synchronous Instruction</p> <p>Pg b #6 New Language re: Student in Quarantine</p> <p>Pg d ¶ 3 New Language re: 2021-2022 school year</p> <p>Pg h #9 New Language re: Live synchronous instruction</p>	CSBA: 268-275 ECS: 276-278
BP	6170.1	Transitional Kindergarten	Use CSBA Recommendation	Policy updated to reflect NEW LAW (AB 130, 2021) which (1) gradually revises the timespans for mandatory transitional kindergarten (TK) admittance such that, by the 2025-26 school year, children who turn four by September 1 will be eligible for TK, (2) establishes the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at districts, including but not limited to TK programs, and which requires districts to develop a plan for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten, (3) establishes the	<p>Pg b ¶ 3 #1-5 New Language re: Eligibility Criteria</p> <p>Pg b ¶ 4 New Language re: Eligibility for Tk shall not impact eligibility for preschool program</p> <p>Pg d ¶ 2 New Language re: Expanded learning opportunities</p> <p>Pg e ¶ 1 New Language re: Plan for all children in attendance area access to full day learning programs June 30, 2022</p> <p>Pg e ¶ 3 #1-6 Ne Language re: Comingled</p>	CSBA: 279-287 ECS: 288-289

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				California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities including for the purpose of providing TK classrooms, (4) prohibits TK eligibility from impacting family eligibility for a preschool or childcare program, and (5) requires districts to maintain an average TK class enrollment of not more than 24 students for each school site and which, commencing with the 2022–23 school year, requires districts to maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2023-24 school year. Policy also updated to reflect requirements for programs that commingle preschool- age and TK students.	<p>Pg f ¶ 1 New Language re: 24 student ratio</p> <p>Pg f ¶ 3 New Timeline re: August 1 2023</p> <p>Pg f ¶ 4 New Language re: Dual Language learners</p> <p>Pg g ¶ 2 New Language re: Adult student ratios</p>	
BB	9150	Student Board Members	Use CSBA Recommendation	Bylaw updated to reflect NEW LAW (AB 824, 2021) which specifies circumstances under which a governing board may adjust the term of a student board member. Bylaw also updated to enhance legal accuracy and clarity.	<p>Optional</p> <p>Pg b ¶ 5 New Language re: Length of term</p>	CSBA: 290-294 ECS: 295-296
BB	9320	Meetings and Notices	Use CSBA Recommendation	Bylaw updated to clarify that it is discussion among themselves, via technology, of a majority of the governing board regarding an item within the subject matter jurisdiction of the board that can result in a violation of the Brown Act, and that agenda materials are required to be made available for public inspection at the time the materials are distributed to all or a majority of the board when agenda materials relating to an open session of a regular meeting are distributed to the board less than 72 hours before the meeting. Bylaw also updated to add a new section "Teleconferencing During a Proclaimed State of Emergency" which reflects NEW LAW (AB 361, 2021) that (1) authorizes boards, until January 1, 2024, to conduct board meetings by teleconference, as specified, without meeting certain requirements	<p>Pg b ¶ 4 Check information</p> <p>Pg h-j New Section "Teleconferencing During a Proclaimed State of Emergency"</p>	CSBA: 297-308 ECS: 309-312

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				<p>otherwise required of teleconference meetings when holding a board meeting during a proclaimed state of emergency when state or local officials have imposed or recommend measures to promote social distancing; to determine whether, as a result of an emergency, meeting in person would present imminent risks to the health or safety of attendees; or when it has been determined, as a result of an emergency, that meeting in person would present imminent risks to the health or safety of attendees, (2) includes that the district may, in its discretion, provide a physical location from which the public may attend or comment and, (3) provides that the board may continue to conduct meetings by teleconference during proclaimed states of emergency by a majority vote finding within 30 days after teleconferencing for the first time and every 30 days thereafter that either the state of emergency continues to directly impact the ability of the board to meet safely in person or that state or local officials continue to impose or recommend measures to promote social distancing.</p>		
Additional Policy Revisions						
BB	9400	Board Self-Evaluation		The Board Bylaw has been revised to reflect current practice, as the Board no longer completed annual self-evaluations.		Current: 313 Proposed: 314

CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.42(a)

CHARTER SCHOOL RENEWAL

Note: When the term of a charter granted by the Governing Board pursuant to Education Code 47605 is due to expire, the charter school must submit a petition for renewal to the Board in accordance with Education Code 47607.

For a charter that was granted by the State Board of Education (SBE) on appeal after being denied by the district pursuant to Education Code 47605, the renewal petition must first be submitted to the chartering authority designated by SBE in accordance with Education Code 47605. For charters granted by SBE on appeal pursuant to Education Code 47605, as that section read on January 1, 2019, the charter school may continue operating until it is up for renewal, at which point it must submit a renewal petition to the board in the geographic boundaries where the charter school is located, pursuant to Education Code 47605.9.

A petition for the renewal of a charter that was originally granted by the County Board of Education on appeal after being denied by the district must be submitted directly to the County Board as the chartering authority pursuant to 5 CCR 11966.5.

Pursuant to Education Code 47607.4, as added by AB 130 (Ch. 44, Statutes of 2021), notwithstanding the renewal process established in Education Code 47605.9, 47607, 47607.2, or any other law, all charter schools whose term expires on or between January 1, 2022 and June 30, 2025 shall have their term extended by two years.

The Governing Board believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner, consistent with the timelines set out in the Education Code. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education (SBE) on appeal after initial denial by the Board.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

CHARTER SCHOOL RENEWAL (continued)

Note: The following **optional** paragraph may be revised to reflect district timelines for the submission of charter renewal petitions. Education Code 47605 requires that the Board grant or deny the renewal petition within 90 days of receiving the petition; see section entitled "Timelines for Board Action" below. However, it is recommended that charter schools submit their petition sufficiently early (e.g., as much as nine months before the term of the charter is due to expire) so that, in the event that the Board denies the renewal, the charter school may be able to appeal to the County Board and then to SBE and, if the school closes, to allow students of the charter school to transfer to another school.

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

Note: Education Code 47607 and 47607.2 authorize different lengths of renewals for high-performing, middle-performing, and low-performing charter schools.

Pursuant to Education Code 47607, charter renewals are subject to the same standards and criteria as initial charter authorizations as specified in Education Code 47605, except that the Board may not deny the renewal of an existing charter school based on a finding that (1) the district has a negative or qualified interim certification, or is under state receivership, and is not positioned to absorb the fiscal impact of the proposed charter school or (2) the charter school is demonstrably unlikely to serve the interests of the entire community in which the school will be located (i.e., the school would substantially undermine or duplicate existing district services or programs). However, these two criteria may be used to deny a proposed expansion of an existing charter school constituting a material revision. See BP/AR 0420.4 - Charter School Authorization for more information regarding the standards and criteria for initial charter authorizations and renewals.

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607; 5 CCR 11966.4)

Note: Pursuant to Education Code 47607.2, the review of the charter school's academic performance must be based on "verified data" from assessments and other indicators, including in certain instances measures of postsecondary outcomes, approved by SBE. In November 2020, SBE approved a list of valid and reliable

CHARTER SCHOOL RENEWAL (continued)

indicators of academic progress and postsecondary outcomes that may be used to demonstrate a charter school's academic performance. Such indicators are available on the California Department of Education's web site.

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. The Board shall only consider data from sources adopted by SBE. (Education Code 47607, 47607.2)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

Note: Pursuant to Education Code 47607, as amended by AB 130, the criteria described in item #1 below may be achieved for two of the most recent years for which state data is available preceding the renewal decision, rather than for the two consecutive years immediately preceding the renewal, if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year.

1. **Renewal of Five to Seven Years**

- a. A charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 shall be granted renewal for a period of five to seven years when, for two consecutive years immediately preceding the renewal, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, the charter school achieved either of the following: (Education Code 47607)
 - (1) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
 - (2) For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year,

CHARTER SCHOOL RENEWAL (continued)

received performance levels that are higher than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups

- b. If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607)

2. **Renewal of Five Years**

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
 - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
 - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers
- b. For any such charter school, the Board may deny the renewal petition only upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

Note: Education Code 47607.2, as amended by AB 130, authorizes the Board to deny renewal of a charter if the criteria described in item #3 below apply in two of the most recent years for which state data is available preceding the renewal decision, rather than for two consecutive years immediately preceding the renewal decision, if the two consecutive years immediately preceding the renewal include the 2019-20 or 2020-21 school year.

3. **Denial/Two-Year Renewal**

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the most recent years for which state data is available immediately preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, either of the following applies: (Education Code 47607.2)

CHARTER SCHOOL RENEWAL (continued)

- (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
 - (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that: (Education Code 47607.2)
- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
 - (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

In addition to all the grounds stated above for denial of a charter renewal, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The Board may deny the renewal for these reasons only upon a finding that either the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

Note: Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS are subject to the following criteria specified in Education Code 47607.

CHARTER SCHOOL RENEWAL (continued)

A charter school that qualifies for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Timelines for Board Action

Note: State law does not expressly provide a timeline for a public hearing on the renewal petition or for the Board's final decision on the renewal. However, pursuant to Education Code 47607, renewals are generally subject to the same standards and criteria applicable to initial charter authorizations, as specified in Education Code 47605. The following section reflects the timelines established for initial charter authorizations.

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school, determine the level of support for the petition, and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the charter renewal within 90 days of receiving the petition. The date may be extended by an additional 30 days if both the petitioner and the Board agree to the extension. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter petition, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

Note: Though 5 CCR 11966.4 provides that an "automatic renewal" results when the Board does not make a written factual finding on which a denial may be based within 60 days of receiving the renewal petition, the timelines specified in Education Code 47605 and described above should be followed, as they supersede the inconsistent regulation. The district should consult legal counsel in the event of a question regarding the timelines.

CHARTER SCHOOL RENEWAL (continued)

If the Board fails to make a written factual finding when required for denial of the petition pursuant to the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

School Closure

If a charter is not renewed and the charter school ceases operation, the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962 shall be implemented. (Education Code 47604.32, 47605)

*Legal Reference:*EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992*

52052 *Definition of numerically significant student subgroup*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement*

CODE OF REGULATIONS, TITLE 5

11962-11962.1 *Definitions*

11966.4 *Submission of charter renewal petition*

11966.5 *Charter petitions that have not been renewed; submission to county board of education*

UNITED STATES CODE, TITLE 20

7221-7221j *Expanding opportunity through quality charter schools*

*Management Resources:*CSBA PUBLICATIONS

Charter Schools: A Guide for Governance Teams, rev. June 2021

WEB SITES

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

California Charter Authorizing Professionals: <https://calauthorizers.org>

California Charter Schools Association: <https://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/ch>

National Association of Charter School Authorizers: <https://www.qualitycharters.org>

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

(3/20 3/21) 12/21

Policy Reference UPDATE Service

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Policy 0420.42: Charter School Renewal

Status: ADOPTED

Original Adopted Date: 02/14/2019 | **Last Revised Date:** 08/26/2021 | **Last Reviewed Date:** 08/26/2021

The Governing Board believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner, consistent with the timelines set out in the Education Code. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education (SBE) on appeal after initial denial by the Board.

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. The Board shall only consider data from sources adopted by SBE. (Education Code 47607, 47607.2)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1. Renewal of Five to Seven Years

- a. A charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 shall be granted renewal for a period of five to seven years when, for two consecutive years immediately preceding the renewal, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year, the charter school achieved either of the following: (Education Code 47607)
 - i. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years

- ii. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups
- b. If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607)

2. Renewal of Five Years

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
 - i. Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
 - ii. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers
- b. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

3. Denial/Two-Year Renewal

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2020-21 or 2021-22 school year, either of the following applies: (Education Code 47607.2)
 - i. The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
 - ii. For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that: (Education Code 47607.2)
 - i. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
 - ii. There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

In addition to all the grounds stated above for denial of a charter renewal, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The Board may deny the renewal for these reasons only upon a finding that either the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

A charter school that qualifies for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Timelines for Board Action

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school, determine the level of support for the petition, and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the charter renewal within 90 days of receiving the petition. The date may be extended by an additional 30 days if both the petitioner and the Board agree to the extension. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter petition, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

If the Board fails to make a written factual finding when required for denial of the petition pursuant to the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent or designee shall provide notification to CDE, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

School Closure

If a charter is not renewed and the charter school ceases operation, the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962 shall be implemented. (Education Code 47604.32, 47605)

CSBA Sample Board Policy

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021) **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations **mandate** districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP", below.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Whether a complaint of sexual harassment is addressed through the UCP or the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 - Sexual Harassment, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following policy and accompanying administrative regulation reflect all components required by law, 5 CCR 4600-4670, as amended by Register 2020, No. 21, and the 2021-22 FPM instrument. Additional details provided herein may help districts during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

UNIFORM COMPLAINT PROCEDURES (continued)**Complaints Subject to UCP**

Note: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Items #1-23 list all programs and activities identified in the FPM instrument. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)

(cf. 5146 - Married/Pregnant/Parenting Students)

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)

(cf. 6200 - Adult Education)

3. After School Education and Safety programs (Education Code 8482-8484.65)

(cf. 5148.2 - Before/After School Programs)

4. Agricultural career technical education (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

6. Child care and development programs (Education Code 8200-8488)

(cf. 5148 - Child Care and Development)

7. Compensatory education (Education Code 54400)

(cf. 6171 - Title I Programs)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

UNIFORM COMPLAINT PROCEDURES (continued)

9. Course periods without educational content (Education Code 51228.1-51228.3)

(cf. 6152 - Class Assignment)

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

14. Migrant education (Education Code 54440-54445)

(cf. 6175 - Migrant Education Program)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

UNIFORM COMPLAINT PROCEDURES (continued)

16. Student fees (Education Code 49010-49013)

(cf. 3260 - Fees and Charges)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

(cf. 6178.2 - Regional Occupational Center/Program)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

20. School safety plans (Education Code 32280-32289)

(cf. 0450 - Comprehensive Safety Plan)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

(cf. 0420 - School Plans/Site Councils)

22. State preschool programs (Education Code 8207-8225)

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to Education Code 8212, as renumbered by AB 131, and CDE's 2021-22 FPM instrument, the district must use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs.

Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694, as added by Register 2020, No. 21. See the section "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

Note: 5 CCR 4621 **mandates** that district policy ensure that complainants are protected from retaliation as specified in item #24 below.

UNIFORM COMPLAINT PROCEDURES (continued)

24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following **optional** paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Note: The following paragraph is **mandated** pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - *Unauthorized Release of Confidential/Privileged Information*)
 (cf. 5125 - *Student Records*)
 (cf. 9011 - *Disclosure of Confidential/Privileged Information*)

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Note: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Note: 5 CCR 4610, as amended by Register 2020, No. 21, limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

Note: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

UNIFORM COMPLAINT PROCEDURES (continued)*Legal Reference:*EDUCATION CODE

200-262.4 *Prohibition of discrimination*
 8200-8488 *Child care and development programs*
 8500-8538 *Adult basic education*
 18100-18203 *School libraries*
 32280-32289.5 *School safety plan, uniform complaint procedures*
 35186 *Williams uniform complaint procedures*
 46015 *Parental leave for students*
 48645.7 *Juvenile court schools*
 48853-48853.5 *Foster youth*
 48985 *Notices in language other than English*
 49010-49014 *Student fees*
 49060-49079 *Student records, especially:*
 49069.5 *Records of foster youth*
 49490-49590 *Child nutrition programs*
 49701 *Interstate Compact on Educational Opportunity for Military Children*
 51210 *Courses of study grades 1-6*
 51222 *Physical education, secondary schools*
 51223 *Physical education, elementary schools*
 51225.1-51225.2 *Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements*
 51226-51226.1 *Career technical education*
 51228.1-51228.3 *Course periods without educational content*
 52059.5 *Statewide system of support*
 52060-52077 *Local control and accountability plan, especially:*
 52075 *Complaint for lack of compliance with local control and accountability plan requirements*
 52300-52462 *Career technical education*
 52500-52617 *Adult schools*
 54400-54425 *Compensatory education programs*
 54440-54445 *Migrant education*
 54460-54529 *Compensatory education programs*
 59000-59300 *Special schools and centers*
 64000-64001 *Consolidated application process; school plan for student achievement*
 65000-65001 *School site councils*
GOVERNMENT CODE
 11135 *Nondiscrimination in programs or activities funded by state*
 12900-12996 *Fair Employment and Housing Act*

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)*Legal Reference: (continued)*HEALTH AND SAFETY CODE*1596.792 California Child Day Care Act; general provisions and definitions**1596.7925 California Child Day Care Act; health and safety regulations*PENAL CODE*422.55 Hate crime; definition**422.6 Interference with constitutional right or privilege*CODE OF REGULATIONS, TITLE 2*11023 Harassment and discrimination prevention and correction*CODE OF REGULATIONS, TITLE 5*3200-3205 Special education compliance complaints**4600-4670 Uniform complaint procedures**4680-4687 Williams uniform complaint procedures**4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs**4900-4965 Nondiscrimination in elementary and secondary education programs**15580-15584 Child nutrition programs complaint procedures*UNITED STATES CODE, TITLE 20*1221 Application of laws**1232g Family Educational Rights and Privacy Act**1681-1688 Title IX of the Education Amendments of 1972**6301-6576 Title I Improving the academic achievement of the disadvantaged**6801-7014 Title III language instruction for English Learners and immigrant students*UNITED STATES CODE, TITLE 29*794 Section 504 of Rehabilitation Act of 1973*UNITED STATES CODE, TITLE 42*2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended**2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964**6101-6107 Age Discrimination Act of 1975**11431-11435 McKinney-Vento Homeless Assistance Act**12101-12213 Title II equal opportunity for individuals with disabilities*CODE OF FEDERAL REGULATIONS, TITLE 28*35.107 Nondiscrimination on basis of disability; complaints*CODE OF FEDERAL REGULATIONS, TITLE 34*99.1-99.67 Family Educational Rights and Privacy Act**100.3 Prohibition of discrimination on basis of race, color or national origin**104.7 Designation of responsible employee for Section 504**106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:**106.8 Designation of responsible employee and adoption of grievance procedures**106.30 Definitions**106.44 Response to notice of sexual harassment**106.45 Titles IX sexual harassment complaint procedures**110.25 Notification of nondiscrimination on the basis of age**Management Resources: (see next page)*

UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

Uniform Complaint Procedure 2021-22 Program Instrument

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

Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021

Part I: Questions and Answers Regarding the Department's Title IX Regulations, January 2021

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National

Origin Discrimination Affecting Limited English Proficient Persons, 2007

WEB SITES

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

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

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

California Department of Social Services: <https://www.cdss.ca.gov>

Student Privacy Policy Office: <http://www2.ed.gov/about/offices/list/oepd/sppo>

U.S. Department of Agriculture: <https://www.usda.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

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Policy Reference UPDATE Service

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Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 04/29/2021

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)

17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8235-8239.1)
23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)
24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including

the right to file the complaint with the California Department of Fair Employment and Housing.

4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
 5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
 6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
 7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)
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CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021) **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations **mandate** districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 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, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) 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 receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.

UNIFORM COMPLAINT PROCEDURES (continued)

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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

Assistant Superintendent of Educational Services

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(707) 441-3363

Note: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Note: 5 CCR 4621 **mandates** that the district's policy requires employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the

UNIFORM COMPLAINT PROCEDURES (continued)

complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

UNIFORM COMPLAINT PROCEDURES (continued)

Note: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

A sample of the annual notice is available through CDE's web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

(cf. 3260 - Fees and Charges)

6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)

UNIFORM COMPLAINT PROCEDURES (continued)

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the district, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and district school are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a web site may comply by posting the information on the web site of its district or county office of education (COE), however a school, district, or COE is not required to establish a web site if it does not maintain one. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school web sites and may be provided through district-supported social media, if available.

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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 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 2007 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 the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter 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. 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.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices 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 UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

UNIFORM COMPLAINT PROCEDURES (continued)

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)

Note: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

Note: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for

UNIFORM COMPLAINT PROCEDURES (continued)

filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim. In OCR's Part 1: Questions and Answers Regarding the Department's Title IX Regulations, it is stated that, "Title IX regulations balance a complainant's desire for confidentiality (in terms of, for instance, the complainant's identity not being disclosed to the respondent) with a school's discretion to pursue an investigation where factual circumstances warrant an investigation even though the complainant does not desire to file a formal complaint or participate in a grievance process."

These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the ADR method and timelines used within the district.**

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

UNIFORM COMPLAINT PROCEDURES (continued)

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

UNIFORM COMPLAINT PROCEDURES (continued)

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Note: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, under certain circumstances, some of the same rights should be extended to a respondent in order to make the process equitable. For example, since the respondent to a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is usually an individual, the respondent should be notified when the complainant has agreed to an extension of timelines. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice. When questions arise as to what rights to provide to a respondent, the district should consult legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section

UNIFORM COMPLAINT PROCEDURES (continued)

"Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

OPTION 2: (Districts that allow complainants to appeal to the Board)

~~Note: The remainder of this section is for use by districts that select Option 2.~~

~~Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.~~

~~Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.~~

~~The Board may 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. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

~~(cf. 9321 - Closed Session)~~

~~If the Board hears the complaint, the compliance officer shall send the Board's decision 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)~~

~~For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

Investigation Report

~~Note: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.~~

UNIFORM COMPLAINT PROCEDURES (continued)

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "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." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Policy Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see the section "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

Note: The following section may be revised to reflect district practice.

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

UNIFORM COMPLAINT PROCEDURES (continued)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. 5144 - Discipline)

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

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

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

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. Districts that do not maintain elementary schools should delete the reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Note: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report

UNIFORM COMPLAINT PROCEDURES (continued)

3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Note: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the Superintendent of Public Instruction or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report; (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

Note: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

UNIFORM COMPLAINT PROCEDURES (continued)

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

UNIFORM COMPLAINT PROCEDURES (continued)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

(cf. 1340 - Access to District Records)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

(12/20 6/21) 12/21

Policy Reference UPDATE Service

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Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 11/18/2021 | **Last Reviewed Date:** 11/18/2021

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Assistant Superintendent of Educational Services
2100 J Street
Eureka, CA 95501
(707) 441-3363

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices 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 UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is

withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report

3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8235.5; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8235.5; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8235.5; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

CSBA Sample Exhibit

Community Relations

E(1) 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225, as renumbered by AB 131). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

Note: Education Code 8212, as renumbered by AB 131, requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school or district office, or

UNIFORM COMPLAINT PROCEDURES (continued)

downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form when available from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

(5/20) 12/21

Policy Reference UPDATE Service

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Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/27/2020 | **Last Reviewed Date:** 08/27/2020

See PDF on the next page.

Note: Education Code 8235.5 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8235-8239.1). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

Note: Education Code 8235.5 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

CSBA Sample Exhibit

Community Relations

E(2) 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: Pursuant to Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8212 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair.
- ☐ Drinking water is not accessible and/or readily available throughout the day.

UNIFORM COMPLAINT PROCEDURES (continued)

- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- ☐ Restroom facilities are not available only for preschoolers and kindergartners.
- ☐ The preschool program does not provide visual supervision of children at all times.
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- ☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Note: Education Code 8212, as renumbered by AB 131, requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

(5/20) 12/21

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/27/2020 | **Last Reviewed Date:** 08/27/2020

See PDF on the next page.

Exhibit
Uniform Complaint Procedures

Descriptor Code: 1312.3(2)

Note: Pursuant to Education Code 8235.5, uniform complaint procedures should be used for complaints alleging that a license-exempt California State Preschool Program (CSPP) does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

**PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES**

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair.
- ☐ Drinking water is not accessible and/or readily available throughout the day.
- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- ☐ Restroom facilities are not available only for preschoolers and kindergartners.

- ☐ The preschool program does not provide visual supervision of children at all times.
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- ☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Note: Education Code 8235.5 requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3515.6(a)

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

Note: Education Code 45125.1, as amended by AB 130 (Ch. 44, Statutes of 2021), and 45125.2 require any entity that has a contract with the district to ensure that employees who interact with students outside of the immediate supervision and control of the student's parent/guardian or school staff, have a valid criminal records summary as described in Education Code 44237.

