

Agenda
BIGGS UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF TRUSTEES
BOARD ROOM – 300 B Street
January 6, 2021
6:30 p.m. Closed Session
7:00 p.m. Estimated Open Session

District COVID-19 Protocol

* Guidelines on use of facial coverings – Staff and visitors entering any District building is required to wear a facial covering. Disposable masks will be available.
* Guideline on social distancing – Staff and visitors are asked to maintain a minimum of 6 feet between people or wear face covering when not possible.

OPEN SESSION

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**

Pgs. 4-7 A. December 2, 2020 Regular meeting

CLOSED SESSION

1. Public Employment Appointment of Personnel as listed under “Personnel Action” below; Pursuant to Government Code Section 54957
2. Classified, Certificated, Classified Confidential, and Management Personnel Discipline, Dismissal and/or Release; Pursuant to Government Code Section 54957
3. Public Employee Performance Evaluation of Classified, Certificated, Classified Confidential, Management and Superintendent; Pursuant to Government Code Section 54957
4. Instructions to Board Negotiators, Superintendent and Board Member; Pursuant to Government Code Section 54957.6(a)

If Closed Session is not completed before 7:00 p.m., it will resume immediately following the open session/regular meeting.

RECONVENE TO OPEN SESSION

- 6. ANNOUNCEMENT OF ACTIONS TAKEN IN CLOSED SESSION**
- 7. PARENT ASSOCIATIONS REPORTS**
- 8. CLASSIFIED SCHOOL EMPLOYEES ASSOCIATION (CSEA) and BIGGS UNIFIED TEACHERS ASSOCIATION (BUTA) REPORTS**
- 9. PUBLIC COMMENT**

Anyone wishing to address the Board on items on or off the agenda may do so at this time. No action may be taken on items that are not listed as Action Items. Comments are limited to 3-5 minutes and 20 minutes each subject matter.

10. PUBLIC