Except in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable, any entity contracting with the district for services that may require the entity's employees to interact with students, outside of the immediate supervision and control of parents/guardians or school staff, shall certify to the district that each of its employees who may interact with students has a valid criminal records summary as described in Education Code 44237 and that neither the entity nor any of those employees has been convicted of a violent or serious felony as defined in Education Code 45122.1. Such contracting entity shall also be required to immediately provide the district with any subsequent arrest and conviction information received pursuant to the subsequent arrest service. (Education Code 44237, 45125.1)

On a case-by-case basis, the Superintendent or designee may require any entity with which the district has a contract to comply with these same requirements. (Education Code 45125.1)

Note: Pursuant to Education Code 45125.1, as amended by AB 130, the requirement for a criminal records summary also applies to any individual operating as a sole proprietor who contracts with the district. In the case of a sole proprietor, Education Code 45125.1 provides that it is the responsibility of the district to prepare and submit the sole proprietor's fingerprints to the Department of Justice.

For an individual who is operating as the sole proprietor of an entity, the Superintendent or designee shall treat the individual as an employee of the entity and shall prepare and submit the individual's fingerprints to the Department of Justice (DOJ). (Education Code 45125.1)

Any contracting entity's employee who has been convicted of a violent or serious felony, as defined in Education Code 45122.1, shall not be permitted to interact with students unless a certificate of rehabilitation and pardon pursuant to Penal Code 4852.01-4852.22 has been submitted to the Superintendent or designee. (Education Code 45125.1)

The Superintendent or designee may determine that criminal background checks will not be required if the contract is for the construction, reconstruction, rehabilitation, or repair of a school facility and the contracting entity is providing services in an emergency or exceptional situation, or the district uses one or more of the following methods to ensure student safety: (Education Code 45125.2)

1. The installation of a physical barrier at the worksite to limit contact with students

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS (continued)

2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom DOJ has ascertained has not been convicted of a violent or serious felony
3. Surveillance of employees of the entity by school personnel

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

The Superintendent or designee may take appropriate steps to protect the safety of any students who may come in contact with employee's of contracting entities, including, but not limited to, ensuring that the employee's of such entities perform work during nonschool hours, do not work alone when students are present, have limited access to school grounds, are provided with a visible means of identification, and/or that there are regular patrols or supervision of the site from district security or personnel.

(cf. 3515.3 - District Police/Security Department)

Legal Reference:

EDUCATION CODE

41302.5 School districts, definition

44237 Applicants for employment; fingerprints for purpose of criminal record summary

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Criminal background checks for contractors; criminal records summary

45125.2 Criminal background checks for construction

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

4852.01-4852.22 Procedure for restoration of rights and application for pardon

Management Resources:

WEB SITES

Department of Justice: <https://oag.ca.gov/fingerprints>

(10/98 10/17) 12/21

Policy Reference UPDATE Service

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Regulation 3515.6: Criminal Background Checks For Contractors

Status: ADOPTED

Original Adopted Date: 05/03/2018 | Last Reviewed Date: 05/03/2018

When the employees of any entity contracting with the district to provide specified services will have contact with students, the entity shall certify in writing to the Superintendent or designee that none of those employees has been convicted of a violent or serious felony as defined in Education Code 45122.1. In the case of a sole proprietor, the Superintendent or designee shall prepare and submit the employee's fingerprints to the Department of Justice. If any contracting employee who may have contact with students has been convicted of a violent or serious felony as defined, a certificate of rehabilitation and a pardon as required pursuant to Education Code 45125.1 shall be submitted to the Superintendent or designee before the contracting employee is authorized to perform the work for the district. (Education Code 45125.1)

These requirements shall apply to a sole proprietor or entity contracting with the district to provide any of the following services: (Education Code 45125.1, 45125.2)

1. School and classroom janitorial services
2. School site administrative services
3. School site grounds and landscape maintenance services
4. Student transportation services
5. School site food-related services
6. Construction, reconstruction, rehabilitation, or repair of a school facility

On a case-by-case basis, the Superintendent or designee may require a contracting entity providing school site services other than those listed above to comply with these requirements. (Education Code 45125.1)

The Superintendent or designee may determine that criminal background checks will not be required if:

1. The contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1)
2. The employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the Superintendent or designee shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether students will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. (Education Code 45125.1)

Upon a determination that an employee will have limited contact with students, the Superintendent or designee shall take appropriate steps to protect the safety of any students who may come in contact with this employee. (Education Code 45125.1)

These steps may include, but are not limited to, ensuring that the employee is working during nonschool hours, providing for regular patrols or supervision of the site from district security or personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds, and/or providing the employee with a visible means of identification.

3. The contract is for the construction, reconstruction, rehabilitation, or repair of a school facility and either item #1 or #2 above applies or the district uses one or more of the following methods to ensure student safety: (Education Code 45125.2)
 - a. The installation of a physical barrier at the worksite to limit contact with students
 - b. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony
 - c. Surveillance of employees of the entity by school personnel

CSBA Sample Administrative Regulation

Classified Personnel

AR 4217.3(a)

LAYOFF/REHIRE

Note: The following **optional** regulation is subject to collective bargaining, and may be deleted by those districts whose agreements fully cover the provisions specified below.

Education Code 45114, 45117, 45298 and 45308 establish the procedures by which the Governing Board may lay off and reemploy classified employees.

Because of the complexity of related Education Code provisions and the interaction with collective bargaining agreements, it is strongly recommended that the district consult with legal counsel before instituting layoff proceedings.

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

(cf. 4121 - Temporary/Substitute Personnel)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

Note: For any district whose average daily attendance (ADA) is under 400,000, Education Code 45308 defines "length of service" as employees' hours in paid status (Option 1 below). However, such a district may instead choose to enter into an agreement with the exclusive representative of classified employees to determine "length of service" based on an employee's date of hire (Option 2 below).

For any district with an ADA of 400,000 or higher, Education Code 45308 requires length of service to be based on the date of hire; such districts should select Option 2 below.

"Date of hire" is not defined in the law and could refer to the employee's first date of hire in the district or the employee's date of hire in the classification or higher classification. Districts selecting Option 2 below may revise the applicable paragraph to reflect the definition determined by the district or by agreement with the exclusive representative of classified employees, as applicable.

OPTION 1: ~~(For districts with average daily attendance (ADA) under 400,000 that do not have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire)~~

~~"Length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service~~

LAYOFF/REHIRE (continued)

~~shall not include hours compensated solely on an overtime basis, as provided in Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status except for service in a restricted position pursuant to Education Code 45105. (Education Code 45308)~~

~~The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. (Education Code 45308)~~

~~For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)~~

~~(cf. 4161.5/4261.5/4361.5 - Military Leave)~~

~~Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)~~

~~(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)~~

~~(cf. 4261.1 - Personal Illness/Injury Leave)~~

~~(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)~~

OPTION 2: (For districts with ADA under 400,000 that have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire, and for districts with ADA over 400,000)

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first. (Education Code 45308)

Note: The following paragraph applies to both Options 1 and 2. Pursuant to Education Code 45105 and 45259, persons employed in "restricted positions" are classified employees. However, they do not acquire permanent status or seniority credits unless they satisfy the conditions specified below.

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

(cf. 4200 - Classified Personnel)

LAYOFF/REHIRE (continued)**Notice of Layoff and Hearing Rights**

Note: Education Code 45117 applies to both districts that have adopted the merit system and those that have not. Education Code 45117, as amended by AB 438 (Ch. 665, Statutes of 2021), specifies notice requirements and hearing rights the district must provide to permanent classified employees, as defined, who are subject to layoff due to lack of work or lack of funds, including that notice be given no later than March 15. If a permanent classified employee is not given the required notice and a right to a hearing in accordance with law, the employee is deemed reemployed for the next school year.

Pursuant to Education Code 45117, as amended by AB 438, a "permanent employee" is defined as an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with the District Statement of Reduction in Force documents. The employee has five calendar days from service of the District Statement of Reduction in Force documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service of the District Statement of Reduction in Force documents. (Education Code 45117)

Note: Education Code 45117, as amended by AB 438, allows permanent classified employees given notice of a layoff to request a hearing before an administrative law judge. On or before May 7, the administrative judge is required to submit the proposed decision, containing a determination as to the sufficiency of the cause and a recommendation as to disposition regarding the layoff, to the Board for consideration and to the affected employee(s).

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with

LAYOFF/REHIRE (continued)

Government Code 11500-11529. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

Note: Pursuant to Education Code 45117, as amended by AB 438, the district may reduce classified staff due to lack of work or lack of funds when the Board determines, during the time between five days after the enactment of the Budget Act and August 15, that the district's total local control funding formula apportionment per unit of ADA for the fiscal year of the Budget Act has not increased by at least two percent.

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

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

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

Reemployment

Note: The following **optional** section specifies the rights of employees who are laid off or who take voluntary demotion or reduction in assigned time in lieu of layoff. Pursuant to Education Code 45308, laid-off classified employees have reemployment rights which are enforced in order of seniority rather than

LAYOFF/REHIRE (continued)

reverse order of layoff. In Tucker v. Grossmont Union High School District, a California appellate court ruled that a laid-off employee's reemployment right entitled the employee to preference over any new applicant to available positions for which the employee is qualified, including positions in different classes from which the employee was laid off.

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

Note: Pursuant to San Mateo City School District v. Public Employment Relations Board, districts may adopt procedures which implement Education Code 45113 and 45114 as long as such procedures do not replace or set aside mandatory Education Code provisions. These procedures may be adopted pursuant to Board policy and/or collective bargaining agreement.

The following **optional** paragraph should be **deleted** by districts with a collective bargaining agreement that contains reemployment procedures, unless the district also has unrepresented classified employees.

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

Note: The following paragraph is **optional** and may be modified to reflect district practice.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

(cf. 4032 - Reasonable Accommodation)

Note: An argument can be made that, absent a collective bargaining provision to the contrary, once a district has offered a laid-off classified employee a position pursuant to the employee's reemployment rights under Education Code 45298 and that employee has refused the position, the district has discharged its duty to that employee. Whether such action conflicts with an employee's statutory right to reemployment is unclear.

LAYOFF/REHIRE (continued)

The following two **optional** paragraphs should be used only with the approval of the district's legal counsel; the number of refusals that will trigger the removal of the employee's name from the district's reemployment list should be modified accordingly.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

Note: The following **optional** section should be **deleted** by districts that do not reinstate laid-off employee benefits upon reemployment and those whose collective bargaining agreements address the issue.

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or

LAYOFF/REHIRE (continued)

reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

*Legal Reference:*EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications; classification

45113 Rules and regulations for classified service in districts not incorporating the merit system

45114 Layoff and reemployment procedures; definitions

45115 Layoff; reinstatement from service retirement

45117 Notice of layoff and hearing rights

45286 Limited term employees

45297 Right to take equivalent examination while employee in military service

45298 Reemployment of persons laid off; voluntary demotions or reductions in time

45308 Order of layoff and reemployment; length of service

45309 Reinstatement of permanent noncertified employees after resignation

GOVERNMENT CODE

11500-11529 Administrative adjudication; formal hearings

UNITED STATES CODE, TITLE 38

4301-4335 Employment and reemployment rights of members of the uniformed services

COURT DECISIONSTucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850*Management Resources:*WEB SITESCalifornia School Employees Association: <http://www.csea.com>

(11/11 11/12) 12/21

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Regulation 4217.3: Layoff/Rehire

Status: ADOPTED

Original Adopted Date: 10/24/2013 | **Last Reviewed Date:** 10/24/2013

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first. (Education Code 45308)

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine his/her length of service, provided he/she has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

Notice of Layoff

Whenever a classified employee is to be laid off for lack of work or lack of funds, written notice shall be given to the employee, informing him/her of the layoff, the date the layoff goes into effect, any displacement rights, and reemployment rights. The notice shall be given: (Education Code 45117)

1. At least 60 days prior to the effective date of the layoff, if the layoff is for lack of work resulting from a bona fide reduction or elimination of service being performed.
2. No later than April 29, if the layoff is for lack of funds due to the expiration of a specially funded program at the end of any school year. However, if the termination date of the specially funded program is other than June 30, the employee shall be given notice at least 60 days from the effective date of the layoff.

The district is not required to provide the 60-day notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the district. (Education Code 45117)

The district also is not required to provide the 60-day notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Reemployment

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at his/her last known telephone number to notify him/her of the vacancy and then sending written notice by certified and standard mail to his/her last known address. The employee shall advise the district of his/her decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, he/she shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, he/she shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

If an employee is employed in a new position and fails to complete the probationary period in the new position, he/she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded to him/her at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board of Education on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

CSBA Sample Administrative Regulation

Students

AR 5125(a)

STUDENT RECORDS

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Note: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA).

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

Note: USDOE guidance, Balancing Student Privacy and School Safety, clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

STUDENT RECORDS (continued)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family

Note: Pursuant to 34 CFR 99.3, the definition of "personally identifiable information" includes a personal identifier such as a student's social security number. Education Code 49076.7 prohibits districts from collecting or soliciting social security numbers, or the last four digits of social security numbers, from students or their parents/guardians unless otherwise required to do so by state or federal law. If a social security number is collected under such circumstances, it must be classified as personally identifiable information and is subject to the restrictions related to access or de-identification of records specified in 34 CFR 99.30-99.39 and this administrative regulation.

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

STUDENT RECORDS (continued)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Note: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see section "Notification of Parents/Guardians" below.

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

Note: 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records, as provided below. In 73 Fed. Reg. 74815 (2008), USDOE stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

STUDENT RECORDS (continued)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

Note: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities, including the right to access student records, are transferred to the student at 18 years of age except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

Note: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with a parent/guardian for more than half the taxable year, meets the specified age requirements, has not provided more than half of one's own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

STUDENT RECORDS (continued)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - *Chronic Absence and Truancy*)

(cf. 5113.12 - *District School Attendance Review Board*)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under such circumstances, it is not obligated to individually notify parents/guardians or adult students. The following **optional** paragraph may be deleted by districts that include such a statement in their annual parental notification. See section below entitled "Notification of Parents/Guardians."

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Note: Item #6 below is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 69432.9 requires that parents/guardians be notified that their child's GPA will be forwarded unless they opt out within the time period specified in the notice. This notification could be included in the annual parental notification issued pursuant to Education Code 48980.

STUDENT RECORDS (continued)

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

Note: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

STUDENT RECORDS (continued)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

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

STUDENT RECORDS (continued)

(cf. 6173.1 - Education for Foster Youth)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))
18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

STUDENT RECORDS (continued)

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Note: The following optional paragraph may be revised to reflect district practice.
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~~Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.~~

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31,

STUDENT RECORDS (continued)

organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

- a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
 5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

<p>Note: Education Code 49076 includes "contractors" and "consultants," as defined in the section "Definitions" above, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.31, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.</p>

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

<p>Note: Items #7 and 8 below are for use by districts that maintain high schools.</p>
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7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may

STUDENT RECORDS (continued)

be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

Note: 20 USC 1232(g) and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or educational research organizations when such actions would be "in the best educational interests of students."

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

STUDENT RECORDS (continued)**Process for Providing Access to Records**

Note: Education Code 49069 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

Note: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which does not use physical or technological access controls (e.g., a locked file cabinet or computer security limiting access) must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

The Analysis to Comments and Changes (73 Fed. Reg. 237, page 74817) suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

In addition, as a condition of participation in an interagency data information system (e.g., California Longitudinal Pupil Achievement Data System), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

STUDENT RECORDS (continued)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

Note: 34 CFR 99.30 specifies information that must be included in the parent/guardian consent form, as provided below. The provisions in the following two paragraphs are required pursuant to the California Attorney General's model policy developed pursuant to Education Code 234.7. See the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Note: Education Code 49069 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Note: Education Code 49069 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

STUDENT RECORDS (continued)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

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

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

Note: Although Education Code 49064 does not require the district to record access by individuals specified in items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see section above entitled "Process for Providing Access to Records."

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

Note: Pursuant to Education Code 234.7, any request for student information by a law enforcement agency for the purpose of enforcing immigration laws must be reported to the Superintendent and the Board; see the accompanying Board policy. Therefore, it is recommended that the custodian of records make an entry in the log regarding any such requests, as provided in item #6 below.

6. Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

Note: Education Code 49069 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

STUDENT RECORDS (continued)

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

Note: In CALPADS' "Update FLASH #158, Guidance for Changing a Student's Legal Name in CALPADS", the California Department of Education states that a request to change a student's legal name must be supported by legal documentation such as a court record, birth certificate, or passport.

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with the process specified in AR 5125.3 - Challenging Student Records. (Education Code 49070)

(cf. 5125.3 - Challenging Student Records)

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student

STUDENT RECORDS (continued)

4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or organizations who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

STUDENT RECORDS (continued)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

STUDENT RECORDS (continued)

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

Note: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this is not applicable in circumstances where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

STUDENT RECORDS (continued)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 48985, 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records

STUDENT RECORDS (continued)

9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

Note: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in **optional** item #13 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "Access for Limited Purpose/Legitimate Educational Interest" above).

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

Note: The following paragraph reflects the Attorney General's model policy developed pursuant to Education Code 234.7.

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

Note: The following **optional** section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

STUDENT RECORDS (continued)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

Updating Name and/or Gender of Former Students

Note: Education Code 49062.5 requires a district to update a former student's records to reflect a change to the former student's name and/or gender, as specified below.

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the

STUDENT RECORDS (continued)

former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records. (Education Code 49062.5)

(5/18 12/19) 12/21

Regulation 5125: Student Records

Status: ADOPTED

Original Adopted Date: 10/22/2018 | Last Revised Date: 06/04/2020 | Last Reviewed Date: 06/04/2020

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8
4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated,

selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)
8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless

specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)
16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)
6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)
7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is

permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49062.5, 49070; 5 CCR 437)

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The district is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor
2. A log identifying persons or organizations who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or prohibition of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavioral pattern
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein

2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the

contract or from selling or sharing the information with any person or entity other than the district, the student, or the student's parent/guardian

- b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first
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CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

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 paragraph identifies the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws 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 different 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.

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.

NONDISCRIMINATION/HARASSMENT (continued)

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 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)

District Coordinator
Assistant Superintendent of Educational Services
2100 J Street
Eureka, CA 95501
(707) 441-3363

(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:

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.

NONDISCRIMINATION/HARASSMENT (continued)

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 requires a district 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. 5145.9 - Hate-Motivated Behavior)

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)

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 requires districts 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)

NONDISCRIMINATION/HARASSMENT (continued)

- a. The name and contact information of the district's Title IX Coordinator, 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, 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
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. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to

NONDISCRIMINATION/HARASSMENT (continued)

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.

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.

(*cf. 1240 - Volunteer Assistance*)

(*cf. 4131 - Staff Development*)

(*cf. 4231 - Staff Development*)

(*cf. 4331 - Staff Development*)

NONDISCRIMINATION/HARASSMENT (continued)

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.

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

NONDISCRIMINATION/HARASSMENT (continued)

(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 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.

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)

NONDISCRIMINATION/HARASSMENT (continued)

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 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 notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the 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)

Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

Note: The terms and definitions used below are consistent with California law, case law, and generally accepted terms within academia and in publications issued by state and federal agencies such as CDE and OCR, including provisions in the California Gender Recognition Act that recognize three gender options, female, male, and nonbinary, and define "nonbinary" and other related terms such as "intersex" and "transgender". In addition to consistency with the above, the definition of "gender identity" below is consistent with the Resolution Agreement between the Arcadia Unified School District, OCR, 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."

The following section is also consistent with OCR's fact sheet "Supporting Intersex Students: A Resource for Students, Families, and Educators," issued in October 2021 and CDE's "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS," which provides guidance on changing a student's gender and/or legal name on the student's mandatory permanent record.

NONDISCRIMINATION/HARASSMENT (continued)

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.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

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

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

NONDISCRIMINATION/HARASSMENT (continued)

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 gender identity 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 intersex, nonbinary, 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 gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, 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:

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

Pursuant to state and federal law, a district has the responsibility to ensure a safe, nondiscriminatory school environment for all students and equal access to the educational program for intersex, nonbinary, transgender, or gender non-conforming students. As part of its obligation, the district must keep a student's private information, including a student's gender, gender identity, or gender expression, confidential. CDE's "School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions," references a transgender student's informational privacy right under Article I, Section I of the California Constitution as protecting the student's gender identity from disclosure. However, CDE specifies that, pursuant to 34 CFR 99.36, disclosure of such information to appropriate parties is permitted in connection with an emergency, as necessary to protect the health or safety of the student or other individuals. Therefore, a district is required to take measures such as those specified in the following paragraph, to prevent unintentional release of students' private information and should contact legal counsel before disclosing a student's gender identity without the student's consent.

NONDISCRIMINATION/HARASSMENT (continued)

1. **Right to privacy:** A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information. The district shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

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 intersex, nonbinary, 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 an intersex, nonbinary, 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 intersex, nonbinary, 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.

NONDISCRIMINATION/HARASSMENT (continued)

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 intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be 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 an intersex, nonbinary, 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. 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 intersex, nonbinary, 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.

NONDISCRIMINATION/HARASSMENT (continued)

(cf. 6145 - *Extracurricular and Cocurricular Activities*)
 (cf. 6145.2 - *Athletic Competition*)
 (cf. 6153 - *School-Sponsored Trips*)
 (cf. 7110 - *Facilities Master Plan*)

Note: Education Code 49062.5 and 49070 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. Pursuant to 5 CCR 432, a district is required to maintain for each student a mandatory permanent student record that includes the student's legal name, sex, and other specified details. While 5 CCR 4910 refers to "sex" as the "biological condition or quality of being a female or male human being," it also defines "gender" to mean "sex," which includes "a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." When responding to a request to change the gender or legal name of intersex, nonbinary, transgender, or gender non-conforming students, districts should be mindful of laws prohibiting gender-based discrimination. In CALPADS' "Update FLASH #158, Guidance for Changing a Student's Gender in CALPADS", CDE distinguishes the process for updating a student's legal name from the process for updating a student's gender. According to CDE, a district must receive formal documentation that a student's name has been legally changed before the student's recorded legal name may be changed in the student's mandatory permanent student record (official record). When documentation is not provided, CDE states the district should nonetheless update all other school records (unofficial records such as attendance sheets, report cards, and school identification) to reflect the name change. On the other hand, to change a student's gender in the student's official records, CDE states that there is no specific requirement regarding formal documentation or process that a district should review or require in determining the gender to be recorded in the official records. Pursuant to Education Code 49061, only a parent/guardian may authorize a change to a student's gender in the student's official record. The district should consult legal counsel in developing a policy in this regard.

5. Student Records: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

(cf. 5125 - *Student Records*)
 (cf. 5125.1 - *Release of Directory Information*)
 (cf. 5125.3 - *Challenging Student Records*)

NONDISCRIMINATION/HARASSMENT (continued)

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)

(5/20 7/20) 12/21

Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 10/22/2018 | **Last Revised Date:** 11/19/2020 | **Last Reviewed Date:** 11/19/2020

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 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)

District Coordinator
Assistant Superintendent of Educational Services
School Principal
2100 J Street
Eureka, CA 95501
(707) 441 3363

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:

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
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)
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)
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 Coordinator, 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, which shall include:
 - i. 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

- ii. 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
 - iii. 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
- 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.
- 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.
- 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)
- 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.

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
- 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
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

Process for Initiating and Responding to Complaints

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)

When a 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 notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the 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.

Transgender and Gender-Nonconforming Students

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.

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:

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.

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 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.

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.
 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)
 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.
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CSBA Sample Board Policy

Students

BP 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following **optional** policy may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Welfare and Institutions Code 10207-10490) establishes a variety of child care programs including resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-18248), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263).

Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). AB 131 (Ch. 116, Statutes of 2021) repeals the statutes governing such programs from the Education Code and reenacts them in the Welfare and Institutions Code. Pursuant to Welfare and Institutions Code 10205, all existing regulations relating to child care programs that have been adopted by CDE are expressly continued in force, unless they conflict with law.

Education Code 8207, as added by AB 131, clarifies that the Superintendent of Public Instruction (SPI) and CDE retain administrative supervision of the California State Preschool Program (CSPP).

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), see BP/AR 5148.2 - Before/After School Programs. For requirements pertaining to preschool programs for children ages 3-4 pursuant to the CSPP, as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 131, (Education Code 8200-8340) see BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6175 - Migrant Education Program)

The Board ~~shall~~ may enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

Note: The following **optional** paragraph may be revised to reflect district practice. Welfare and Institutions Code 10480-10487, as amended and renumbered by AB 131, establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

CHILD CARE AND DEVELOPMENT (continued)

The district ~~shall~~ may work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

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

(cf. 1700 - Relations Between Private Industry and the Schools)

Note: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

Note: AB 131 allocates additional funds to provide subsidized child care programs with COVID-19 pandemic-related assistance. To receive the additional funding, a child care program that is funded to be operational, but which is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, is required to provide distance learning services as specified by CDSS.

When a district child care program is physically closed by local or state public health order due to the COVID-19 pandemic, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

Eligibility and Enrollment

Note: Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

CHILD CARE AND DEVELOPMENT (continued)

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

(cf. 3540 - Transportation)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Note: Welfare and Institutions Code 10271 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Welfare and Institutions Code 10332 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

Note: The following paragraph is **optional** and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

Note: Pursuant to Education Code 48000, as amended by AB 130, a child's eligibility for transitional kindergarten enrollment may not impact family eligibility for a preschool or childcare program.

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

Staffing

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Welfare and Institutions Code 10380 - 10387.5 and 5 CCR 80105-80125. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Welfare and Institutions Code 10213.5 and 5 CCR 18295.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Facilities

Note: **Optional** items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

Note: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611, as amended by Register 2020, No. 21, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3.

CHILD CARE AND DEVELOPMENT (continued)

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license-exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

Note: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

Legal Reference: (see next page)

CHILD CARE AND DEVELOPMENT (continued)*Legal Reference:*EDUCATION CODE*8200-8340 California State Preschool Program, especially:**8207 Administration; operation of programs; services**8482-8484.65 After-school education and safety program**8484.7-8484.9 21st Century community learning centers**48000 Transitional kindergarten**49540-49546 Child care food program**49570 National School Lunch program**56244 Staff development funding*HEALTH AND SAFETY CODE*1596.70-1596.895 California Child Day Care Act**1596.90-1597.21 Day care centers**120325-120380 Immunization requirements*WELFARE AND INSTITUTIONS CODE*10200-10206 Early Childhood Development Act of 2020**10207-10490 Child Care and Development Services Act, especially:**10207-10215 General provisions**10217-10224.5 Resource and referral programs**10225-10234 Alternative payment programs**10235-10238 Migrant child care and development programs**10240-10243 General child care and development programs**10250-10252 Family child care home education networks**10260-10263 Child care and development services for children with special needs**10271 Eligibility, enrollment and priority of services; physical examinations; rules and regulations**10271.5 Income eligibility**10272.5 Order of disenrollment**10273 Preferred placement for otherwise eligible children ages 11 or 12**10290 Fee schedule for families using preschool and child care and development services**10291 Families exempt from family fees**10315 Transfer of information to public schools**10322 Children residing in another district; use of facilities and personnel**10480-10487 Local planning councils*CODE OF REGULATIONS, TITLE 5*4610-4687 Uniform complaint procedures**18000-18434 Child care and development programs, especially:**18012-18122 General requirements**18180-18192 Federal and state migrant programs**18210-18213 Severely handicapped program**18220-18231 Alternative payment program**18240-18248 Resource and referral program**18270-18281 Program quality, accountability**18290-18292 Staffing ratios**18295 Waiver of qualifications for site supervisor**18300-18308 Appeals and dispute resolution**80105-80125 Commission on Teacher Credentialing, child care and development permits**Legal Reference continued: (see next page)*

CHILD CARE AND DEVELOPMENT (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*

101151-101163 *Licensing and application procedures*

101212-101231 *Continuing requirements*

101237-101239.2 *Facilities and equipment*

UNITED STATES CODE, TITLE 42

1751-1769j *National School Lunch Programs*

9831-9852 *Head Start programs*

9858-9858q *Child care and development block grant*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch program*

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 *Child care and development fund*

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)

91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES PUBLICATIONS

COVID-19 Licensed Child Care Facilities and Providers (FAQs)

Child Care & Development Division FAQ

Child Care Transition: The Early Childhood Development Act of 2020

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services: <https://www.cdss.ca.gov>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

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

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Policy Reference UPDATE Service

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Policy 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 02/03/2016 | **Last Revised Date:** 11/18/2021 | **Last Reviewed Date:** 11/18/2021

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board may enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

The district may work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

Facilities

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

CSBA Sample Administrative Regulation

Students

AR 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following administrative regulation reflects provisions generally applicable to programs under the Child Care and Development Services Act (Welfare and Institutions Code 10207-10490). Such programs include resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-18248), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263). Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). Education Code 8207, as amended and renumbered by AB 131 (Ch. 116, Statutes of 2021), clarifies that the Superintendent of Public Instruction and the California Department of Education retain administrative supervision of the California State Preschool Programs.

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.9), and BP/AR 5148.3 - Preschool/Early Childhood Education for CSPP requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, reimbursement of providers, and family fee collection. For the resource and referral program, 5 CCR 18244 mandates written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's child care and development program.

Licensing

Note: Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

CHILD CARE AND DEVELOPMENT (continued)

Pursuant to Health and Safety Code 1596.951, CDSS was required to adopt regulations by January 1, 2021 to create a new child care center license including components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. However, the regulations were delayed due to the COVID-19 pandemic. Pursuant to Health and Safety Code 1596.951, all child care centers are required to obtain this license by January 1, 2024.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

Note: Items #1-7 and 9 below list components of child care and development programs that are required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these program components; see the accompanying Board policy. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)

Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

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

(cf. 6174 - Education for English Learners)

CHILD CARE AND DEVELOPMENT (continued)

3. A staff development program which complies with 5 CCR 18274

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component that complies with 5 CCR 18277

Note: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

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

(cf. 5030 - Student Wellness)

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

Note: Item #8 below is **optional** and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic devices.

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

CHILD CARE AND DEVELOPMENT (continued)

Note: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes a staff assessment, a parent/guardian survey, and an environment rating scale. Each contractor is required to submit a summary of the self-evaluation findings by June 1 of each year.

9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Health and Safety

Note: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996 requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, which contains specified information regarding lead exposure and blood testing. The flyer is available on the CDSS web site.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination every five years following an initial test conducted between January 1, 2020 and January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

CHILD CARE AND DEVELOPMENT (continued)**Staffing**

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

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

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

CHILD CARE AND DEVELOPMENT (continued)

Eligibility and Enrollment

Note: State funding is only available for services to families who meet the criteria for subsidized services as specified in Welfare and Institutions Code 10271 and 10271.5. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, including criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s).

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

Note: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Welfare and Institutions Code 10271.5, income eligibility is based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size.

To participate in the district's subsidized child care program, families shall document both an eligibility basis and need for care as follows: (Welfare and Institutions Code 10271 and 10271.5)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited.
2. The family has a need for child care based on either of the following:
 - a. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

CHILD CARE AND DEVELOPMENT (continued)

- b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Welfare and Institutions Code 10231, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Welfare and Institutions Code 10271 and 5 CCR 18106.

The Superintendent or designee ~~shall consult the county's centralized eligibility list, when available, or~~ shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

Note: The following **optional** paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established by the Governing Board.

CHILD CARE AND DEVELOPMENT (continued)

Note: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidized services has been approved or denied. For this purpose, the district should use the state's Notice of Action form.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

CHILD CARE AND DEVELOPMENT (continued)**Fees and Charges**

Note: Welfare and Institutions Code 10290 requires CDSS, in consultation with CDE, to establish a fee schedule for families using child care services, including families who are eligible for subsidized child care services based on the criteria specified in item #1 in the section "Eligibility and Enrollment" above.

Welfare and Institutions Code 10260 and 5 CCR 18110 prohibit districts from assessing fees for children enrolled in a program for severely disabled children or a federally based migrant program. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, 10270, 10290, 10291, 10436; 5 CCR 18078, 18108-18110)

Note: Pursuant to AB 131, and in response to the COVID-19 pandemic, additional funds are available to provide subsidized child care to families and to provide child care programs with COVID-19 pandemic-related assistance. Pursuant to Welfare and Institutions Code 10290, as added by AB 131, family fees may not be collected for families receiving subsidized child care services from child care programs administered by CDSS.

However, for the 2021-22 fiscal year, family fees shall not be collected as specified in Welfare and Institutions Code 10290.

No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8253; Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

Note: Pursuant to Welfare and Institutions Code 10290, family fees must be assessed at initial enrollment and reassessed at recertification.

Pursuant to 5 CCR 18114, districts contracting to offer child care services are mandated to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Welfare and Institutions Code 10225-10234.

CHILD CARE AND DEVELOPMENT (continued)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

Note: The following paragraph is for use by districts that contract to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Welfare and Institutions Code 10292 **mandates** that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Welfare and Institutions Code 10292, the fees cannot exceed \$25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

Disenrollment

Note: Welfare and Institutions Code 10272 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.

CHILD CARE AND DEVELOPMENT (continued)

3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Immunizations

Note: Welfare and Institutions Code 10271 requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption unless the parent/guardian filed a letter or affidavit prior to January 1, 2016 or a licensed physician indicates that a student should be exempted for medical reasons. An exemption granted for personal beliefs is only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12). See BP/AR 5141.31 - Immunizations.

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Welfare and Institutions Code 10271)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. (Welfare and Institutions Code 10271)

A child may be exempted from the immunization requirements only if: (Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

Note: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by the California Department of Public Health and transmitted using the California Immunization Registry. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span.

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is

CHILD CARE AND DEVELOPMENT (continued)

permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. (Health and Safety Code 120372)

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

(*cf. 5141.22 - Infectious Diseases*)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)
2. Family emergency (Welfare and Institutions Code 10213.5)

Note: Pursuant to 5 CCR 18066, districts contracting to offer child care services are mandated to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

CHILD CARE AND DEVELOPMENT (continued)

Note: 5 CCR 18066 **mandates** a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Note: 5 CCR 18066 **mandates** that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice.

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

Note: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

CHILD CARE AND DEVELOPMENT (continued)

Note: The remainder of this section is for use by all districts and applies to licensed and unlicensed child care programs.

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

Note: State contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports regarding any families receiving subsidized services during that month.

Welfare and Institutions Code 10315, as added by AB 131, requires a preschool or infant and toddler program to, when a child in a state-funded preschool or infant and toddler program will be transferring to a local public school, provide the parent/guardian with information from the previous year deemed beneficial to the student and the public school teacher, including, but not limited to, development issues, social interaction abilities, health background, and diagnostic assessments, if any. The preschool or infant and toddler program may, with the permission of the parent/guardian, transfer this information to the student's elementary school.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(3/19 6/21) 12/21

Policy Reference UPDATE Service

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Regulation 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 08/19/2019 | **Last Revised Date:** 11/18/2021 | **Last Reviewed Date:** 11/18/2021

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs
3. A staff development program which complies with 5 CCR 18274
4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress
5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed
6. A community involvement component that complies with 5 CCR 18277
7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)
8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level
9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280)

Health and Safety

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination every five years following an initial test conducted between

January 1, 2020 and January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code 8263, 8263.1)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.
2. The family has a need for child care based on either of the following:
 - a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated
 - b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

The Superintendent or designee shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code 8263.4)

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Education Code 8263.1, and the family's ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Education Code 8263)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8447; 5

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. (Education Code 8273.1)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Immunizations

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Education Code 8263)

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. (Education Code 8263)

A child may be exempted from the immunization requirements only if: (Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. (Health and Safety Code 120372)

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Education Code 8263)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

CSBA Sample Board Policy

Students

BP 5148.2(a)

BEFORE/AFTER SCHOOL PROGRAMS

Note: The following **optional** policy is for use by districts providing before-school and/or after-school programs and should be revised to reflect the program(s) offered by the district. For eligible programs in grades K-9, the district may apply for funding from the state's After School Education and Safety Program (ASES) (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Center Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176). The federal 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) (Education Code 8420-8428; 20 USC 7171-7176) provides funding for eligible programs in grades 9-12.

Education Code 46120, as added by AB 130 (Ch. 44, Statutes of 2021), establishes the Expanded Learning Opportunities (ELO) Program and allocates funding to districts under a formula based on a district's percentage of unduplicated students and average daily attendance. For the 2021-22 school year, districts receiving funds are required to offer access to ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing in the 2022-23 school year, districts receiving funds are required to offer access to all students in grades TK-6 inclusive, and to ensure that access is provided to any student whose parent/guardian requests placement in an ELO program. Pursuant to Education Code 46120, on school days, ELO programs must include in-person before or after school programs and, on non-school days, intersession programs of specified lengths of time as described below and in the accompanying administrative regulation. Student participation in an ELO program is optional.

See the accompanying administrative regulation for major requirements of each program.

The following policy is applicable to all four programs, unless otherwise noted, and may be adapted by districts that offer other programs through district funding or alternative sources. If the district does not offer both a before-school and after-school program, it may modify the following policy as appropriate.

The Governing Board desires to provide before-school and/or after-school enrichment programs that support the regular education program in a supervised environment. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0470 - COVID-19 Mitigation Plan)

(cf. 5147 - Dropout Prevention)

(cf. 5148 - Child Care and Development)

(cf. 6011 - Academic Standards)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Note: The following paragraph reflects a requirement for collaborative planning for both ASES (Education Code 8482.5) and ASSETs (Education Code 8422). 21st CCLC programs must be developed in collaboration with the school(s) the students attend, but collaboration with other entities is at the discretion of the district. Districts offering only 21st CCLC programs may revise the following paragraph to reflect district practice.

The district's program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422, 8482.5, 46120)

Note: The following **optional** paragraph may be revised to reflect district practice. Pursuant to Education Code 46120, as added by AB 130, districts are required to prioritize ELO programs at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with expanded learning opportunities programs across their attendance area. In addition, pursuant to Education Code 8482.5, in awarding funding for ASES programs, the state gives priority to schools with at least 50 percent of students eligible for free or reduced-price meals. Pursuant to 20 USC 7174, funding for the 21st CCLC and ASSETs programs is restricted to schools receiving federal Title I funding. In addition, 20 USC 7174 and Education Code 8422 and 8484.8 give competitive priority for these federal programs to applications jointly submitted by school districts and community organizations for programs that (1) are located in schools that are implementing comprehensive or targeted support and improvement activities pursuant to 20 USC 6311 or other schools determined by the district to be in need of intervention and support to improve student academic achievement and other outcomes; (2) serve students at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or lacking strong positive role models; (3) provide activities not otherwise accessible to participating students or expand accessibility to high-quality services that may be available in the community; (4) continue or expand existing grants; and (5) for 21st CCLC programs, provide year-round expanded learning programming. For a further description of competitive priority for funding, see the California Department of Education's (CDE) "21st CCLC and ASSETs FAQs" and "Request for Applications for Programs Proposing to Serve High School Students."

To the extent feasible, the district shall give priority to establishing before-school and/or after-school programs in low-performing schools and/or programs that serve low-income and other at-risk students.

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 6020 - Parent Involvement)

Any After School Education and Safety Program (ASES), 21st Century Community Learning Center Program (21st CCLC), 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs), or other program to be established pursuant to Education Code 8421, 8482.3 or 8484.75 shall be approved by the Board and the principal of each participating school.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Note: The following **optional** paragraph is applicable to all programs. Pursuant to Education Code 8483.4 (applicable to both ASES and 21st CCLC), the program administrator is required to establish qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise students meet the minimum qualifications for an instructional aide pursuant to district policies; see the accompanying administrative regulation. A district offering an ASSETS program must establish its expectations for staff qualifications.

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Each program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, each program may include support services that reinforce the educational component and promote student health and well-being.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 6142.7 - Physical Education and Activity)

Note: Education Code 8482.6 (applicable to ASES, 21st CCLC, and ELO programs) and Education Code 8422 (applicable to ASSETS programs) authorize the district to charge fees to participating families with certain exceptions as described below.

Option 1 below is for use by districts that choose not to charge family fees. Option 2 is for use by districts that will charge a permissible family fee to cover unfunded costs of the program.

OPTION 1: ~~No fee shall be charged for participation in the program.~~

OPTION 2: A family fee may be charged to participating families based on the actual cost of services.

Note: The following paragraph is for use by districts selecting Option 2 that offer an ASSETS program, and may be modified to reflect program(s) offered by the district. Pursuant to Education Code 8422, ASSETS programs that charge fees to participating families are required to waive or reduce the fees for families with students who are eligible for free or reduced-price meals.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

However, for the ASSETs program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422)

Note: The following paragraph is for use by districts selecting Option 2 that offer an ASES, 21st CCLC program, and/or ELO program, and may be modified to reflect program(s) offered by the district. Pursuant to Education Code 8482.6, as amended by AB 130, family fees may not be charged for these programs for a student who is eligible for free or reduced-price meals or if the district knows the participating student is a homeless youth or in foster care. In addition, a program that charges such fees is required to schedule fees on a sliding scale that considers family income and ability to pay.

For ASES, 21st CCLC, and/or Expanded Learning Opportunities programs, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student who the district knows is a homeless youth or in foster care. In addition, family fees shall be calculated on a sliding scale that considers family income and ability to pay. (Education Code 8482.6, 46120)

(cf. 3260 - Fees and Charges)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

Note: The remainder of this policy is for use by districts that selected either Option 1 or 2 above.

The following **optional** paragraph is for use by districts with programs serving students ages 11-12 years. Welfare and Institutions Code 10273, as renumbered by AB 131 (Ch. 116, Statutes of 2021), provides that the preferred placement for students ages 11-12 years is in a before-school or after-school program rather than in subsidized child care and development services. When subsidized child care services are also available, students ages 11-12 years will be eligible for subsidized child care services only for the portion of care that is not available in a before-school or after-school program. See AR 5148 - Child Care and Development.

Eligible students who are 11 or 12 years of age shall be placed in a before-school or after-school program, if and when available, rather than subsidized child care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child care and development services in accordance with the enrollment priorities established in AR 5148 - Child Care and Development. (Welfare and Institutions Code 10273)

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

To assist in evaluations of program effectiveness, the district may refer to the CDE Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality. In addition, CDE's publication A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools describes available assessment tools that are closely aligned with the program standards. These publications are available on CDE's web site.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

To the extent consistent with state and federal privacy laws, Education Code 8484.1 authorizes the district to share specified student data (i.e., school day attendance data, statewide assessment scores English language development test placement or reclassification scores, California Healthy Kids Survey results in aggregate form, student engagement and behavioral data, and other academic measures, including grades and course completion) with the operator of an after-school program with which the district has a contract that includes a confidentiality agreement. The district should consult with legal counsel if it has any questions regarding the sharing of student data.

In addition, Education Code 8427 and 8484 require the after-school program to submit data on school and program attendance and program quality to the CDE; see the section "Reports" in the accompanying administrative regulation.

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

(cf. 0500 - Accountability)

Note: The following paragraph is for use by districts that offer an ASES, 21st CCLC, and/or ELO program, and may be adapted by districts that offer ASSETs or other programs. Pursuant to Education Code 8482.3 and 46120, as added by AB 130, require districts offering an ASES, 21st CCLC, and/or ELO program to review program goals, program content, and outcome measures, selected from among those listed in Education Code 8484, every three years and to retain documentation for five years.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years.

(cf. 3580 - District Records)

Legal Reference: (see next page)

BEFORE/AFTER SCHOOL PROGRAMS (continued)*Legal Reference:*EDUCATION CODE

8281.5 *California Prekindergarten Planning and Implementation Grant Program*
 8295-8305 *Child development program personnel qualifications*
 8420-8428 *21st Century After-School Program for Teens*
 8482-8484.65 *After School Education and Safety Program*
 8484.7-8484.9 *21st Century Community Learning Centers*
 17264 *New construction; accommodation of before- and after-school programs*
 35021.3 *After-school physical recreation instructors*
 45125 *Criminal record check*
 45330 *Paraprofessionals; instructional aides*
 45340-45349 *Paraprofessionals; instructional aides*
 46120 *Expanded Learning Opportunities Program*
 49024 *Criminal background check; Activity Supervisor Clearance Certificate*
 49430-49434 *Nutrition standards*
 49540-49546 *Child Care Food Program*
 49553 *Free or reduced-price meals*
 69430-69460 *Cal Grant program*

WELFARE AND INSTITUTIONS CODE

10207-10490 *Child Care and Development Services Act, especially:*
 10273 *Preferred placement for otherwise eligible children ages 11 or 12*

UNITED STATES CODE, TITLE 20

6311 *State plans*
 6314 *Title I schoolwide programs*
 7171-7176 *21st Century Community Learning Centers*

UNITED STATES CODE, TITLE 42

1766-1766a *Child and Adult Care Food Program*
 11434a *Education for homeless children and youths*

CODE OF FEDERAL REGULATIONS, TITLE 7

226.17 *Child care center nutrition standards*

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Expanded Learning Opportunities Program FAQs, October 2021

Request for Applications: 21st Century Community Learning Centers Elementary/Middle Schools, September 2020

Request for Applications: 21st Century High School After School Safety and Enrichment for Teens, September 2020

21st CCLC and ASSETs FAQs, September 2020

Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for Expanded Learning Programs in California, August 2020

A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014

Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014

California After School Physical Activity Guidelines, 2009

Management Resources: (see next page)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

21st Century Community Learning Centers, Nonregulatory Guidance, February 2003

WEB SITES

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

California Department of Education, Expanded Learning: <https://www.cde.ca.gov/ls/ex>

California Healthy Kids Survey: <https://chks.wested.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Partnership for Children and Youth: <http://partnerforchildren.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov/cnd/care/afterschool.htm>

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

(7/15 3/17) 12/21

Policy 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 08/17/2017 | **Last Reviewed Date:** 08/17/2017

The Board of Education desires to provide before-school and/or after-school enrichment programs that support the regular education program in a supervised environment. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

The district's program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422, 8482.5)

To the extent feasible, the district shall give priority to establishing before-school and/or after-school programs in low-performing schools and/or programs that serve low-income and other at-risk students.

Any program to be established shall be approved by the Board and the principal of each participating school. (Education Code 8421, 8482.3)

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

Each program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, each program may include support services that reinforce the educational component and promote student health and well-being.

A family fee may be charged to participating families based on the actual cost of services, as long as the fee is waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422, 8482.6)

In regard to the After School Education and Safety program and/or 21st Century Community Learning Center program, no fee shall be charged for a student identified as a homeless or foster youth. (Education Code 8482.6)

Eligible students ages 11-12 years shall be placed in a before-school or after-school program, if and when available, rather than subsidized child care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child care and development services in accordance with the priorities established in AR 5148 - Child Care and Development. (Education Code 8263.4)

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years.

CSBA Sample Administrative Regulation

Students

AR 5148.2(a)

BEFORE/AFTER SCHOOL PROGRAMS

Note: The district should revise the following administrative regulation to reflect the before and/or after school program(s) it offers and the grade levels at which the programs are offered. In addition to the program requirements described below, before-school and after-school programs may be subject to other district policies such as BP/AR 5148 - Child Care and Development, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program. The district should consult legal counsel if it has questions regarding the applicability of other laws to the district's programs.

Definitions

Expanded learning opportunities means before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. *Expanded learning opportunities* does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

Unduplicated student means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

Grades K-9

Note: The following section is for use by districts providing before-school and/or after-school programs funded by the state After School Education and Safety Program (ASES) (Education Code 8482-8484.65), the federal 21st Century Community Learning Center program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176), or the Expanded Learning Opportunities (ELO) program (Education Code 46120).

ASES and 21st CCLC programs serve students who are in grades K-9 in an elementary, middle, or junior high school.

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program shall serve students in any of grades K-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

(cf. 6171 - Title I Programs)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Note: Education Code 46120, as added by AB 130 (Ch. 44, Statutes of 2021), establishes the Expanded Learning Opportunities (ELO) Program and allocates funding to districts under a formula based on a district's percentage of unduplicated students and average daily attendance. For the 2021-22 school year, districts receiving funds are required to offer access to ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. For the 2022-23 school year, districts receiving funds are required to offer all students in grades TK-6 access to ELO programs, and ensure that access is provided to any student whose parent/guardian requests placement in a program. Districts are required to prioritize services at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELO programs across their attendance area.

The following paragraph is for districts that receive ELO funds and should be deleted by districts that do not receive such funds.

The district's Expanded Learning Opportunities (ELO) program shall serve students in grades TK-6. For the 2021-22 school year, the district shall offer access to ELO programs to all unduplicated students in grades TK-6 and provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing with the 2022-23 school year, the district shall offer all students in grades TK-6 access to ELO programs, and ensure that access is provided to any student whose parent/guardian requests placement in a program. (Education Code 46120)

Education Code 8281.5, as added by AB 130 and amended by AB 167 (Ch. 252, Statutes of 2021), requires districts receiving grants through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for consideration by the Board at a public meeting on or before June 30, 2022 for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's ELO program, ASES Program, California state preschool program, Head Start programs, and other community-based early learning and care programs. See BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in BP 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

Note: Pursuant to Education Code 8484.75, programs funded through the 21st CCLC program are generally subject to the same program requirements applicable to ASES programs, with the exception of specified provisions primarily related to allocation of funds. In contrast, ELO programs are explicitly subject to some but not all of the ASES requirements pursuant to Education Code 46120. However, the California Department of Education's (CDE) Expanded Learning Opportunities FAQs emphasizes that districts are expected to uniformly apply the stricter ASES requirements to all programs since ASES, 21st CCLC, and ELO programs should be considered a single, comprehensive program. As such, the following section reflects the expectation that ELO programs will comply with all the requirements for ASES and 21st CCLC programs.

The following section applies to ASES, 21st CCLC, and ELO programs, except where otherwise noted, and should be revised to reflect the program(s) offered by the district.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3, 8484.75, 46120)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6154 - Homework/Makeup Work)

(cf. 6163.4 - Student Use of Technology)

Note: Education Code 8482.3 requires that the program include an educational enrichment component which may include physical fitness. Pursuant to Education Code 8483.55 and 8484.8, the CDE has developed voluntary California After School Physical Activity Guidelines which are available on its web site.

- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3, 8484.75, 46120)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 6142.6 - Visual and Performing Arts)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6178 - Career Technical Education)

Note: Pursuant to Education Code 8482.3, after-school programs may offer snacks or meals that conform to applicable state or federal nutrition standards. Reimbursement for providing snacks is available through the National School Lunch Program and the Child and Adult Care Food Program (CACFP) for participating districts. Pursuant to the Healthy, Hunger-Free Kids Act of 2010 (42 USC 1766-1766a), after-school programs participating in the at-risk after-school care component of the CACFP may be reimbursed for serving full meals. Further information is available on the web sites of the CDE and U.S. Department of Agriculture.

2. Nutrition

- a. If snacks or meals are made available in the program, they shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1, 8484.75)

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

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

Note: Education Code 8482.3 provides that a program may be offered at one or multiple school sites. Program applications and U.S. Department of Education (USDOE) nonregulatory guidance, 21st Century Community Learning Centers, state that programs may be located off campus as long as the facility is as available and accessible to students as if it were located at a school.

3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3, 8484.75)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site. Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)
 - (1) Fewer than 20 students participating in the program component
 - (2) Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
 - (3) A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and

BEFORE/AFTER SCHOOL PROGRAMS (continued)

parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)

(*cf. 3540 - Transportation*)

4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)

(*cf. 4222 - Teacher Aides/Paraprofessionals*)

Note: Pursuant to Education Code 8483.4, program staff and volunteers are required to meet health screening and fingerprint clearance requirements. Education Code 49024 provides that the requirement to obtain an Activity Supervisor Clearance Certificate prior to beginning a paid or volunteer position is satisfied by clearing a Department of Justice and Federal Bureau of Investigation criminal background check.

- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4, 8484.75)

(*cf. 1240 - Volunteer Assistance*)

(*cf. 4112.4/4212.4/4312.4 - Health Examinations*)

(*cf. 4112.5/4212.5/4312.5 - Criminal Record Check*)

- c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving transitional kindergarten or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)

5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1, 8484.75)

Note: Pursuant to Education Code 8483, as amended by AB 2622 (Ch. 265, Statutes of 2018), ASES programs that operate at a school site located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m. The following paragraph can be revised to reflect district programs.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483, 8484.75)

Note: Pursuant to Education Code 46120, as added AB 130 and amended by AB 167, ELO programs must provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, are no less than nine hours of combined instructional time and expanded learning opportunities per instructional day.

- c. An ELO program shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, shall not be less than nine hours of combined instructional time and expanded learning opportunities per instructional day. (Education Code 46120)

6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6, 8484.75)

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

- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:

- (1) First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals. (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a homeless or foster youth of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483, 8484.75)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

(*cf. 5145.6 - Parental Notifications*)
 (*cf. 6173 - Education for Homeless Children*)
 (*cf. 6173.1 - Education for Foster Youth*)

Note: Item #(2) below is for use by districts that maintain middle or junior high schools.

- (2) Second priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1, 8484.75)

Note: Items #(3)-(5) are **optional** and may be revised or expanded to include enrollment priorities established by the district.

- (3) Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.

(*cf. 6179 - Supplemental Instruction*)

- (4) Any remaining capacity shall be filled by students selected at random.
- (5) A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

Note: Education Code 8483 and 8483.1 express legislative intent that elementary students attend the full program day of either the before-school or after-school program every day in which they participate. Education Code 8483 and 8483.1 allow districts to implement a flexible attendance schedule for students in middle or junior high school. Education Code 8483.1 specifies that, for before-school programs, students who attend less than one-half of the daily program hours may not be counted for attendance purposes.

Pursuant to Education Code 8483, districts offering an after-school program are **mandated** to establish a policy regarding reasonable early daily release of students from the after-school program. Education Code 8483.1 **mandates** districts offering a before-school program to establish a policy regarding reasonable late daily arrival of students. The following items should be revised to reflect district practice.

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates.
- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-

BEFORE/AFTER SCHOOL PROGRAMS (continued)

school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

Note: Item #8 below is for use by districts that offer a program during summer, intersession, or vacation periods. Pursuant to Education Code 8483.76, a school that establishes a before-school or after-school program is eligible to receive a supplemental grant to operate the program in excess of 180 regular school days or during any combination of summer, weekends, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded, per school year, to the school.

Pursuant to Education Code 46120, ELO programs are required to offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days during intersessional periods.

8. Summer/Intersession/Vacation Programs

- a. ELO programs shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during intersessional periods.
- b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day. An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)
- c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)
- d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)
- e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Note: Education Code 8483.76 **mandates** that a district operating a six-hour program adopt an attendance and early release policy for the program that is consistent with the district's early release policy for the regular school day; see item #7 above. This policy must be included in the program plan submitted to CDE.

- f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply. (Education Code 8483.76)

(cf. 6177 - Summer Learning Programs)

Grades 9-12

Note: The following section is for use by districts providing before-school and/or after-school programs funded through 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program (Education Code 8420-8428; 20 USC 7171-7176).

Pursuant to Education Code 46120, districts may, but are not required to, serve students in grades 7-12 in ELO programs.

The district's 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

The program shall be operated in accordance with the following guidelines:

1. Program Elements
 - a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)
 - (1) Tutoring
 - (2) Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
 - (3) Homework assistance
 - (4) College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460
 - b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- (1) Community service
- (2) Career and technical education
- (3) Job readiness
- (4) Opportunities for mentoring and tutoring younger students
- (5) Service learning
- (6) Arts
- (7) Computer and technology training
- (8) Physical fitness
- (9) Recreation activities

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

Note: Education Code 8423 requires the ASSETs program to include a physical activity element. See CDE's California After School Physical Activity Guidelines, available on its web site.

- c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)
 - d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)
 - e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)
2. Location of Program
- a. The district's program may operate on one or multiple school sites or at another location approved by CDE. (Education Code 8421)
 - b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)
3. Hours of Operation

BEFORE/AFTER SCHOOL PROGRAMS (continued)

- a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)
- b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

Volunteers

Note: The following **optional** section is for use by districts that choose to create a registry of volunteer after-school physical recreation instructors or other volunteers pursuant to Education Code 35021.3, and may be used by districts that provide an ASES, 21st CCLC, ASSETs, ELO, or any other local program. When the district opts to use a registry created by a county office of education pursuant to Education Code 35021.3 rather than develop its own, the following section may be revised to inform district staff about the county registry and encourage its use.

Pursuant to Education Code 35021.3, after-school instruction in physical recreation provided by a volunteer does not count toward satisfaction of physical education requirements pertaining to the number of instructional minutes or course completion for high school graduation; see BP/AR 6142.7 - Physical Education and Activity and BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

Note: Education Code 35021.3 requires volunteers to submit to a criminal background check and authorizes, but does not require, the district to contribute funds to pay for all or part of the background check. Pursuant to Education Code 35021.3, the district may expand the following paragraph to impose additional requirements on volunteers (e.g., certification in cardiopulmonary resuscitation).

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

Reports

Note: The following section applies to ASES, 21st CCLC, and ASSETs programs.

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Pursuant to Education Code 8426 and 8484, CDE may terminate a grant if, for three consecutive years, the program fails to demonstrate measurable program outcomes or fails to attain 75 percent of its proposed attendance levels. For this purpose, CDE may consider a comparison of participating and nonparticipating students at the same school site or other factors.

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis

Note: Education Code 8427 requires programs to submit evidence of a program quality improvement process that is based on standards developed by CDE. CDE's program quality standards, Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, are available on its web site.

2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

(cf. 0500 - Accountability)

(3/17 12/17) 12/21

Regulation 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 06/07/2018 | **Last Reviewed Date:** 06/07/2018

Grades K-9

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program shall serve students in any of grades K-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's ASES and 21st CCLC program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3)
- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3)

2. Nutrition

- a. If snacks or meals are made available in the program, they shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1)

3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site. Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8)
 - i. Fewer than 20 students participating in the program component
 - ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
 - iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8)

4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 45330, 45344, 45344.5)
- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4)
- c. The student-to-staff ratio shall be no more than 20 to 1. (Education Code 8483.4)

5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1)
- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483)

6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6)
- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:
 - i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year and to students who are identified by the program as being in foster care. (Education Code 8483, 8483.1)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a homeless or foster youth of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483)

- ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1)
- iii. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.
- iv. Any remaining capacity shall be filled by students selected at random.
- v. A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that he/she participates.
- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival of his/her child for the before-school program or the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

8. Summer/Intersession/Vacation Programs

- a. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day. An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same

students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

- b. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)
- c. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)
- d. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)
- e. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply. (Education Code 8483.76)

Grades 9-12

The district's 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

The program shall be operated in accordance with the following guidelines:

1. Program Elements

- a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)
 - i. Tutoring
 - ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
 - iii. Homework assistance
 - iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460
- b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)
 - i. Community service
 - ii. Career and technical education
 - iii. Job readiness
 - iv. Opportunities for mentoring and tutoring younger students
 - v. Service learning
 - vi. Arts
 - vii. Computer and technology training
 - viii. Physical fitness
 - ix. Recreation activities
- c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)

- d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)
- e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

2. Location of Program

- a. The district's program may operate on one or multiple school sites or at another location approved by the CDE. (Education Code 8421)
- b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

3. Hours of Operation

- a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)
- b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

Volunteers

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. He/she also shall submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

Reports

The Superintendent or designee shall annually submit to the CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

- 1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
 - 2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards
-

CSBA Sample Board Policy

Students

BP 5148.3(a)

PRESCHOOL/EARLY CHILDHOOD EDUCATION

Note: The following **optional** policy may be used by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. CSBA's publication What Boards of Education Can Do about Kindergarten Readiness provides information about characteristics of effective preschool programs and actions that the district and Governing Board can take to encourage and/or provide high-quality preschool education.

Pursuant to AB 131 (Ch. 116, Statutes of 2021), the statutes that govern the California State Preschool Program (CSPP) were renumbered within the Education Code. In addition, pursuant to AB 131, the statutes that govern child care programs under the Child Care and Development Services Act were repealed from the Education Code and reenacted in the Welfare and Institutions Code. Education Code 8207, as added by AB 131, clarifies that the Superintendent of Public Instruction (SPI) and the California Department of Education (CDE) retain administrative supervision of the CSPP.

In December 2020, the SPI initiated the rulemaking process for revised implementing regulations for the CSPP. Once final, these regulations may affect this policy and the accompanying administrative regulation.

Education Code 8281.5, as added by AB 130 (Ch. 44, Statutes of 2021), establishes the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at districts. The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students. Grant funds may be used for costs associated with creating or expanding CSPP programs or transitional kindergarten (TK) programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

Pursuant to AB 131, the Legislature allocated additional funds to provide subsidized child care and CSPP programs with COVID-19 pandemic-related assistance. Education Code 8252, as amended and renumbered by AB 131, requires districts to waive family fees for all families receiving subsidized child care services from CSPP programs during the 2021-22 school year. See the accompanying administrative regulation for more information regarding waiver of fees.

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development, knowledge, skills, and abilities. The Board desires to provide a supervised, and cognitively rich environment designed to facilitate the transition to kindergarten for three- and four-year-old children.

Note: The following **optional** paragraphs may be used by all districts, regardless of whether they provide their own preschool programs, and may be revised to reflect district practice.

Welfare and Institutions Code 10480-10487 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care, including preschool programs, and to develop policies to

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

meet identified needs; see BP 5148 - Child Care and Development. Such councils may also develop centralized student eligibility lists; see section on "Enrollment Priority" in the accompanying administrative regulation.

The Superintendent or designee ~~shall~~ may collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 5148 - Child Care and Development)

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

District Preschool Programs

Note: The following **optional** section is for use by districts that choose to provide preschool/early childhood education programs for three-year-old and four-year-old children and should be revised to reflect district practice.

The district may contract with CDE to offer a program through the CSPP pursuant to Education Code 8200-8340. Three-year-old and four-year-old children from low-income or otherwise disadvantaged families may be eligible for subsidized services. See the accompanying administrative regulation for major program requirements for CSPP.

Pursuant to Education Code 8207, as amended by AB 131, CSPP programs may be part-day or full-day programs that are age and developmentally appropriate. See the accompanying administrative regulation for details.

Preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

Note: Pursuant to Health and Safety Code 1596.792, CSPP programs that are operated in a school building by a school district under contract with CDE are exempted from licensure and regulation requirements of Health and Safety Code 1596.70-1597.21. However, such CSPP programs are required to comply with other specified health and safety requirements, including the Field Act, California Building Standards Code,

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

requirements for kindergarten classrooms specified in 5 CCR 14001-14306, and requirements for CSPP programs specified in 5 CCR 18000-18308.

Pursuant to Education Code 8205, as amended and renumbered by AB 131, any child under four years of age shall be served in a CSPP facility licensed in accordance with Title 22 of the California Code of Regulations.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

Note: 5 CCR 18130 specifies the state regulations for child care and development programs that are applicable to CSPP programs, including the requirement in 5 CCR 18271 that the Board approve a written philosophical statement, goals, and objectives addressing each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation and AR 5148 - Child Care and Development for further information about these required program components.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

(cf. 6171 - Title I Programs)

Note: Pursuant to Education Code 17375, as amended by AB 130 and AB 167 (Ch. 252, Statutes of 2021), districts may be awarded grants for the construction of new preschool classrooms or the modernization of existing preschool classrooms pursuant to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)*(cf. 5020 - Parent Rights and Responsibilities)**(cf. 6020 - Parent Involvement)*

Note: The following **optional** paragraph provides for coordination of the preschool program with the TK program and may be revised to reflect district practice. Education Code 48000, as amended by AB 130 and AB 167, requires districts receiving TK apportionment to offer to any child whose fifth birthday is between September 2 and December 2 a TK program as the first year of a two-year kindergarten program and revises the timespans for mandatory admittance requirements to be phased in starting in the 2022-23 school year to the 2025-2026 school year; see BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

Note: Pursuant to Education Code 48000, as amended by AB 130 and AB 167, a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program. Education Code 8205, as renumbered and amended by AB 131, clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

*(cf. 6011 - Academic Standards)**(cf. 6170.1 - Transitional Kindergarten)*

Note: CDE has developed voluntary "preschool learning foundations" which describe the knowledge, skills, and competencies that children are expected to exhibit as they complete their first or second year of preschool. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's web site.

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

Note: Education Code 8203, as amended by AB 1363 (Ch. 498, Statutes of 2021), requires the quality indicators for CSPP programs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

(cf. 0415 - Equity)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

Note: Pursuant to Education Code 8207, as amended and renumbered by AB 131, CSPP programs must include certain required components, as reflected in the accompanying administrative regulation.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

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

(cf. 5030 - Student Wellness)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Education Code 8205 and 8298, as renumbered and amended by AB 131, and 5 CCR 80105-80125. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 18295.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Pursuant to 5 CCR 18130, CSPP programs are subject to the requirements of 5 CCR 18105. 5 CCR 18105 **mandates** that districts offering a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

Note: Education Code 8208, 8210, and 8211, as amended and renumbered by AB 131, and 5 CCR 18106 establish eligibility criteria and priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267, as amended and renumbered by AB 131, and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 18106.

Note: The following paragraph is **optional**. Pursuant to Education Code 8207, as amended and renumbered by AB 131, programs operated under the CSPP may be part-day or full-day programs.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

~~The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's preschool program is offered.~~

Note: Education Code 8281.5, as added by AB 130 and amended by AB 167, requires districts receiving grants through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for consideration by the board at a public meeting on or before June 30, 2022 for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the local educational agency's expanding learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs. See BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of preschool children and their families as specified in BP 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

Note: Pursuant AB 131, the Legislature allocated additional funds to provide subsidized child care and CSPP programs with COVID-19 pandemic-related assistance. To receive the additional funding, a CSPP program that is funded to be operational, but which is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, is required to provide distance learning services as specified by CDE in Management Bulletin 21-11, Reopening, Reimbursement, Distance Learning Plans, and Distance Learning Requirements for California State Preschool Program Contractors.

When a district CSPP program is physically closed by local or state public health order due to the COVID-19 pandemic, the district shall provide distance learning to preschool children when required to do so as a condition of funding or when required by law.

Note: 5 CCR 18279-18281 require an annual evaluation using CDE's standardized "Desired Results for Children and Families" system. The system requires a self-evaluation that includes, but is not limited to, an assessment of the program by staff and the Board, a parent/guardian survey, and an environment rating scale using forms selected by CDE. In addition, every three years, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) process with each contract agency which reviews compliance with program requirements. The FPM/CMR instrument is available on CDE's web site.

Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPP programs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality; (2) monitor and evaluate program impacts on child outcomes; and (3) disseminate information to parents/guardians and the public about program quality. For further information about the QRIS block grant, see CDE's web site and its publication Dream Big for Our Youngest Children.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

Note: The following paragraph is for use by districts that offer a CSPP program and may be revised to reflect the type(s) of programs offered by the district. Education Code 8212, as renumbered by AB 131, requires districts to use the uniform complaint procedures, with modifications as necessary, to investigate and resolve health and safety complaints in license-exempt CSPP programs. 5 CCR 4610 requires that such complaints be addressed through the procedures described in 5 CCR 4690-4694, as added by Register 2020, No. 21. See BP/AR 1312.3 - Uniform Complaint Procedures.

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694)

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)*Legal Reference:*EDUCATION CODE

8200-8340 *California State Preschool Program, especially:*
 8203.5 *Contracts to provide child care and development services*
 8205 *Definitions*
 8207 *Administration; operation of programs; services*
 8208 *Eligibility of three- or four-year-old child for state preschool program*
 8209 *Physical examination and immunizations*
 8210 *Priority for part-day programs*
 8211 *Priority for full-day programs*
 8212 *Complaints related to preschool health and safety issues*
 8213 *Income eligibility*
 8214 *Order of disenrollment*
 8217 *Enrollment of four-year-old children in state preschool programs*
 8220-8221 *Family literacy services*
 8241 *Staffing ratios for center-based program*
 8252-8254 *Family fees*
 8281.5 *California Prekindergarten Planning and Implementation Grant Program*
 8298 *Program director qualifications*
 17375 *California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program*
 44065 *Interchange between certificated and classified positions*
 44256 *Credential types*
 48000 *Transitional kindergarten*
 48985 *Notification, primary language other than English*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*
 1596.90-1597.21 *Day care centers*
 120325-120380 *Immunization requirements*

WELFARE AND INSTITUTIONS CODE

10207-10490 *Child Care and Development Services Act, especially:*
 10207-10215 *General provisions*
 10217-10224.5 *Resource and referral programs*
 10225-10234 *Alternative payment programs*
 10235-10238 *Migrant child care and development programs*
 10240-10243 *General child care and development programs*
 10250-10252 *Family child care home education networks*
 10260-10263 *Child care and development services for children with special needs*
 10480-10487 *Local planning councils*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*
 4690-4694 *Health and safety complaints in license-exempt preschool programs*
 18000-18434 *Child care and development programs, especially:*
 18130-18136 *California State Preschool Program*
 18272-18281 *General Program Requirements*
 18295 *Waiver of qualifications for site supervisor*
 80105-80125 *Permits authorizing service in child development programs*

Legal Reference continued: (see next page)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)*Legal Reference: (continued)*CODE OF REGULATIONS, TITLE 22*101151-101239.2 General requirements, licensed child care centers, especially:**101151-101163 Licensing and application procedures**101212-101231 Continuing requirements**101237-101239.2 Facilities and equipment*UNITED STATES CODE, TITLE 20*1400-1482 Individuals with Disabilities Education Act**6311-6322 Title I, relative to preschool**6371-6376 Early Reading First**6381-6381k Even Start family literacy programs**6391-6399 Education of migratory children*UNITED STATES CODE, TITLE 42*9831-9852c Head Start programs**9857-9858r Child Care and Development Block Grant*CODE OF FEDERAL REGULATIONS, TITLE 45*1301.1-1305.2 Head Start**Management Resources:*CSBA PUBLICATIONS*What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Management Bulletin 21-13, Guidance on Implementation of the California State Preschool Program Quality Requirements During the COVID-19 Pandemic, September 29, 2021**Management Bulletin 21-12, Guidance on Family Fees for Fiscal Year (FY) 2021-22, September 17, 2021**Management Bulletin 21-11, Reopening, Reimbursement, Distance Learning Plans, and Distance Learning Requirements for California State Preschool Program Contractors, September 17, 2021*California Preschool Learning Foundations*Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality Improvement System Advisory Committee, 2010**Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009**Prekindergarten Learning Development Guidelines, 2000**First Class: A Guide for Early Primary Education, 1999*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016**Good Start, Grow Smart, April 2002**Management Resources continued: (see next page)*

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Legal Reference: (continued)

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

California Department of Social Services: <https://www.cdss.ca.gov/>

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.ccfc.ca.gov>

National Institute for Early Education Research: <http://nieer.org>

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

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Policy Reference UPDATE Service

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Policy 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 02/14/2019 | **Last Revised Date:** 04/29/2021 | **Last Reviewed Date:** 04/29/2021

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development, knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. The Board desires to provide children ages 3-4 years access to developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

District Preschool Programs

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8235.5; 5 CCR 4610, 4611, 4690-4694)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

CSBA Sample Administrative Regulation

Students

AR 5148.3(a)

PRESCHOOL/EARLY CHILDHOOD EDUCATION

Note: The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8200-8340, as renumbered and amended by AB 131 (Ch. 116, Statutes of 2021).

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Welfare and Institutions Code 10235-10238, as renumbered and amended by AB 131), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263, as renumbered and amended by AB 131), federal Head Start program (42 USC 9831-9852), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, other district policies may be applicable to preschool programs as contained throughout the district's policy manual. See BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development. Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's preschool program.

Education Code 8205, as amended by AB 131, clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a California State Preschool Program (CSPP) and whose parent/guardian has opted to retain or enroll such child in a CSPP program.

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part-day or full-day preschool programs in accordance with law and the terms of its contract with CDE.

(cf. 5148 - Child Care and Development)

Note: Pursuant to Education Code 8207, as amended and renumbered by AB 131, CSPP programs must include certain required components, as reflected in Items 1-7 below. Item 8 is a recommended practice that may be revised to reflect the district's program.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district's CSPP program shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

Note: 5 CCR 18130 specifies the state regulations for child care and development programs that are applicable to CSPP programs. These requirements include, but are not limited to, the program components listed in 5 CCR 18272-18281. See AR 5148 - Child Care and Development for details regarding these required program components.

Pursuant to Education Code 8203.5, as amended and renumbered by AB 131, contracts between the California Department of Education (CDE) and districts for CSPP programs must include a requirement that a developmental profile be maintained for each child.

The district's preschool program shall include all required program components for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development.

Minimum Hours/Days of Operation

Note: Pursuant to Education Code 8207, as amended and renumbered by AB 131, CSPP programs may be part-day or full-day. The following section may be revised to reflect district programs.

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8207; 5 CCR 18136)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district's full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation. (Education Code 8207)

Staffing

Note: Education Code 8241, as amended and renumbered by AB 131, provides staffing ratios that apply until the Superintendent of Public Instruction (SPI) promulgates regulations to establish such ratios for center-based programs. Pursuant to Education Code 8241, CSPP programs must maintain a ratio of at least one adult to every eight children and at least one teacher to every 24 children.

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

Note: Health and Safety Code 1596.7995 requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055 adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

(cf. 0470 - COVID-19 Mitigation Plan)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

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

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

Family Literacy Services

Note: The following section is **optional**. Contingent upon funding in the state Budget Act, Education Code 8220 and 8221, as renumbered by AB 131, provide for the SPI to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

When any district preschool program receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children
 - b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians

(cf. 6200 - Adult Education)

4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)*(cf. 4131 - Staff Development)***Eligibility and Enrollment Priorities for Part-Day CSPP Programs**

Note: Education Code 8208, as amended and renumbered by AB 131, revises the eligibility criteria and enrollment priorities for part-day CSPP programs and adds eligibility criteria and enrollment priorities for full-day CSPP programs. The following section reflects eligibility criteria and enrollment priorities for the part-day CSPP programs pursuant to state law and regulations. See the section on "Eligibility and Enrollment Priorities for Full-Day CSPP Programs" below for full-day program requirements.

5 CCR 18105 **mandates** that a district operating a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, including, but not limited to, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted.

A three-year-old or four-year-old child is eligible for a part-day CSPP program if the child's family is one of the following: (Education Code 8208)

1. A current aid recipient
2. Income eligible
3. Homeless
4. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children are children with disabilities. Such children with disabilities enrolled in part-day CSPP program shall not count towards the 10-percent limit described above. (Education Code 8208)

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price lunch may enroll four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208 and 8217)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district shall certify eligibility and enroll families into their program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to enrollment, a child shall be deemed eligible for a part-day CSPP program for the remainder of the program year. (Education Code 8208)

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. The first priority for services shall be given to three-year-old or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.
2. The second priority for services shall be given to eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten (TK) program. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child with disabilities shall be enrolled first. If there are no families with a child with disabilities, the child that has been on the waiting list for the longest time shall be admitted first.

3. The third priority shall be given to eligible three-year-old children. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.
4. The fourth priority, after all otherwise eligible children have been enrolled, shall be children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to four-year-old children before three-year-old children.
5. The fifth priority, after all otherwise eligible children have been enrolled, shall be a child with disabilities whose family's income is above the income eligibility threshold, as described in Education Code 8213. Within this priority category, priority shall be given to four-year-old children before three-year-old children.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, a CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price lunch as described in Education Code 8217 may enroll any four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

Eligibility and Enrollment Priorities for Full-Day CSPP Programs

Note: Pursuant to Education Code 8208, as amended and renumbered by AB 131, districts may operate full-day CSPP programs. Education Code 8211, as added by AB 131, sets eligibility criteria and enrollment priorities for full-day CSPP programs.

A three-year-old or four-year-old child is eligible for a full-day CSPP program if the family meets both of the following requirements: (Education Code 8208)

1. The child's family is a current aid recipient, income eligible, homeless, or one whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.
2. The child's family needs the childcare services because of either the following:
 - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as being homeless
 - b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all families meeting the criteria specified in Items #1 and 2 above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price lunch as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 12 months, shall receive those services for not less than 12 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 12 months. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the "centralized eligibility list" established in each county pursuant to Welfare and Institutions Code 10231, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

Notice of Action

Note: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's web site. Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

Note: Pursuant to 5 CCR 18130, CSPP programs are subject to 5 CCR 18094 and 18118, which require the district to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on CDE's web site. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 18120-18122; see section "Parent Hearing" below.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

(cf. 5145.6 - Parental Notifications)

Note: 5 CCR 18095 and 18119 require the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's web site. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122; see section "Parent Hearing" below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18081, 18084, 18130, 18133)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**Combined Preschool/Transitional Kindergarten Classroom**

Note: Education Code 8207, as amended and renumbered by AB 131, and 48000 allow districts to place 4-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.
4. The classroom shall comply with the adult-child ratio specified in Education Code 8264.8.
5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068.
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

(cf. 5111 - Admission)

(cf. 6170.1 - Transitional Kindergarten)

Fees and Charges

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252; 5 CCR 18078)

Note: Pursuant to AB 131, the Legislature allocated additional funds to provide subsidized child care to families and to provide CSPP programs with COVID-19 pandemic-related assistance. Education Code 8252, as amended by AB 131, provides that family fees may not be collected for families receiving subsidized child care services from CSPP programs administered by CDE for the 2021-2022 school year.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

According to CDE Management Bulletin 21-12, Guidance on Family Fees for Fiscal Year (FY) 2021-22, families must promptly receive a refund for any fees collected for the month of July 2021 and any families disenrolled due to delinquent family fees for fiscal year 2021-22 must be promptly reenrolled if the family so desires.

However, for the 2021-2022 school year, family fees shall not be collected as specified in Education Code 8252.

(cf. 3260 - Fees and Charges)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 18110)

A family may be exempt from the fees for up to 12 months if the child qualifies for preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused or neglected. (Education Code 8253)

Note: Education Code 8254, as amended and renumbered by AB 131, authorizes a district offering a CSPP program to charge a fee for field trips and/or to require parents/guardians to provide diapers, but **mandates** that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8254, the fees cannot exceed \$25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

Disenrollment Based on Reduced Funding

Note: Education Code 8214, as amended and renumbered by AB 131, specifies the order by which families will be disenrolled from subsidized preschool services when funding levels are reduced.

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse priority order for services as specified in Education Code 8210 and 8211 and as described above in the sections "Eligibility and Enrollment Priority for Part-Day CSPP Programs" and "Eligibility and Enrollment Priority for Full-Day CSPP Programs." (Education Code 8214)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**Expulsion/Unenrollment Based on Behavior**

A district preschool program shall not expel or unenroll a child based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8222)

1. Inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), with written parent/guardian consent, contact the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child

(cf. 6159 - Individualized Education Program)

3. If the child does not have an IFSP or IEP, consider if it is appropriate to complete a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, implementing behavior supports within the program, and considering an IEP for the child

If the district has taken the actions specified in items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8222)

Note: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, clarifies that preschool children with disabilities who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.

Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**Parent Hearing**

Note: Pursuant to 5 CCR 18130, districts are subject to the requirements of 5 CCR 18120-18122 to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 18120-18122)

(10/18 12/20) 12/21

Policy Reference UPDATE Service

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Regulation 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 02/14/2019 | **Last Revised Date:** 04/29/2021 | **Last Reviewed Date:** 04/29/2021

When approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP), the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with CDE.

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

Staffing

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

Wraparound Child Care Services

In accordance with its contract with CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. Within this period of time, the part-day preschool program shall operate 175-180 days. After the completion of the preschool program, a part-time general child care and development program may operate a full day for the remainder of the year. (Education Code 8239)

Family Literacy Services

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development

2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
 1. Providing support for the educational growth and success of their children
 2. Improving parent-school communications and parental understanding of school structures and expectations
 3. Becoming active partners with teachers in the education of their children
 4. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

Eligibility

Children eligible for the district's CSPP program include those who will have their third or fourth birthday on or before December 1 of the fiscal year that they are being served. Children who have their third birthday on or after December 2 may be enrolled on or after their third birthday. (Education Code 8208, 8235, 8236)

To be eligible for subsidized services, families shall meet at least one requirement in each of the following areas: (Education Code 8235, 8239, 8263, 8263.1)

1. The family is a current aid recipient, income eligible, homeless, and/or one whose children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited.
2. The family needs child care services due to either of the following circumstances:
 - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless.
 - b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or for the attainment of a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

If all families meeting at least one of the criteria specified in item #2 have been enrolled, a full-day CSPP program may provide services to families who do not meet any of those criteria, provided the criteria in item #1 are met. (Education Code 8263)

Enrollment Priority

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children ages 3-4 who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236, 8236.3; 5 CCR 18131)

After all children with first priority are enrolled, the district shall give second priority to eligible children 4 years of age who are not enrolled in a transitional kindergarten (TK) program prior to enrolling eligible children 3 years of age. (Education Code 8236, 8236.3)

If a CSPP program is operating within the attendance boundaries of a school where at least 80 percent of the students are eligible for free or reduced-price meals, third priority for enrollment shall be for families who meet the criteria of Education Code 8263 specified in items #1-2 in the section "Eligibility" above. Any remaining slots may be open to any families not otherwise eligible, provided that the families prove residency within the attendance boundary of the school and priority is given to families with the lowest income. (Education Code 8236.3)

After all otherwise eligible children have been enrolled, the program may provide services to children with disabilities who are ages 3-4 and whose family income is above the income eligibility threshold. (Education Code 8235)

In addition, after enrolling all eligible children, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income exceeds the income eligibility threshold by no more than 15 percent. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

Notice of Action

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of

the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

Combined Preschool/Transitional Kindergarten Classroom

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8235, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.
4. The classroom shall comply with the adult-child ratio specified in Education Code 8264.8.
5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068.
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

Fees and Charges

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction (SPI). (Education Code 8273; 5 CCR 18078)

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8273.1; 5 CCR 18110)

A family may be exempt from the fees for up to 12 months if the child qualifies for preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused or neglected. (Education Code 8273.1)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment Based on Reduced Funding

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children 3 years of age whose families have the highest income in relation to family size shall be disenrolled first, followed by children 4 years of age whose families have the highest income in relation to family size.

At each age level, if two or more families have the same income ranking, the child with disabilities shall be

disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children 3 or 4 years of age who are receiving child protective services or who have been documented to be at risk of being neglected or abused, regardless of income, shall be disenrolled last.

Expulsion/Unenrollment Based on Behavior

A district preschool program shall not expel or unenroll a child based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8239.1)

1. Inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), with written parent/guardian consent, contact the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If the child does not have an IFSP or IEP, consider if it is appropriate to complete a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, implementing behavior supports within the program, and considering an IEP for the child

If the district has taken the actions specified in items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. Within 180 days of the start of the process, the district may unenroll the child. (Education Code 8239.1)

Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Parent Hearing

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 18120-18122)

CSBA Sample Board Policy

Instruction

BP 6112(a)

SCHOOL DAY

Note: The following **optional** policy may be revised to reflect district practice. California law specifies the minimum length of the school day for elementary and secondary schools; see the accompanying administrative regulation. In its Frequently Asked Questions about independent study, the California Department of Education (CDE) has clarified that the same minimum school day requirements apply to traditional independent study as for students attending in-person instruction.

The Governing Board shall fix the length of the school day in accordance with law. (Education Code 46100)

(cf. 6111 - School Calendar)

At each school, the length of the school day shall be the same for all students, except as otherwise permitted by law. For any student with a disability, the length of the school day shall be as specified in the student's individualized education program or Section 504 plan.

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

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

Note: The following **optional** paragraph is for use by districts that maintain elementary schools and may be modified to reflect district practice. Pursuant to Education Code 33350, CDE encourages districts to provide daily recess periods for elementary students, featuring time for unstructured but supervised play. The Superintendent of Public Instruction's Task Force on Obesity, Type 2 Diabetes, and Cardiovascular Disease recommends that students in grades K-6 be provided with recess or other physical activity breaks at least once per 120 minutes of instruction. The National Association for Sport and Physical Education recommends daily recess breaks of at least 20 minutes each day.

The daily schedule for elementary schools ~~shall~~ may include at least one period of recess of at least 20 minutes, during which students shall be provided supervised opportunities to engage in unstructured physical activity.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Note: The remainder of this policy applies to districts that maintain secondary schools and may be modified to reflect district practice.

In establishing the daily instructional schedule for each secondary school, the Superintendent or designee shall give consideration to course requirements and curricular demands, availability of school facilities, and applicable legal requirements.

SCHOOL DAY (continued)

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

Prior to implementing a block or alternative schedule that will allow secondary students to attend school for fewer school days than the total number of school days for which the school is in session, the Board shall consult in good faith, in an effort to reach agreement with the certificated and classified employees of the school, parents/guardians of the students who would be affected by the change, and the community at large. Such consultation shall include at least one public hearing for which the Board shall give adequate notice to the employees and to the parents/guardians of affected students. (Education Code 46162)

(cf. 9320 - Meetings and Notices)

Legal Reference: (see next page)

SCHOOL DAY (continued)*Legal Reference:*EDUCATION CODE

8970-8974 Early primary program, including extended-day kindergarten
 37202 Equal time in all schools
 37670 Year-round schools
 46010 Total days of attendance
 46100 Length of school day
 46110-46119 Kindergarten and elementary schools, day of attendance
 46120 Kindergarten and elementary schools, expanded learning opportunity program
 46140-46147 Junior high school and high school, day of attendance
 46148 School day for middle and high school
 46160-46162 Alternative schedule - junior high and high school
 46170 Continuation schools, minimum day
 46180 Opportunity schools, minimum day
 46190-46192 Adult education classes, day of attendance
 46200-46206 Minimum instructional time
 48200 Compulsory attendance for minimum school day
 48663 Community day school, minimum school day
 48800-48802 Concurrent enrollment in community college
 51222 Physical education, instructional minutes
 51760-51769.5 Work experience education
 52325 Regional occupational center, minimum day

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2021-22 AA & IT Independent Study FAQs, 2021
 Clarifications for Student Learning in Quarantine, 2021
 Conducting Individualized Determinations of Need, 2021

NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION POSITION STATEMENTS

Recess for Elementary School Students, 2006

STATE BOARD OF EDUCATION POLICY STATEMENTS

99-03 Physical Education (PE) Requirements for Block Schedules, July 2006

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Extending Learning Time for Disadvantaged Students, August 1995

WEST ED PUBLICATIONS

Full-Day Kindergarten: Expanding Learning Opportunities, Policy Brief, April 2005

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
 National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>
 State Board of Education: <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>
 U.S. Department of Education: <http://www.ed.gov>
 WestEd: <http://www.wested.org>

(11/02 4/13) 12/21

Policy Reference UPDATE Service

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Policy 6112: School Day

Status: ADOPTED

Original Adopted Date: 06/05/2014 | **Last Reviewed Date:** 06/05/2014

The Board of Education shall fix the length of the school day subject to the provisions of law. (Education Code 46100)

The length of the school day shall apply equally to students with disabilities unless otherwise specified in the student's individualized education program or Section 504 plan.

In establishing the daily instructional schedule for each secondary school, the Superintendent or designee shall give consideration to course requirements and curricular demands, availability of school facilities, and applicable legal requirements.

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

CSBA Sample Administrative Regulation

Instruction

AR 6112(a)

SCHOOL DAY

Note: The following **optional** administrative regulation specifies minimum and maximum school days for each grade level as provided by law. The district may revise this regulation to reflect district practice.

Pursuant to Education Code 46114, the minimum school day in grades K-8 may be computed by determining the average number of minutes over 10 consecutive school days (i.e., the number of minutes of attendance in any 10 consecutive school days, divided by 10). Education Code 46142 authorizes the minimum school day in junior high and high schools to be computed by averaging the number of minutes over two consecutive school days. The district will be in compliance if the average is at least the minimum day required by law, even if the number of minutes in any one school day is less than the minimum required school day specified below. However, Education Code 46114 and 46142 provide that no single school day may be less than 60 minutes for kindergarten, 170 minutes for grades 1-3, or 180 minutes for grades 4-12.

Education Code 46201 and 46207 require districts that have reached their local control funding formula (LCFF) funding target, as well as districts that received longer day or longer year funding prior to the implementation of the LCFF, to offer at least the following instructional minutes per school year: 36,000 minutes for kindergarten, 50,400 for grades 1-3, 54,000 for grades 4-8, and 64,800 for grades 9-12. Pursuant to Education Code 46201 and 46207, if this requirement is not met for any grade level, a portion of the district's LCFF allocation will be withheld.

Kindergarten/Transitional Kindergarten

Note: The following section is for use by districts that maintain kindergarten and transitional kindergarten (TK) classes. Education Code 37202 permits districts to maintain kindergarten or TK classes for different lengths of time during the school day, either at the same or different school sites. Districts offering kindergarten or TK classes for different lengths of time are still required to meet the minimum and maximum length of school day described below.

Kindergarten and transitional kindergarten (TK) classes in district schools may be maintained for different lengths of time, either at the same or different school sites. (Education Code 37202)

Note: Education Code 46117 establishes a minimum school day of three hours (180 minutes) for kindergarten students. However, pursuant to Education Code 46119, if a district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher.

The average school day for kindergarten and TK students shall be at least three hours, including recesses but excluding noon intermissions. If fewer than 40 students are enrolled in kindergarten classes, the district may request approval of the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each. (Education Code 46114, 46115, 46117, 46119)

SCHOOL DAY (continued)

Note: Education Code 46111 limits the maximum length of the school day for kindergarten to four hours, not counting recesses, except where the school is operating an early primary program pursuant to Education Code 8970-8974 or an expanded learning opportunity program established pursuant to Education Code 46120, as added by AB 130 (Ch. 44, Statutes of 2021).

In any school day, kindergarten and/or TK students shall not be kept in school for longer than four hours, excluding recesses, except where the school is operating an early primary program pursuant to Education Code 8970-8974 or an expanded learning opportunity program pursuant to Education Code 46120. (Education Code 46111, 46115, 46120)

Note: The following **optional** paragraph is for use by districts that have established an early primary program pursuant to Education Code 8970-8974 in order to provide an integrated, experiential, and developmentally appropriate educational program with specified components for students in prekindergarten through grade 3. Education Code 8973 provides that the kindergarten school day in such programs may exceed four hours under the conditions described below, although districts do not receive additional apportionment funds for the excess time.

In any district school operating an early primary program pursuant to Education Code 8970-8974, the kindergarten school day may exceed four hours, excluding recess, if both of the following conditions are met: (Education Code 8973)

1. The Governing Board has declared that the extended-day kindergarten program does not exceed the length of the primary school day.
2. The extended-day kindergarten program includes ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

Note: The following paragraph is **optional**. Although Education Code 46111 provides that recess shall be excluded from determining the maximum school day, it is the interpretation of the California Department of Education (CDE) that recess time may be counted as instructional minutes, at the district's discretion, if teacher supervision occurs.

Under an extended day kindergarten program, recess may be counted as instructional minutes for purposes of determining the maximum school day if it occurs under teacher supervision.

Note: The following **optional** paragraph is for use by districts that maintain multitrack year-round schools pursuant to Education Code 37670.

In any multitrack year-round school operating pursuant to Education Code 37670, the kindergarten school day may be up to 265 minutes, excluding recesses. (Education Code 46111)

SCHOOL DAY (continued)*(cf. 6117 - Year-Round Schedules)*

Note: Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both, by completing the School Information Form 2017 located on CDE's web site. The form also includes the type(s) of TK program offered.

The Superintendent or designee shall annually report to the California Department of Education as to whether the district's kindergarten and TK programs are offered full day, part day, or both. (Education Code 48003)

Grades 1-8

Note: The following section is for use by districts that maintain any of grades 1-8 and should be modified to reflect the grade levels offered by the district.

Except as otherwise provided by law, the school day for elementary and middle school students shall be:

1. At least 230 minutes for students in grades 1-3, unless the Board has prescribed a shorter school day because of lack of school facilities requiring double sessions, in which case the minimum school day shall be 200 minutes (Education Code 46112)
2. At least 240 minutes for students in grades 4-8 (Education Code 46113, 46142)

In determining the number of minutes for purposes of compliance with the minimum school day for students in grades 1-8, both noon intermissions and recesses shall be excluded. (Education Code 46115)

Note: The following **optional** paragraph is for any district maintaining a middle school, except a rural school district. Pursuant to Education Code 46148, the school day for a middle school is required to begin no earlier than 8:00 a.m.

The school day for a middle school shall begin no earlier than 8:00 a.m. (Education Code 46148)

Grades 9-12

Note: The following section is for use by districts that maintain any of grades 9-12 and may be modified to reflect the grade levels offered by the district.

The school day for a high school shall begin no earlier than 8:30 a.m. (Education Code 46148)

SCHOOL DAY (continued)

Note: In its "Frequently Asked Questions" about independent study, CDE has clarified that the same minimum school day requirements apply to traditional independent study as for students attending in-person instruction.

The school day for students in grades 9-12, including students in the traditional independent study program, shall be at least 240 minutes. (Education Code 46141, 46142)

(cf. 6158 - Independent Study)

Note: The following list should be revised to reflect programs offered by the district.

However, the school day may be less than 240 minutes when authorized by law. Programs that have a minimum school day of 180 minutes include, but are not necessarily limited to:

1. Continuation high school or classes (Education Code 46141, 46170)

(cf. 6184 - Continuation Education)

2. Opportunity school or classes (Education Code 46141, 46180)

3. Regional occupational center (Education Code 46141, 52325)

(cf. 6178.2 - Regional Occupational Center/Program)

4. Work experience education program approved pursuant to Education Code 51760-51769.5 (Education Code 46141, 46144)

A student in grade 12 who is enrolled in work experience education and is in the last semester or quarter before graduation may, upon written request by the student's parent/guardian or the student, if 18 years of age or over, be permitted to attend school for less than 180 minutes per school day if all requirements for graduation would be completed, except physical education courses, in less than 180 minutes each day. (Education Code 46147)

(cf. 6178.1 - Work-Based Learning)

5. Concurrent enrollment in a community college pursuant to Education Code 48800-48802 or, for students in grades 11-12, part-time enrollment in classes of the California State University or University of California, provided academic credit will be awarded upon satisfactory completion of enrolled courses (Education Code 46146)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

SCHOOL DAY (continued)

6. An early college high school or middle college high school, provided the students are enrolled in community college or college classes in accordance with item #5 above (Education Code 46141, 46146.5)
7. Special day or Saturday vocational training program conducted under a federally approved plan for career technical education (Education Code 46141, 46144)

(cf. 6178 - Career Technical Education)

8. Adult education classes (Education Code 46190)

(cf. 6200 - Adult Education)

Note: The following **optional** paragraph is for use by districts that operate an evening high school pursuant to Education Code 51720-51724.

~~For an evening high school operated pursuant to Education Code 51720-51724, the number of days, specific days of the week, and number of hours during which the program shall be in session may be determined by the Board. (Education Code 46141, 51721)~~

Students in grade 12 shall be enrolled in at least five courses each semester or the equivalent number of courses each quarter. This requirement shall not apply to students enrolled in regional occupational centers or programs, courses at accredited postsecondary institutions, independent study, special education programs in which the student's individualized education program establishes a different number of courses, continuation education classes, work experience education programs, or any other course of study authorized by the Board that is equivalent to the approved high school course of study. (Education Code 46145)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

Alternative Block Schedule for Secondary Schools

Note: The following **optional** section is for use by districts that choose to create a block schedule pursuant to Education Code 46160-46162; see the accompanying Board policy. In establishing a block schedule, the district should be aware of state law (Education Code 51222) that requires secondary students to attend physical education courses for at least 400 minutes each 10 school days; see AR 6142.7 - Physical Education and Activity. Although the daily alternating block schedule, often referred to as the A/B block schedule, does fulfill the requirement for physical education minutes, other block schedules do not and thus require a waiver from the State Board of Education (SBE). See SBE Waiver Policy #99-03 for waiver criteria.

SCHOOL DAY (continued)

In order to establish a block or other alternative schedule or to accommodate career technical education and regional occupational center/program courses, the district may authorize students to attend fewer than the total number of days in which school is in session provided that students attend classes for at least 1,200 minutes during any five school day period or 2,400 minutes during any 10 school day period. (Education Code 46160)

Note: The following **optional** paragraph is for use by districts that maintain an early college high school or middle college high school. Pursuant to Education Code 46160 such districts may schedule classes in these schools so that students who satisfy the provisions of Education Code 46146.5 in regard to part-time enrollment at community college, the California State University, or the University of California attend classes for at least 900 minutes during any five-school day period or 1,800 minutes during any 10-school day period.

~~An early college high school or middle college high school may be scheduled so that students attend classes for at least 900 minutes during any five school day period or 1,800 minutes during any 10 school day period. (Education Code 46160)~~

(4/13 10/17) 12/21

Regulation 6112: School Day

Status: ADOPTED

Original Adopted Date: 05/03/2018 | **Last Reviewed Date:** 05/03/2018

Kindergarten/Transitional Kindergarten

Kindergarten and transitional kindergarten (TK) classes in district schools may be maintained for different lengths of time, either at the same or different school sites. (Education Code 37202)

Except as otherwise permitted by law, the average school day established for kindergarten and TK students shall be at least three hours, including recesses but excluding noon intermissions, but no longer than four hours, excluding recesses. (Education Code 46111, 46114, 46115, 46117)

Recess may be counted as instructional minutes for purposes of determining the maximum school day if it occurs under teacher supervision.

In any district school operating an early primary program pursuant to Education Code 8970-8974, the kindergarten school day may exceed four hours, excluding recess, if both of the following conditions are met: (Education Code 8973)

1. The Board of Education has declared that the extended-day kindergarten program does not exceed the length of the primary school day.
2. The extended-day kindergarten program includes ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

The Superintendent or designee shall annually report to the California Department of Education as to whether the district's kindergarten and TK programs are offered full day, part day, or both. (Education Code 48003)

Grades 1-8

Except as otherwise provided by law, the school day for elementary and middle school students shall be:

1. At least 230 minutes for students in grades 1-3, unless the Board has prescribed a shorter school day because of lack of school facilities requiring double sessions, in which case the minimum school day shall be 200 minutes (Education Code 46112)
2. At least 240 minutes for students in grades 4-8 (Education Code 46113, 46142)

In determining the number of minutes for purposes of compliance with the minimum school day for students in grades 1-8, both noon intermissions and recesses shall be excluded. (Education Code 46115)

Grades 9-12

The school day for students in grades 9-12 shall be at least 240 minutes. (Education Code 46141, 46142)

However, the school day may be less than 240 minutes when authorized by law. Programs that have a minimum school day of 180 minutes include, but are not necessarily limited to:

1. Continuation high school or classes (Education Code 46141, 46170)
2. Opportunity school or classes (Education Code 46141, 46180)
3. Regional occupational center (Education Code 46141, 52325)
4. Work experience education program approved pursuant to Education Code 51760-51769.5 (Education Code 46141, 46144)

A student in grade 12 who is enrolled in work experience education and is in his/her last semester or quarter before graduation may be permitted to attend school for less than 180 minutes per school day if he/she would complete all requirements for graduation, except physical education courses, in less than 180 minutes each day. (Education Code 46147)

5. Concurrent enrollment in a community college pursuant to Education Code 48800-48802 or, for students in grades 11-12, part-time enrollment in classes of the California State University or University of California, provided academic credit will be awarded upon satisfactory completion of enrolled courses (Education Code 46146)
6. An early college high school or middle college high school, provided the students are enrolled in community college or college classes in accordance with item #5 above (Education Code 46141, 46146.5)
7. Special day or Saturday vocational training program conducted under a federally approved plan for career technical education (Education Code 46141, 46144)
8. Adult education classes (Education Code 46190)

Students in grade 12 shall be enrolled in at least five courses each semester or the equivalent number of courses each quarter. This requirement shall not apply to students enrolled in regional occupational centers or programs, courses at accredited postsecondary institutions, independent study, special education programs in which the student's individualized education program establishes a different number of courses, continuation education classes, work experience education programs, or any other course of study authorized by the Board that is equivalent to the approved high school course of study. (Education Code 46145)

Alternative Block Schedule for Secondary Schools

In order to establish a block or other alternative schedule or to accommodate career technical education and regional occupational center/program courses, the district may authorize students to attend fewer than the total number of days in which school is in session provided that students attend classes for at least 1,200 minutes during any five school day period or 2,400 minutes during any 10 school day period. (Education Code 46160)

CSBA Sample Board Policy

Instruction

BP 6143(a)

COURSES OF STUDY

The Governing Board recognizes that a well-aligned sequence of courses fosters academic growth and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, and personally.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

Note: The following **optional** paragraph should be revised to reflect the grade levels offered by the district. For example, unified school districts need to be concerned about articulation of courses within the district and with postsecondary institutions, whereas elementary districts and high school districts will need to address articulation with each other.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, the Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The district shall not provide any course separately or require or refuse participation by any student on the basis of the student's actual or perceived sex, sexual orientation, gender, gender expression, gender identity, ethnic group identification, immigration status, race, ancestry, national origin, religion, color, mental or physical disability, or any other characteristic listed in Education Code 200 and 220, Government Code 11135, or Penal Code 422.55, or the student's association with a person or group with one or more of such actual or perceived characteristics. (Education Code 200, 220; Government Code 11135; Penal Code 422.55; 5 CCR 4940)

(cf. 0415 - Equity)

(cf. 5145.3 - Nondiscrimination/Harassment)

Elementary Grades

Note: The following section is for use by districts offering elementary grades and may be revised to reflect district practice. Education Code 51225.4 **mandates** elementary school districts to certify to the

COURSES OF STUDY (continued)

Superintendent of Public Instruction that they have adopted a policy to implement a course of instruction that sufficiently prepares students for the secondary courses required for graduation pursuant to Education Code 51225.3.

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

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

Secondary Grades

Note: Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California public colleges. Education Code 51228 also requires districts to offer such students the opportunity to attain entry-level employment skills. Pursuant to Education Code 51228, districts that adopt a course of study that meets or exceeds the state model curriculum standards in career technical education will be deemed to have satisfied the requirement.

Education Code 66204 prohibits a public school from establishing any policy or practice that directs any student away from choosing programs that prepare a student academically for college, especially for cultural or linguistic reasons.

The following paragraph is for use by districts maintaining any of grades 7-12 and should be revised to reflect the grade levels offered by the district.

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. The district's course of study may provide for a rigorous academic curriculum that integrates academic and career skills, includes applied learning across all disciplines, and prepares all students for high school graduation and career entry. (Education Code 51228)

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

(cf. 6141.5 - Advanced Placement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6178 - Career Technical Education)

Note: The remainder of this policy is for use by districts maintaining any of grades 9-12.

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

COURSES OF STUDY (continued)

Note: Among the criteria for admission to the University of California (UC) or California State University system is a requirement that high school students satisfactorily complete 15 yearlong/30 semesters of specified courses ("a-g" courses). These include a growing number of career technical education courses that connect knowledge of academic content with practical or work-related applications.

In order to qualify as an "a-g" course, the course must first be submitted to and approved by UC. Education Code 51229 requires that districts annually provide the list of certified courses to students in grades 9-12 and their parents/guardians; see the accompanying administrative regulation and E 5145.6 - Parental Notifications.

The Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. The Superintendent or designee shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to all students in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

*Legal Reference:*EDUCATION CODE*200 Educational equity**220 Prohibition of discrimination**234.1 Categorical program monitoring and prohibition of discrimination, harassment, intimidation, and bullying**234.7 Student protections relating to immigration and citizenship status**33319.3 Driver education; CDE materials on road rage**33540 Government and civics instruction in interaction with government agencies**48980 Parental notifications**49060-49079 Student records**51202 Instruction in personal and public health and safety**51203 Instruction on alcohol, narcotics and restricted dangerous drugs**51204 Course of study designed for student's needs**51204.5 Social science instruction; history of California; contributions of various groups**51210-51212 Course of study for grades 1-6**51220-51230 Course of study for grades 7-12**51241 Exemption from physical education**51911-51921 Comprehensive health education**51930-51939 California Healthy Youth Act**51940 Curriculum for brain and spinal cord injury prevention**60040-60052 Requirements for instructional materials**66204 Certification of high school courses as meeting university admission criteria**Legal Reference continued: (see next page)*

COURSES OF STUDY (continued)*Legal Reference: (continued)*GOVERNMENT CODE*7282-7282.5 Standards for responding to U.S. Immigration and Customs enforcement holds**7283-7283.2 Standards for participation in U.S. Immigration and Customs enforcement programs**7284-7284.12 Cooperation with immigration authorities**11135 Discrimination*HEALTH AND SAFETY CODE*11032 Definitions of dangerous drugs*PENAL CODE*422.55 Hate crime*CODE OF REGULATIONS, TITLE 5*430-438 Student Records**4940 Nondiscrimination; course access**10020-10043 Automobile driver education and training**10060 Physical education program*UNITED STATES CODE, TITLE 20*1232g Family Educational Rights and Privacy Act*CODE OF FEDERAL REGULATIONS, TITLE 34*99.1-99.67 Family Educational Rights and Privacy Act**Management Resources:*WEB SITES*CSBA: <http://www.csba.org>**American Heart Association: <https://www.heart.org>**American Red Cross, Hands-Only CPR: <https://www.redcross.org/take-a-class>**California Career Resource Network: <http://www.californiacareers.info>**California Colleges.edu: <http://www.californiacolleges.edu>**California Department of Education: <https://www.cde.ca.gov>**California State University, Admission Requirements: http://www.csumentor.edu/planning/high_school**California Student Aid Commission: <https://www.csac.ca.gov>**Federal Student Aid: <https://studentaid.gov>**University of California, a-g Course Submissions:**<https://hs-articulation.ucop.edu/guide/update-your-a-g-list/submitting-courses>**University of California, List of Approved a-g Courses: <https://hs-articulation.ucop.edu/agcourselist>**U.S. Department of Education: <https://www.ed.gov>*

(11/11 12/19) 12/21

Policy Reference UPDATE Service

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Policy 6143: Courses Of Study

Status: ADOPTED

Original Adopted Date: 12/12/2013 | **Last Revised Date:** 06/04/2020 | **Last Reviewed Date:** 06/04/2020

The Board of Education recognizes that a well-aligned sequence of courses fosters academic growth and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, and personally.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, the Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The district shall not provide any course separately on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or require or refuse participation by any of its students on any such basis. (5 CCR 4940)

Elementary Grades

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

Secondary Grades

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

The Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. The Superintendent or designee shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to all students in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

CSBA Sample Administrative Regulation

Instruction

AR 6143(a)

COURSES OF STUDY

Note: Education Code requirements for courses of study are generally classified into requirements for grades 1-6 and 7-12. Therefore, K-8 districts and high school districts need to collaborate with appropriate area districts to ensure that all required courses are offered sometime during grades 7-12.

The district should select the sections below ("Grades 1-6" and/or "Grades 7-12") that correspond with the grade levels offered.

Grades 1-6

Note: Items #1-7 below are areas of study required by law for grades 1-6. The Governing Board may add other studies to this list.

Courses of study for grades 1-6 shall include the following:

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

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Mathematics: concepts, operational skills, and problem solving (Education Code 51210)

(cf. 6142.92 - Mathematics Instruction)

3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, including instruction in: (Education Code 51210)

- a. The history, resources, development, and government of California and the United States

Instruction shall include the early history of California and a study of the role and contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic,

COURSES OF STUDY (continued)

political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

- b. The development of the American economic system, including the role of the entrepreneur and labor
- c. The relations of persons to their human and natural environments
- d. Eastern and western cultures and civilizations
- e. Contemporary issues
- f. The wise use of natural resources

(cf. 6142.5 - Environmental Education)

- 4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)

(cf. 6142.93 - Science Instruction)

- 5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)

(cf. 6142.6 - Visual and Performing Arts Education)

Note: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise #6a-e below to indicate topics that will be addressed in grades K-6.

Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

- 6. Health: principles and practices of individual, family, and community health, including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)

COURSES OF STUDY (continued)

- a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation (CPR) when appropriate equipment is available

(cf. 6142.8 - Comprehensive Health Education)

- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease

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

- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

(cf. 5131.6 - Alcohol and Other Drugs)

Note: The following item is optional pursuant to Education Code 51202.

- f. Violence as a public health issue
7. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind (Education Code 51210)

(cf. 6142.7 - Physical Education and Activity)

Note: Item #8 below is optional . Education Code 51210.5 authorizes age-appropriate instruction on violence awareness and prevention within any area of study listed in items #1-7 above. Pursuant to Education Code 51210.5, such instruction may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country. See BP 6142.94 - History-Social Science Instruction.

8. Violence awareness and prevention

Note: Optional item #9 below is not required by state law but is a highly recommended component of school-to-career instruction.

9. Career awareness exploration

(cf. 6178 - Career Technical Education)

COURSES OF STUDY (continued)**Grades 7-12**

Note: Items #1-11 below are areas of study required by law for grades 7-12. The Board may add other studies to this list.

Courses of study for grades 7-12 shall include the following:

(cf. 6146.1 - High School Graduation Requirements)

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

1. English: knowledge and appreciation of literature, language, and composition, and the skills of reading, listening, and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, with instruction in: (Education Code 51220)

- a. The history, resources, development, and government of California and the United States, including instruction in:

- (1) The early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society (Education Code 51204.5)

Note: Education Code 51221.3 and 51221.4 encourage, but do not require, instruction on the topics described in **optional** subitems #(2)-(4) below. These items may be modified or deleted to reflect district practice.

For districts that choose to offer such instruction, Education Code 51221.3 and 51221.4 encourage that a component be drawn from personal testimony, especially in the form of oral or video history. If oral histories are used, they must conform to the requirements of Education Code 51221.3 and 51221.4. See BP 6142.94 - History-Social Science Instruction.

- (2) World War II, including the role of Americans and Filipino Americans who served in the United States Army during that time

COURSES OF STUDY (continued)

- (3) The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war
- (4) The Bracero program, in which there was a 1942 agreement between the United States and Mexico authorizing the temporary migration of laborers to the United States
- b. The American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions

Note: The following **optional** paragraph is for use by districts that offer a teen court or peer court program.

This course may include participation in a teen court or peer court program. (Education Code 51220.2)

(cf. 5138 - Conflict Resolution/Peer Mediation)

- c. The development of the American economic system, including the role of the entrepreneur and labor
- d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

- e. Eastern and western cultures and civilizations

Note: Pursuant to Education Code 51220, instruction related to human rights issues, as provided in item #2f below, may include the study of the Armenian genocide. Education Code 51226.3 encourages the incorporation of oral testimony into instruction in human rights, the Holocaust, and genocide, including the Armenian, Cambodian, Darfur, and Rwandan genocides.

- f. Human rights issues, with particular attention to the study of the inhumanity of genocide (which may include, but is not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides), slavery, and the Holocaust
- g. Contemporary issues

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

COURSES OF STUDY (continued)

3. World language(s): understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)

(cf. 6142.2 - World Language Instruction)

4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education and Activity)

5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

(cf. 6142.93 - Science Instruction)

6. Mathematics: mathematical understandings, operational skills, and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

8. Applied arts: consumer education, family and consumer sciences education, industrial arts, general business education, or general agriculture (Education Code 51220)

9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

(cf. 6178 - Career Technical Education)

Note: Education Code 51934 requires that students be provided comprehensive sexual health and HIV prevention instruction at least once in middle school or junior high school and at least once in high school. See BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction for required components of such instruction.

COURSES OF STUDY (continued)

10. Comprehensive sexual health and HIV prevention (Education Code 51225.36, 51934)

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

Note: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise item #11 below to indicate topics that will be addressed in grades 7-12.

Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)

- a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and CPR when appropriate equipment is available

Note: The following paragraph is for use by districts that require a course in health education for high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51225.6, such districts are required to include instruction in performing compression-only cardiopulmonary resuscitation (CPR), as described below. Such instruction must be based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR, such as those developed by the American Heart Association or the American Red Cross, and must include hands-on practice in compression-only CPR. On its web site, the California Department of Education provides guidance on how to implement this requirement.

Education Code 51225.6 also encourages districts to provide students with general information on the use and importance of an automated external defibrillator.

Instruction shall be provided in compression-only CPR based on national guidelines and shall include hands-on practice. (Education Code 51225.6)

- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease
- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 6142.8 - Comprehensive Health Education)

COURSES OF STUDY (continued)

Note: The following two items are **optional** pursuant to Education Code 51202.

- f. Prenatal care for pregnant individuals
- g. Violence as a public health issue

Note: Item #12 is **optional**. Education Code 51220.3 authorizes age-appropriate instruction on violence awareness and prevention within any area of study listed above for grades 7-12.

12. Violence awareness and prevention

Note: Pursuant to Education Code 51226.7, the State Board of Education has adopted a model curriculum in ethnic studies upon which districts may offer an elective course in social sciences or English language arts in at least one year during grades 9-12.

Subject to funding in the annual Budget Act or other statute, Education Code 51225.3, as amended by AB 101 (Ch. 661, Statutes of 2021), requires a one-semester course in ethnic studies for high school graduation beginning with students who graduate in the 2029-30 school year.

Item #13 is currently **optional**, but, if funding is appropriated, districts will be required to offer a one-semester ethnic studies course, as specified, beginning in the 2025-26 school year.

13. Ethnic studies

Commencing in the 2025-26 school year, the district shall offer a one-semester course in ethnic studies as specified in Education Code 51225.3.

Note: Education Code 51220.5 requires the equivalent content of a one-semester course in parenting skills and education in grade 7 and/or 8, subject to funding which was not subsequently appropriated; thus the following paragraph is currently **optional**.

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education, including, but not limited to, child growth and development, parental responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintenance of healthy relationships, teen parenting issues, and self-esteem. (Education Code 51220.5)

(*cf. 5146 - Married/Pregnant/Parenting Students*)

Note: The following paragraph is for use by districts that maintain high schools.

High schools shall offer automobile driver education that includes instruction in: (Education Code 51220, 51220.1, 51220.4)

1. Vehicle Code provisions and other relevant state laws

COURSES OF STUDY (continued)

2. Proper acceptance of personal responsibility in traffic
3. Appreciation of the causes, seriousness, and consequences of traffic accidents
4. Knowledge and attitudes necessary for the safe operation of motor vehicles
5. The safe operation of motorcycles
6. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle
7. The rights and duties of a motorist as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety

Certification of College Preparatory Courses

Note: The following **optional** section is for use by districts that maintain grades 9-12 and may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University system is a requirement that students satisfactorily complete 15 yearlong/30 semesters of specified courses ("a-g" courses). In order to qualify as an "a-g" course, the course must first be submitted to and approved by UC. The district or school should develop course descriptions using the templates provided by UC and submit them through UC's online system.

Education Code 51225.37 encourages districts that offer world language courses specifically designed for native speakers to submit those courses to UC for certification and addition to the school's "a-g" course list.

The following paragraph may be revised to reflect the position in the district or school(s) that is responsible for submitting and updating "a-g" courses.

The Superintendent or designee shall identify district courses that may qualify for designation as "a-g" college preparatory courses, including courses in history-social science, English, mathematics, laboratory science, languages other than English, visual and performing arts, career technical education, and college preparatory electives. The Superintendent or designee shall submit any necessary information regarding each identified course to the University of California (UC) for "a-g" designation.

Notification and Information to Students in Grades 9-12

Note: The following section is for use by districts that maintain grades 9-12.

At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the course requirements for admission to UC and the California State University (CSU)

COURSES OF STUDY (continued)

Note: The UC maintains a searchable web site that lists certified "a-g" courses for all regular California public high schools.

2. A list of the current UC and CSU web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the CDE web site where students can learn more about career technical education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

Note: Education Code 51225.8 requires districts to provide specified information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA), as appropriate, at least once before grade 12. At the district's discretion, the information provided may be disseminated through in-class instruction, an existing program, family information sessions, group or individual sessions with school counselors, or other appropriate means.

The Superintendent or designee shall provide information to students and parents/guardians regarding the completion and submission of the Free Application for Federal Student Aid (FAFSA) and/or the California Dream Act Application (CADAA) at least once before grade 12. (Education Code 51225.8)

(cf. 5145.6 - Parental Notifications)

(cf. 6164.2 - Guidance/Counseling Services)

Financial Aid Requirements for Students in Grade 12

Note: Pursuant to Education Code 51225.7, as added by AB 132 (Ch. 144, Statutes of 2021), starting in the 2022-23 school year, the district is required to confirm that each student in grade 12 completes and submits a FAFSA to the U.S. Department of Education and/or, if a student is exempt from paying nonresident tuition, a CADAA to the Student Aid Commission (CSAC), unless there is an exception as specified below.

Pursuant to Education Code 51225.7, as added by AB 132, CSAC is required to, by July 1, 2022, adopt regulations that include model opt-out forms and acceptable use policies for the purpose of providing guidance on the protection of student and parent/guardian data, which will be available on CSAC's web site.

COURSES OF STUDY (continued)

Commencing in the 2022-23 school year, the Superintendent or designee shall ensure that each student in grade 12 completes and submits a FAFSA to the U.S. Department of Education or, if a student is exempt from paying nonresident tuition a CADAA to the Student Aid Commission (CSAC), unless either: (Education Code 51225.7)

1. The student's parent/guardian, emancipated minor, or student age 18 years or older submits an opt-out form to the district
2. If the district determines that a student is unable to complete a requirement of Education Code 51225.7, the district shall exempt the student or the student's parent/guardian from completing the FAFSA, CADAA, or opt-out form and shall complete and submit an opt-out form on the student's behalf

Note: Pursuant to Education Code 51225.7, as added by AB 132, the district shall ensure that each high school student in Grade 12, and if applicable, the student's parent/guardian, is directed to any support and assistance necessary to complete the FAFSA and/or CADAA, as described below.

The Superintendent or designee shall ensure that each high school student in grade 12, and if applicable, the student's parent/guardian, be directed to any support and assistance necessary to complete the FAFSA and/or CADAA that may be available through outreach programs, including, but not limited to, programs operated by CSAC, postsecondary immigration resource centers, college readiness organizations, community-based organizations, and/or legal resource organizations. (Education Code 51225.7)

Information shared by students and parents/guardians in completing and submitting the FAFSA and/or CADAA shall be handled in compliance with the federal Family Rights and Privacy Act and applicable state law, regardless of any person's immigration status or other personal information. (Education Code 51225.7)

(cf. 1340 - Access to District Records)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)
(cf. 5145.13 - Response to Immigration Enforcement)
(cf. 6159 - Individualized Education Program)

(10/16 12/19) 12/21

Regulation 6143: Courses Of Study

Status: ADOPTED

Original Adopted Date: 09/21/2004 | **Last Revised Date:** 06/04/2020 | **Last Reviewed Date:** 06/04/2020

Grades 1-6

Courses of study for grades 1-6 shall include the following:

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)
2. Mathematics: concepts, operational skills, and problem solving (Education Code 51210)
3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, including instruction in: (Education Code 51210)
 - a. The history, resources, development, and government of California and the United States

Instruction shall include the early history of California and a study of the role and contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)
 - b. The development of the American economic system, including the role of the entrepreneur and labor
 - c. The relations of persons to their human and natural environments
 - d. Eastern and western cultures and civilizations
 - e. Contemporary issues
 - f. The wise use of natural resources
4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)
5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)
6. Health: principles and practices of individual, family, and community health, including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)
 - a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available
 - b. Fire prevention
 - c. The protection and conservation of resources, including the necessity for the protection of the environment
 - d. Venereal disease
 - e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body
 - f. Violence as a public health issue
7. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind

(Education Code 51210)

8. Violence awareness and prevention

9. Career awareness exploration

Grades 7-12

Courses of study for grades 7-12 shall include the following:

1. English: knowledge and appreciation of literature, language, and composition, and the skills of reading, listening, and speaking (Education Code 51220)
2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, with instruction in: (Education Code 51220)
 - a. The history, resources, development, and government of California and the United States, including instruction in:
 - i. The early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society (Education Code 51204.5)
 - ii. World War II, including the role of Americans and Filipino Americans who served in the United States Army during that time
 - iii. The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war
 - iv. The Bracero program, in which there was a 1942 agreement between the United States and Mexico authorizing the temporary migration of laborers to the United States
 - b. The American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions

This course may include participation in a teen court or peer court program. (Education Code 51220.2)
 - c. The development of the American economic system, including the role of the entrepreneur and labor
 - d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)
 - e. Eastern and western cultures and civilizations
 - f. Human rights issues, with particular attention to the study of the inhumanity of genocide (which may include, but is not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides), slavery, and the Holocaust
 - g. Contemporary issues
3. World language(s): understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)
4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)
5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

6. Mathematics: mathematical understandings, operational skills, and problem-solving procedures; algebra (Education Code 51220, 51224.5)
7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)
8. Applied arts: consumer education, family and consumer sciences education, industrial arts, general business education, or general agriculture (Education Code 51220)
9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)
10. Comprehensive sexual health and HIV prevention (Education Code 51225.36, 51934)
11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)
 - a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation (CPR) when appropriate equipment is available

Instruction shall be provided in compression-only CPR based on national guidelines and shall include hands-on practice. (Education Code 51225.6)
 - b. Fire prevention
 - c. The protection and conservation of resources, including the necessity for the protection of the environment
 - d. Venereal disease
 - e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body
 - f. Prenatal care
 - g. Violence as a public health issue

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education, including, but not limited to, child growth and development, parental responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintenance of healthy relationships, teen parenting issues, and self-esteem. (Education Code 51220.5)

High schools may offer automobile driver education that includes instruction in: (Education Code 51220, 51220.1, 51220.4)

1. Vehicle Code provisions and other relevant state laws
2. Proper acceptance of personal responsibility in traffic
3. Appreciation of the causes, seriousness, and consequences of traffic accidents
4. Knowledge and attitudes necessary for the safe operation of motor vehicles
5. The safe operation of motorcycles
6. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle
7. The rights and duties of a motorist as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety

Certification of College Preparatory Courses

The Superintendent or designee shall identify district courses that may qualify for designation as "a-g" college preparatory courses, including courses in history-social science, English, mathematics, laboratory science, languages other than English, visual and performing arts, career technical education, and college preparatory electives. The Superintendent or designee shall submit any necessary information regarding each identified course to the University of California (UC) for "a-g" designation.

Notification and Information to Students in Grades 9-12

The Superintendent or designee shall provide information to students and parents/guardians regarding the completion and submission of the Free Application for Federal Student Aid (FAFSA) and/or the Dream Act application at least once before grade 12. (Education Code 51225.8)

CSBA Sample Board Policy

Instruction

BP 6158(a)

INDEPENDENT STUDY

Note: Education Code 51745-51749.6 authorize districts to establish independent study programs to meet the educational needs of students. Pursuant to Education Code 51745, as amended by AB 130 (Ch. 44, Statutes of 2021), for the 2021-22 school year, all districts are required to offer independent study to meet the educational needs of students.

AB 167 (Ch. 252, Statutes of 2021) amended various Education Code provisions related to independent study, as reflected throughout this policy and the accompanying administrative regulation. Education Code 51747, as amended by AB 167, authorizes a district to receive apportionment credit for independent study for any student who is unable to attend in-person instruction due to a quarantine, under a local or state public health guidance, for exposure to or infection with COVID-19 or due to a school closure for COVID-19, pursuant to Education Code 41422.

Education Code 51747, as amended by AB 130, **mandates** that the Governing Board adopt a policy with specified requirements as a condition of receiving state apportionments for independent study students. In addition to meeting the requirements specified by Education Code 51747, board policies must comply with rules and regulations adopted by the Superintendent of Public Instruction (SPI). Boards are encouraged to review independent study policies as the SPI adopts revised rules to reflect the new requirements of AB 130.

Education Code 51749.5 **mandates** that the Board adopt policy with specified components as a condition of offering a program of course-based independent study. The mandated components are reflected throughout this policy and the accompanying administrative regulation.

Commencing with the 2021-22 fiscal year Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, the State Controller is required to incorporate verification of the adoption of the policies and other requirements, including loss of apportionment for independent study pursuant to Education Code 51747 and 51749.5 for districts found to be noncompliant.

When developing policy on independent study, 5 CCR 11701 requires the Board to consider, in a public hearing, (1) the scope of its existing or prospective use of independent study as an instructional strategy, (2) its purposes in authorizing independent study, and (3) factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult students.

In the event of a school closure necessitated by an emergency condition pursuant to Education Code 46392, districts must develop a plan for offering independent study to affected students pursuant to Education Code 46393, as added by AB 130 and amended by AB 167. See BP 3516.5 - Emergency Schedules.

Independent study may be offered as a program within a school, as a charter school, or as an alternative school of choice pursuant to Education Code 58500-58512; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation and BP/AR 6181 - Alternative Schools/Programs of Choice.

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational

INDEPENDENT STUDY (continued)

plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time or part-time basis and in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

(cf. 0420.4 - Charter School Authorization)

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

Note: Education Code 51747, as amended by AB 167, relaxes certain independent study requirements for the 2021-22 school year as to students who are unable to participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19, including the requirement that participation in independent study be voluntary.

The California Department of Education (CDE), in its 2021-22 AA & IT Independent Study FAQs, interpreted Education Code 51747 as permitting a district to require a student to participate in independent study under circumstances specified in the following paragraph.

Except for students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to quarantine or school closure for exposure to or infection with COVID-19, student participation in independent study shall be voluntary. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

Note: Pursuant to Education Code 46300, as amended by AB 130, the attendance of students participating in independent study for three or more consecutive school days will be included in computing average daily attendance (ADA) for apportionment purposes.

However, for the 2021-22 school year, districts are permitted pursuant to Education Code 51747, as amended by AB 167, to claim apportionment for fewer than three consecutive school days for students who cannot participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19.

With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a quarantine or school closure for exposure to or infection with COVID-19, the minimum period of time for any independent study option shall be three consecutive school days. (Education Code 51747)

INDEPENDENT STUDY (continued)

General Independent Study Requirements

Note: Education Code 51745, as amended by AB 130, requires districts to offer independent study for the 2021-22 school year only, and thereafter to offer independent study at their discretion. Districts may meet the requirement for the 2021-22 school year by contracting with a county office of education or by entering into an interdistrict transfer agreement with another district pursuant to Education Code 46600. In addition, the requirement to offer independent study for the 2021-22 school year may be waived for districts by the county superintendent of schools in the county in which the district is located if the district demonstrates that (1) offering independent study would create an unreasonable fiscal burden on the district or county office of education due to low numbers of students participating or other extenuating circumstances; and (2) the Board does not have the option to enter into an interdistrict transfer agreement with another district or to contract with a county office of education to provide an independent study option.

For single-district counties, the waiver must be granted by the SPI.

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6200 - Adult Education)

Note: Pursuant to Education Code 46100, the Board is required to fix the length of the school day for each grade level, in accordance with law. CDE, in its "Frequently Asked Questions," clarifies that independent study is not an alternative curriculum and that students in independent study are required to meet the same number of instructional minutes as their peers who are physically at the school site for their instruction.

The minimum instructional minutes for students participating in independent study shall be the same as required for their peers at the school who are receiving in-person instruction, except as otherwise permitted by law. (Education Code 46100)

Note: Education Code 51747 **mandates** that the Board, in a public hearing, adopt a policy on the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment. 5 CCR 11700 defines "type of program" as the statutory program category for purposes of attendance accounting, such as adult education or continuation high school. In addition, 5 CCR 11701 **mandates** that Board policy reflect

INDEPENDENT STUDY (continued)

an awareness that excessive leniency in the duration of independent study assignments can result in a student falling so far behind peers as to increase, rather than decrease, the risk of dropping out of school.

The following paragraph sets one week for all grade levels and types of programs as the maximum length of time an independent study assignment should be completed, and should be revised to reflect the length of time determined by the Board. In order to ensure that apportionment credits are received, the length of time determined by the Board in its policy should be reflected in the student's written agreement. See the section "Master Agreement" below.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date of the agreement.

Note: Education Code 51747 **mandates** that the Board, in a public hearing, adopt a policy which specifies the level of satisfactory educational progress and the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. The following paragraph specifies a maximum of three assignments and should be revised to reflect the Board's determination of the number of missed assignments that will trigger an evaluation.

The number of missed assignments that will trigger an evaluation must be included in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning of required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

Note: Education Code 51747, as amended by AB 130, **mandates** the Board to adopt policy that includes the provision of content aligned to grade level standards that is provided at a level of quality and intellectual

INDEPENDENT STUDY (continued)

challenge substantially equivalent to in-person instruction. For high schools, this requirement includes access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. See BP/AR 6143 - Courses of Study.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

Note: Education Code 51747, as amended by AB 130, **mandates** the Board to adopt policy that includes plans, by grade level, to provide students with specified levels of live interaction and/or synchronous instruction as described below and defined in the accompanying administrative regulation. This requirement only applies to students participating in an independent study program for 15 school days or more.

According to CDE's "2021-22 AA & IT Independent Study FAQs," synchronous instruction for traditional independent study only counts toward meeting the minimum day requirements if students produce a work product that is evaluated for time value as an outcome from their participation in the synchronous instruction.

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

Note: Education Code 51747, as amended by AB 130 and AB 167, **mandates** the Board to adopt policy that includes procedures for tiered reengagement strategies for students who meet the conditions specified in the following paragraph. This requirement only applies to students participating in an independent study program for 15 school days or more.

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 15 school days or more who: (Education Code 51747)

INDEPENDENT STUDY (continued)

1. Are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or 10 percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar
2. Are found to be not participatory pursuant to Section 51747.5 for more than the greater of three schooldays or 60 percent of the scheduled days of synchronous instruction in a school month as applicable by grade span
3. Are in violation of their written agreement

Tiered reengagement strategies procedures used in district independent study programs shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the recording of a non-attendance day or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary

Note: Education Code 51747 requires districts to hold a student-parent-educator conference as defined by Education Code 51745.5, at specified times, as reflected below and in the accompanying regulation.

4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

Note: Education Code 51747, as amended by AB 130, **mandates** the Board to adopt policy that includes a plan to expeditiously, and not longer than five instructional days, transition students whose families wish to return to in-person instruction from independent study. This requirement only applies to students participating in an independent study program for 15 school days or more.

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

Note: Education Code 51747, as amended by AB 130, **mandates** the Board to adopt policy providing that a current written agreement (i.e., the "master agreement") will be maintained for each student who participates in independent study and for whom apportionment is claimed. Education Code 51747 provides that no independent study agreement can be valid for longer than one school year. For the 2021-22 school year only, Education Code 51747, as amended by AB 167, requires the district to obtain a signed written

INDEPENDENT STUDY (continued)

agreement for an independent study program of any length of time no later than 30 days after the first day of instruction in an independent study program or October 15, whichever date comes later.

In addition, Education Code 51749.5 **mandates** the Board to adopt policy providing that a "learning agreement" be maintained for each student participating in course-based independent study.

See the section "Master Agreement" below for required content of these agreements.

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

Note: For the 2021-22 school year only, the district must provide notice with specified components of the independent study option available through Education Code 51747. Education Code 51747, as amended by AB 130, requires that the written information, in addition to being written in English, be written in the primary language if 15 percent or more of the students enrolled in a district that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to CDE.

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Note: Education Code 51747, as amended by AB 130, requires districts to hold a student-parent-educator conference upon the request of a parent/guardian prior to enrollment or disenrollment in independent study. The term student-parent-educator conference is defined in Education 51745.5, and as reflected in the accompanying regulation.

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in the section "Master Agreement," the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested, their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

Note: Education Code 51747 **mandates** that, in order to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are only provided for

INDEPENDENT STUDY (continued)

independent study of three or more consecutive school days pursuant to Education Code 46300, as amended by AB 130, written agreements are required only in such instances.

Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. Since all these components are included in the written agreement which the parent/guardian must sign before the commencement of independent study pursuant to Education Code 51747, the parent/guardian's signature on the agreement satisfies the requirement to obtain the parent/guardian's written permission.

For the 2021-22 school year however, the district must obtain a signed written agreement for independent study, of any length of time, no later than 30 days after the first day of instruction in independent study or October 15, whichever date comes later, pursuant to Education Code 51747, as amended by AB 167. This requirement is also applicable to independent study for a student who is unable to attend classroom-based instruction due to quarantine or school closure for COVID-19.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

However, for the 2021-22 school year only, the district shall obtain a signed written agreement from each student participating in an independent study program for any length of time, no later than 30 days after the first day of instruction in the independent study program.

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

Note: As described in the section "General Independent Study Requirements" above, pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an

INDEPENDENT STUDY (continued)

independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. Education Code 51747, as amended by AB 130, also requires that the written agreement contain a statement of the Board's policy regarding the level of satisfactory educational progress for students participating in independent study.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

Note: Pursuant to Education Code 51747, as amended by AB 167, a master agreement is not required to include the following statement for any student who, during the 2021-22 school year, cannot participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19.

8. A statement that independent study is an optional educational alternative in which no student may be required to participate

For the 2021-22 school year, this statement shall not be required for a student's participation in independent study if the student is unable to attend in-person instruction because of a quarantine or school closure mandated by a local or state health order or guidance due to the student's exposure to or infection with COVID-19.

9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

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

INDEPENDENT STUDY (continued)

10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student, no later than 30 days after the first day of instruction in the independent study program or October 15, whichever date comes later.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

Note: This section is for districts that provide independent study courses to its students. Education Code 51749.5-51749.6, as amended by AB 130, establish a course-based independent study option that may be offered if certain requirements are met, as described below. Education Code 51749.5 **mandates** that boards adopt policies that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

(cf. 4112.2 - Certification)

INDEPENDENT STUDY (continued)

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for students in transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

INDEPENDENT STUDY (continued)

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

(cf. 5125 - Student Records)

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

(cf. 6162.51 - State Academic Achievement Tests)

8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

11. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

INDEPENDENT STUDY (continued)*(cf. 3260 - Fees and Charges)*

13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
14. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Note: Education Code 51749.6, as amended by AB 130, requires that, before enrolling a student in course-based independent study, the district provide the student and, if the student is less than 18 years of age, the student's parent/guardian, with a written learning agreement that includes specified components.

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #3 of the Course-Based Independent Study section above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program

INDEPENDENT STUDY (continued)

5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. For 2022-23 school year and thereafter, before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

INDEPENDENT STUDY (continued)

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a written agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

Student-Parent-Educator Conferences

Note: Education Code 51747 and 51749.5, as amended by AB 130, require districts to hold student-parent-educator conferences as defined by Education Code 51745.5, at specified times. See the accompanying regulation for the definition of student-parent-educator conference.

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records

Note: Education Code 51745.6, 51747, 51747.5, and 51749.5, as amended by AB 130, require, commencing in the 2021-22 fiscal year, the State Controller to incorporate verifications of compliance with specified components of the laws into the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting to the extent that these verifications are not yet included in the audit guide, with loss of apportionment for independent study for districts found to be noncompliant.

The Superintendent or designee shall ensure that records are maintained for audit purposes.

INDEPENDENT STUDY (continued)

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

Note: Education Code 51747.5, as amended by AB 130, requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which the student is provided independent study. A student who does not participate on a school day must be documented as nonparticipatory for that school day. In addition, Education Code 51747.5 requires districts to maintain written or computer-based evidence of student engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades. Commencing in the 2021-22 fiscal year, the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting will incorporate compliance reviews of these requirements, and a finding of noncompliance will result in loss of apportionment in proportion to the impact on ADA from the noncompliance.

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or

INDEPENDENT STUDY (continued)

in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

(cf. 3580 - District Records)

Note: Education Code 51747 authorizes specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

Program Evaluation

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

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

(cf. 0500 - Accountability)

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

(cf. 6162.5 - Student Assessment)

Legal Reference: (see next page)

INDEPENDENT STUDY (continued)*Legal Reference:*EDUCATION CODE*17289 Exemption for facilities**41020 Audit guidelines**41422 Apportionment credit for student inability to attend in-person or school closure due to COVID-19**41976.2 Independent study programs; adult education funding**42238 Revenue limits**42238.05 Local control funding formula; average daily attendance**44865 Qualifications for home teachers and teachers in special classes and schools**46100 Length of school day**46200-46208 Instructional day and year**46300-46307.1 Methods of computing average daily attendance**46390-46393 Emergency average daily attendance**46600 Interdistrict attendance computation**47612-47612.1 Charter school operation**47612.5 Independent study in charter schools**48204 Residency**48206.3 Home or hospital instruction; students with temporary disabilities**48220 Classes of children exempted**48340 Improvement of pupil attendance**48915 Expulsion; particular circumstances**48916.1 Educational program requirements for expelled students**48917 Suspension of expulsion order**49011 Student fees**51225.3 Requirements for high school graduation**51745-51749.6 Independent study programs**52060 Local control and accountability plan**52522 Adult education alternative instructional delivery**52523 Adult education as supplement to high school curriculum; criteria**56026 Individuals with exceptional needs**58500-58512 Alternative schools and programs of choice*FAMILY CODE*6550-6552 Authorization affidavits*CODE OF REGULATIONS, TITLE 5*11700-11703 Independent study*UNITED STATES CODE, TITLE 20*6301 Highly qualified teachers**6311 State plans*COURT DECISIONS*Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365**Management Resources: (see next page)*

INDEPENDENT STUDY (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2021-22 AA & IT Independent Study FAQs, 2021

Clarifications for Student Learning in Quarantine, 2021

Conducting Individualized Determinations of Need, 2021

Legal Requirements for Independent Study, 2021

Elements of Exemplary Independent Study

California Digital Learning Integration and Standards Guidance, April 2021

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

(12/14 7/21) 12/21

Policy Reference UPDATE Service

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Policy 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 12/10/2015 | **Last Revised Date:** 08/10/2021 | **Last Reviewed Date:** 08/10/2021

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days.

General Independent Study Requirements

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with

content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction
10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/ guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil, no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to

2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities for students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program.
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the

minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

11. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.
13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
14. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.

10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021-22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records for Audit Purposes

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district

employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

CSBA Sample Administrative Regulation

Instruction

AR 6158(a)

INDEPENDENT STUDY

Definitions

Note: Education Code 51745.5, as added by AB 130 (Ch. 44, Statutes of 2021), defines the terms "live interaction," "student-parent-educator conference," and "synchronous instruction" as provided below.

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

Educational Opportunities

Note: Pursuant to Education Code 51745, as amended by AB 130, the district is required to offer independent study to meet the educational needs of students for the 2021-22 school year unless the district obtains a waiver from such requirement.

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Note: The following section is **optional**. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-6 below to reflect district practice.

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

INDEPENDENT STUDY (continued)*(cf. 6143 - Courses of Study)*

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

(cf. 5112.3 - Student Leave of Absence)

5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

Note: Education Code 51745, as amended by AB 167, permits districts to provide independent study to students who cannot participate in classroom-based instruction due to a COVID-19 quarantine. See the accompanying board policy.

6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

*(cf. 0420.4 - Charter School Authorization)**(cf. 6142.4 - Service Learning/Community Service Classes)**(cf. 6181 - Alternative Schools/Programs of Choice)*

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

(cf. 5113 - Absences and Excuses)

Note: The following paragraph is for use by districts maintaining high schools.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

INDEPENDENT STUDY (continued)**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

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

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Note: Pursuant to Education Code 51748, independent study students must be enrolled in school as a condition of receiving state apportionments.

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

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

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

INDEPENDENT STUDY (continued)

Note: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries (Education Code 48204(b)) are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

(cf. 5111.1 - District Residency)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

Note: Education Code 51747, as amended by AB 167, relaxes certain independent study requirements for the 2021-22 school year for students who cannot participate in classroom-based instruction as a result of a quarantine order or school closure due to COVID-19, including the limitation on providing a temporarily disabled student individual instruction pursuant to Education Code 48206.3 by means of independent study.

With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a COVID-19 quarantine or school closure, a temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51747)

(cf. 6183 - Home and Hospital Instruction)

Note: Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for independent study for students age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant to Education Code 46300.4, these students may be eligible for independent study through the adult education program for courses required for high school graduation. See BP/AR 6200 - Adult Education.

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

INDEPENDENT STUDY (continued)

Note: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6184 - Continuation Education)

Monitoring Student Progress

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

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

INDEPENDENT STUDY (continued)

Responsibilities of Independent Study Administrator

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

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

Note: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded.

Pursuant to Education Code 51745.6, as amended by AB 130, the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting must incorporate verification of applicable teacher-student ratios commencing in the 2021-22 fiscal year.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective

INDEPENDENT STUDY (continued)

bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

Note: The remainder of this section is **optional** and may be revised to reflect district practice.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress

Note: Pursuant to Education Code 51747.5, as amended by AB 167, the district may only claim apportionment credit for independent study based on the time value of student work products as personally judged in each instance by a certificated teacher employed by the district. Education Code 51747.5 specifies that the teacher is not required to sign and date the work products.

7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

Note: Education Code 51747.5, as amended by AB 130 and AB 167, requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction on a school day shall be documented as nonparticipatory for that school day, for purposes of student participation reporting and tiered reengagement pursuant to Education Code 51747.

INDEPENDENT STUDY (continued)

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

(7/16 7/21) 12/21

Policy Reference UPDATE Service

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Regulation 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 12/08/2016 | **Last Revised Date:** 08/10/2021 | **Last Reviewed Date:** 08/10/2021

Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

Educational Opportunities

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel
5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value

that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which

shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

CSBA Sample Board Policy

Instruction

BP 6170.1(a)

TRANSITIONAL KINDERGARTEN

Note: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111 - Admission. Pursuant to Education Code 48000, as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 167 (Ch. 252, Statutes of 2021), for the 2021-22 school year, districts are required to admit any child whose fifth birthday is between September 2 and December 2 to a transitional kindergarten (TK) program as a condition of apportionment and revises the timespans for mandatory admittance requirements to be phased in from the 2022-23 school year to the 2025-26 school year as described below.

In its "Transitional Kindergarten FAQs," the California Department of Education (CDE) provides that the laws governing TK programs apply equally to all districts including basic aid districts. Districts with questions about the application of the TK mandatory admittance requirements to basic aid districts should consult legal counsel.

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten (e.g., class size, minimum school day, facilities) are also applicable to TK. The district will receive funding based on average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

Education Code 8281.5, as added by AB 130, establishes the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students. Grant funds may be used for costs associated with creating or expanding preschool programs through the California State Preschool Program (CSPP) or TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

Education Code 17375, as amended by AB 130 and AB 167, establishes the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities including for the purpose of providing TK classrooms.

For guidance on implementing TK programs, see the Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, published by CDE.

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

TRANSITIONAL KINDERGARTEN (continued)

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Eligibility

Note: Education Code 48000, as amended by AB 130 and AB 167, revises the timespans for mandatory admittance requirements to be phased in from the 2022-23 school year to the 2025-26 school year.

The district's TK program shall admit children as follows: (Education Code 48000):

1. For the 2021-22 school year, children whose fifth birthday is between September 2 through December 2
2. For the 2022-23 school year, children whose fifth birthday is between September 2 and February 2
3. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2
4. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
5. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

Note: Pursuant to Education Code 48000, as amended by AB 130 and AB 167, a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or childcare program. (Education Code 48000).

Note: CDE's "Transitional Kindergarten FAQs" clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

TRANSITIONAL KINDERGARTEN (continued)

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Note: The following paragraph is **optional**. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying agreement with the child enrolling in kindergarten the following year; see section "Continuation in Kindergarten" below.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee determines that it is in the child's best interest.

Note: The following paragraph is optional. Pursuant to Education Code 48000, as amended by AB 130 and AB 167, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after the date specified for admittance for the applicable year as described above. Such students may be admitted at any time during the school year, including at the beginning of the year. Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after the date specified for the applicable year until the child's fifth birthday.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above, provided that the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)

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

TRANSITIONAL KINDERGARTEN (continued)

Note: Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by CDE. These standards address essential knowledge and skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's web site.

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 37202 permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day provided in law. Pursuant to Education Code 46111, as amended by AB 130, 46115, and 46117, at the kindergarten and TK level the minimum school day is three hours (180 minutes), including recess but excluding noon intermission, and the maximum school day is four hours (240 minutes), excluding recess, except for students in expanded learning opportunity programs intended to supplement instructional time provided by a district pursuant to Education Code 46120 or if the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher. Also see AR 6112 - School Day.

Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both. The California Basic Educational Data System (CBEDS) School Information Form, located on CDE's web site, requires a report on the type of TK program offered.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full day, part day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

(cf. 5148.2 - Before/After School Programs)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

TRANSITIONAL KINDERGARTEN (continued)

Note: Education Code 8281.5, as added by AB 130 and amended by AB 167, requires districts receiving grants through the California Prekindergarten Planning and Implementation Grant Program to develop a plan for consideration by the Board at a public meeting on or before June 30, 2022 for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs.

The Superintendent or designee shall develop a plan for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings, the After School Education and Safety Program, the California State Preschool Program (CSPP), Head Start programs, and other community-based early learning and care programs. The Superintendent or designee shall present such plan for consideration by the Board at a public meeting on or before June 30, 2022. (Education Code 8281.5)

Note: The following **optional** paragraph may be revised to reflect district practice. According to CDE's "Transitional Kindergarten FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000):

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten
2. An early childhood environment rating scale, as specified in 5 CCR 18281, is completed for the classroom
3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256
5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241

TRANSITIONAL KINDERGARTEN (continued)

6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Education Code 48000, as amended by AB 130, requires districts to maintain an average TK class enrollment of not more than 24 students for each school site.

The district shall maintain an average TK class enrollment of not more than 24 students for each school site. (Education Code 48000)

Staffing

Note: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing authorizing instruction in TK. Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below.

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

(cf. 4112.2 - Certification)

Note: Education Code 48000, as amended by AB 130, extends until August 1, 2023, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications, as described below.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2023, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit issued by CTC. (Education Code 48000)

Note: Education Code 8281.5, as added by AB 130, permits the use of funding from the California Prekindergarten Planning and Implementation Grant Program for the purpose of professional development, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods

TRANSITIONAL KINDERGARTEN (continued)

for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

Note: Education Code 48000, as amended by AB 130, requires districts to, commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2023-24 school year.

The district shall, commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2023-24 school year. (Education Code 48000)

(cf. 4131 - Staff Development)

Continuation to Kindergarten

Note: The following section is consistent with guidance in CDE's "Transitional Kindergarten FAQs."

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

Note: The following **optional** paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" section above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

Note: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in kindergarten or for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

(cf. 5123 - Promotion/Acceleration/Retention)

TRANSITIONAL KINDERGARTEN (continued)**Assessment**

Note: The following section may be revised to reflect district practice. One assessment resource for TK students is CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry.

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

Legal Reference:**EDUCATION CODE**

8207 California State Preschool Program administration

8241 Staffing ratios for center-based programs

8281.5 California Prekindergarten Planning and Implementation Grant Program

8970-8974 Early primary programs; extended-day kindergarten

17375 Establishment of California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program

37202 School calendar; equivalency of instructional minutes

44065 Issuance of and functions requiring credentials

44256 Authorization for teaching credentials

44258.9 Assignment monitoring by county superintendent of schools

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46120 Expanded Learning Opportunities Program

46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten

48000 Age of admission, kindergarten and transitional kindergarten

48002 Evidence of minimum age required to enter kindergarten or first grade

48003 Kindergarten annual report

48011 Admission on completing kindergarten

48200 Compulsory education, starting at age six

CODE OF REGULATIONS, TITLE 5

18000-18434 Child care and development programs, especially:

18068 Attendance and expenditure reports

18272 Developmental profile

18281 Environment rating scales

Management Resources: (see next page)

TRANSITIONAL KINDERGARTEN (continued)

Management Resources:

CSBA PUBLICATIONS

What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013

California Preschool Curriculum Framework, Vol. 3, 2013

California Preschool Learning Foundations, Vol. 3, 2012

California Preschool Curriculum Framework, Vol. 2, 2011

California Preschool Learning Foundations, Vol. 2, 2010

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

WEB SITES

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

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

California Kindergarten Association: <https://californiakindergartenassociation.org/>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Transitional Kindergarten California: <http://tkcalifornia.org>

(10/18 12/20) 12/21

Policy Reference UPDATE Service

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Policy 6170.1: Transitional Kindergarten

Status: ADOPTED

Original Adopted Date: 02/14/2019 | Last Revised Date: 04/29/2021

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

Eligibility

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee determines that it is in the child's best interest.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after December 2 of that same school year, provided that the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full day, part day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a California State Preschool

Program as long as all of the requirements of each program are met and the classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten. (Education Code 8235, 48000)

Staffing

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2021, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

Continuation to Kindergarten

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

Assessment

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

CSBA Sample Board Bylaw

Board Bylaws

BB 9150(a)

STUDENT BOARD MEMBERS

Note: The following **optional** Board bylaw is for use by any district maintaining one or more high schools. Pursuant to Education Code 35160, the Governing Board may, on its own authority, elect to include one or more student members on the Board. In districts that do not have a student Board member, the district's high school students may petition the Board, pursuant to Education Code 35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Note: Education Code 35012 and 35120 authorize the Board to award elective course credit for service as a student Board member, as specified below.

Student Board members may, at the Board's discretion, receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35012, 35120)

Note: Pursuant to Education Code 35012, student Board members are entitled to reimbursement for mileage expenses to the same extent as other members of the Board. This law does not address other travel expenses that may be incurred by student Board members related to training or to the performance of authorized services. As such, other travel expenses are not necessarily reimbursable for student Board members, except with prior Board approval.

Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board, but shall not receive monetary compensation for attendance at Board meetings. (Education Code 35012)

(cf. 3350 - Travel Expenses)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

(cf. 9323.2 - Actions by the Board)

Petition

Note: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts that have already established student Board member position(s) should delete the following section.

STUDENT BOARD MEMBERS (continued)

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

Choosing Student Board Members

Note: The following section may be revised to reflect district practice. Pursuant to Education Code 35012, when student representation is established in response to a student petition, student Board members must be chosen by the students enrolled in district high school(s). It is recommended that the district apply the same process when a student Board member position is established at the Board's discretion. The following paragraph may be revised accordingly.

A student Board member shall be chosen by students enrolled in the district's high schools in accordance with procedures prescribed by the Board. (Education Code 35012)

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

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

Note: Education Code 35012, as amended by AB 824 (Ch. 669, Statutes of 2021), authorizes the Board to adjust the term of a student Board member only when a vacancy occurs or in order to provide more students an opportunity to serve on the Board. It is recommended that any proposal to reduce the term of a student Board member be brought before the Board for consideration and that a majority vote of all Board members be required prior to reducing the term.

The term of student Board member(s) shall be one year, commencing on July 1. However, the Board may adjust the term of a student Board member only if a vacancy occurs or in order to give more students an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

Note: Pursuant to Education Code 35012, student Board members have certain rights, as specified in the following section. However, student Board members are not considered to be members of the Board for purposes of the Brown Act.

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

STUDENT BOARD MEMBERS (continued)

A student Board member shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

Student Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

(cf. 9321 - Closed Session)

Note: Education Code 35012 requires that student Board members receive all open meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board must comply with Brown Act requirements.

Education Code 35012 requires that student Board members also receive all non-closed session materials given to other Board members by the district between open meetings.

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to other Board members. Student Board member(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. In addition, all materials given to Board members by the district between meetings, except for materials that pertain to closed session items, shall be distributed to student Board members. (Education Code 35012)

(cf. 9322 - Agenda/Meeting Materials)

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

Student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

(cf. 9324 - Minutes and Recordings)

Note: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following **optional** paragraph is for use by districts that have adopted a resolution granting such authority.

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

STUDENT BOARD MEMBERS (continued)

Note: Education Code 35012 requires student Board members to be appointed to subcommittees of the Board in the same manner as other Board members, and as specified below.

Student Board members shall be appointed to subcommittees of the Board in the same manner as other Board members, and shall be made aware of the time commitment required to participate in subcommittee meetings and work and of the right to decline an appointment. The availability of all subcommittee members, including the availability of student Board members, may be considered when scheduling subcommittee meetings. (Education Code 35012)

(cf. 9130 - Board Committees)

Note: Education Code 35012 requires that student Board members be invited to attend functions of the Board, as provided below.

Student Board members shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

Student Board Member Training

Note: The following section is **optional**. Trainings for student Board members are available through CSBA's governance workshops and Annual Education Conference and other statewide associations such as the California Association of Student Councils and California Association of Student Leaders.

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

(cf. 9240 - Board Training)

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once chosen or appointed, incoming student Board members shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

(cf. 9230 - Orientation)

Alternate Student Board Member

Note: Education Code 35012 authorizes the Board to appoint a student to serve as an alternate student Board member if the Board determines that the student Board member's duties are not being fulfilled.

STUDENT BOARD MEMBERS (continued)

If the Board determines that the student Board member's duties are not being fulfilled, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

*Legal Reference:*EDUCATION CODE33000.5 *Appointment of student member to State Board of Education*35012 *Board members; number, election and terms; student members*35120 *Course credit for student board members*35160 *Authority of governing boards*GOVERNMENT CODE3540-3549.3 *Educational Employment Relations Act*54950-54964 *Ralph M. Brown Act**Management Resources:*WEB SITESCSBA: <http://www.csba.org>California Association of Student Councils: <http://www.casc.net>California Association of Student Leaders: <http://www.caslboard.com>

(12/17 12/19) 12/21

Policy Reference UPDATE Service

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Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: 06/07/2018 | **Last Revised Date:** 06/04/2020 | **Last Reviewed Date:** 06/04/2020

In order to enhance communication and collaboration between the Board of Education and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Student Board members may, at the Board's discretion, receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35012, 35120)

Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board, but shall not receive monetary compensation for attendance at Board meetings. (Education Code 35012)

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

Petition

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of no less than 500 regularly enrolled high school students or no less than 10 percent of the number of regularly enrolled high school students, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

Election of Student Board Member

Student Board members shall be selected in accordance with procedures prescribed by the Board.

One representative to the Board of Education will be selected by a panel comprised of the student body president (unless they are a candidate for the position), one student body member, one past representative (if available), one Board member, Superintendent and the Student Activities Director. The selected candidate will then be approved by the student council. New representative(s) will be selected in the spring of the school year prior to service. The term of office shall be July 1 to June 30. The representatives will be invited to workshops to familiarize themselves with the Board.

The term of student Board member(s) shall be one year, commencing on July 1. (Education Code 35012)

Role and Responsibilities of Student Board Members

Student Board member(s) shall have the right to attend all Board meetings except closed (executive) sessions. (Education Code 35012)

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to other Board members. Student Board member(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. In addition, all materials given to Board members by the district between meetings, except for materials that pertain to closed session items, shall be distributed to student Board members. (Education Code 35012)

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

Student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. Preferential voting means a formal expression of opinion that is recorded in the minutes and cast

before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

Student Board members shall be appointed to subcommittees of the Board in the same manner as other Board members, be made aware of the time commitment required to participate in subcommittee meetings and work, and have the right to decline an appointment. The availability of all subcommittee members, including the availability of student Board members, may be considered when scheduling subcommittee meetings. (Education Code 35012)

Student Board members shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

A student Board member shall not be counted in determining whether a quorum of the Board is in attendance.

Student Board Member Training

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once elected or appointed, incoming student Board members shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

If the Board determines that the student Board member's duties are not being fulfilled, the Board may appoint another student to serve as an alternate student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

CSBA Sample Board Bylaw

Board Bylaws

BB 9320(a)

MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

Note: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.

This prohibition against serial meetings also applies to communications via technology. Email exchanges, chat room threads, or comments posted on a blog or social media account that result in a majority of the Governing Board "discussing among themselves" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, as amended by AB 992 (Ch. 89, Statutes of 2020), Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public as long as a majority of the Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. Consequently, a Board member is prohibited from responding directly to any communication from other members of the Board on a social media platform regarding matters that are within the subject matter jurisdiction of the Board. See BB 9012 - Board Member Electronic Communications.

In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's web site, and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate.

MEETINGS AND NOTICES (continued)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

Note: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member.

However, an employee or district official may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

Note: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations (28 CFR 35.160, 36.303). Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1, 54954.2)

Regular Meetings

Note: Education Code 35140 and Government Code 54954 **mandate** the Board to fix the time and place for its regular meetings by rule and regulation.

The Board shall hold regular meeting(s) approximately every third Thursday each month.
~~Regular meetings shall be held at~~ 6:30 p.m. on the _____ (day) at the _____.

Note: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. Government Code 54954.2 also requires that the agenda be posted on the district's web site, if it has one. Any district that does not have a web site should delete the reference to it in the following paragraph.

The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a

MEETINGS AND NOTICES (continued)

location where it can be read by the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's web site. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)

Note: Pursuant to Government Code 54957.5, the agenda must list any address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting; see BB 9322 - Agenda/Meeting Materials. In addition, pursuant to the California Public Records Act (Government Code 6252-6270), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to the inspection of any member of the public. For a list of documents subject to disclosure by the district, see BP/AR 1340 - Access to District Records.

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

Special Meetings

Note: Education Code 35144 and Government Code 54956 allow the Board to hold special meetings to address any matter that requires timely action. For example, the Board may hold a special meeting to discuss the need for an emergency state apportionment when the district is in financial distress; see BP 3460 - Financial Reports and Accountability. However, pursuant to Government Code 54956, certain specified matters, as described below, may not be addressed in a special meeting.

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

MEETINGS AND NOTICES (continued)

Note: Pursuant to Government Code 54956, written notice of a special meeting may be delivered personally or by other means, including email or fax. Government Code 54956 requires any district that has its own web site to also post the notice on its web site. Any district that does not have its own web site should delete reference to it in the following paragraph.

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

Note: Government Code 54956.5 authorizes a closed session during emergency meetings, as long as two-thirds of the members present at the meeting agree on the need for the closed session or, if less than two-thirds of the members are present, by unanimous vote of the members present. See BB 9321 - Closed Session and E(1) 9323.2 - Actions by the Board.

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - *Concerted Action/Work Stoppage*)

MEETINGS AND NOTICES (continued)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and place and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

Note: The following section is **optional** and may be revised to reflect district practice. Pursuant to Government Code 54954.2, the Board must still comply with the public notice requirements when holding a study session, retreat, public forum or other such meeting.

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

MEETINGS AND NOTICES (continued)

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

MEETINGS AND NOTICES (continued)**Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

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

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

MEETINGS AND NOTICES (continued)

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

Note: In 84 Ops.Cal.Atty.Gen. 181 (2001), the Attorney General opined that a city is not required under the ADA to provide, as an accommodation for city council member with disabilities who was unable to attend a regularly scheduled meeting, a teleconference connection to the member's house where the public would not be permitted to be present. According to the Attorney General, Government Code 54953 requires that members of the public be permitted to be present at any teleconference location.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

Teleconferencing During a Proclaimed State of Emergency

Note: Pursuant to Government Code 54953, as amended by AB 361 (Ch. 165, Statutes of 2021), boards are authorized, until January 1, 2024, to conduct board meetings by teleconference as specified below when holding a board meeting during a proclaimed state of emergency pursuant to Government Code 8625-8629

MEETINGS AND NOTICES (continued)

when any of the following circumstance exist: (1) state or local officials have imposed or recommended measures to promote social distancing; (2) to determine whether, as a result of an emergency, meeting in person would present imminent risks to the health or safety of attendees; or (3) when it has been determined, as a result of an emergency, that meeting in person would impose such risks.

While a resolution is not required by law to make findings required by Government Code 54953, as amended by AB 361, CSBA offers sample resolutions available on its web site for (1) recognizing a state of emergency and authorizing teleconferenced meetings and (2) recognizing a state of emergency and re-authorizing teleconferenced meetings. CSBA recommends that if resolutions are not utilized, the motion and findings to authorize or reauthorize emergency teleconferenced meetings are included in the meeting minutes.

The Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. State or local officials have imposed or recommended measures to promote social distancing
2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees
3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied: (Government Code 54953)

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act
2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option

Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third-party and not under the control of the Board.

MEETINGS AND NOTICES (continued)

3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3
4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time
5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed
6. If during a Board meeting a disruption occurs which prevents the district from broadcasting the meeting to members of the public or for members of the public to offer public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

(cf. 9323.2 - Actions by the Board)

The district may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)

The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person
2. State or local officials continue to impose or recommend measures to promote social distancing

Legal Reference: (see next page)

MEETINGS AND NOTICES (continued)

Legal Reference:

EDUCATION CODE

35140 *Time and place of meetings*
35143 *Annual organizational meeting, date, and notice*
35144 *Special meeting*
35145 *Public meetings*
35145.5 *Agenda; public participation; regulations*
35146 *Closed sessions in connection with a student*
35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

3511.1 *Local agency executives*
6252-6270 *California Public Records Act*
8625-8629 *California Emergency Services Act*
11135 *State programs and activities; prohibition of discrimination*
54950-54963 *The Ralph M. Brown Act, especially:*
54953 *Meetings to be open and public; attendance; teleconference*
54954 *Time and place of regular meetings*
54954.2 *Agenda posting requirements, board actions*
54956 *Special meetings; call; notice*
54956.5 *Emergency meetings*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications for individuals with disabilities*
36.303 *Auxiliary aids and services for individuals with disabilities*

COURT DECISIONS

Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208

Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226

Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Atty.Gen.* 218 (2005)
84 *Ops.Cal.Atty.Gen.* 181 (2001)
84 *Ops.Cal.Atty.Gen.* 30 (2001)
79 *Ops.Cal.Atty.Gen.* 69 (1996)
78 *Ops.Cal.Atty.Gen.* 327 (1995)

Management Resources continued: (see next page)

MEETINGS AND NOTICES (continued)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public V: A Guide to the Ralph M. Brown Act, 2016

WEB SITES

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

CSBA, GAMUT Meetings:

<http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy>

California Attorney General's Office: <http://oag.ca.gov/home>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

(11/11 12/20) 12/21

Policy Reference UPDATE Service

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Bylaw 9320: Meetings And Notices

Status: ADOPTED

Original Adopted Date: 01/10/2019 | **Last Revised Date:** 04/29/2021

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1, 54954.2)

Regular Meetings

The Board shall hold regular meeting(s) approximately every third Thursday at 6:30 p.m.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a

written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Regular or special board meetings shall not go past 10:00 p.m. unless a majority of the board votes to continue the meeting. If a meeting must be continued, its scheduling will comply with the Brown Act.

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Bylaw 9400: Board Self-Evaluation

Status: ADOPTED

Original Adopted Date: 02/01/2018 | Last Reviewed Date: 02/01/2018

The Board of Education shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

The evaluation may address any area of Board responsibility, including, but not limited to, Board performance in relation to vision setting, curriculum, personnel, finance, policy development, collective bargaining, community relations, and advocacy. The evaluation may also address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other governance or boardsmanship skills.

The Board shall evaluate itself as a whole. Individual Board members are also expected to use the evaluation process as an opportunity to assess and set goals for their own personal performance.

Each year, the Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures key components of board responsibility and previously identified performance objectives. Visual and/or audio recordings of a Board meeting may only be used as an evaluation tool when consent is given by all Board members.

Any discussion involving the Board's self-evaluation shall be conducted in open session.

At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent or other individual(s) with pertinent information to provide input into the evaluation process.

Following the evaluation, the Board may set goals, define and/or refine protocols, and establish priorities and objectives for the following year's evaluation. The Board may also develop strategies for strengthening Board performance based on identified areas of need, including, but not limited to, Board trainings such as those offered by the California School Boards Association.

Bylaw 9400: Board Self-Evaluation

Status: DRAFT

Original Adopted Date: 02/01/2018 | Last Reviewed Date: 02/01/2018

The Board of Education shall ~~annually~~ may periodically conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

The evaluation may address any area of Board responsibility, including, but not limited to, Board performance in relation to vision setting, curriculum, personnel, finance, policy development, collective bargaining, community relations, and advocacy. The evaluation may also address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other governance or boardsmanship skills.

The Board shall evaluate itself as a whole. Individual Board members are also expected to use the evaluation process as an opportunity to assess and set goals for their own personal performance.

~~Each year,~~ The Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures key components of board responsibility and previously identified performance objectives. Visual and/or audio recordings of a Board meeting may only be used as an evaluation tool when consent is given by all Board members.

Any discussion involving the Board's self-evaluation shall be conducted in open session.

At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent or other individual(s) with pertinent information to provide input into the evaluation process.

Following the evaluation, the Board may set goals, define and/or refine protocols, and establish priorities and objectives for the following year's evaluation. The Board may also develop strategies for strengthening Board performance based on identified areas of need, including, but not limited to, Board trainings. ~~such as those offered by the California School Boards Association.~~

AGENDA ITEM

Agenda Title: Information Only: June 2022 - Review of CDE Calendar of Events
Meeting Date: May 19, 2022
Item: Information Only

WHAT *(the board is asked to discuss, receive, approve, or adopt)*

June 2022

Fireworks Safety Month

The CDE encourages you to annually recognize June 1 through July 4 as Fireworks Safety Month.

LGBT Pride Month

The CDE encourages you to annually recognize June as LGBT Pride Month.

National Fresh Fruit and Vegetables Month

The CDE encourages you to annually recognize June as National Fresh Fruit and Vegetables Month.

National Safety Month

The CDE encourages you to annually recognize June as National Safety Month.

World Environment Day (6/5/2022)

The CDE encourages you to annually recognize June 5th as World Environment Day.

National Flag Week

The CDE encourages you to recognize June 12–18, 2022 as National Flag Week (36 United States Code 122).

National Flag Day (6/14/2022)

The CDE encourages you to annually recognize June 14 as National Flag Day (36 United States Code 110).

Father's Day (6/19/2022)

The CDE encourages you to recognize June 19, 2022 as Fathers Day (36 United States Code 109).

WHY (*briefly explain why the action or discussion is important; and if applicable, how it is connected to site, district, or strategic plans*)

Information only.

STRATEGIC PLAN/PRIORITY AREA:

Subject does not apply to a Strategic Plan Priority Area

HISTORY (*list previous staff or board action(s) with dates if possible*)

Not applicable.

HOW MUCH (*list the revenue amount \$ and/or the expense amount \$*)

Not applicable.

WHO (*list the name of the contact person(s), job title, and site location*)

Not applicable.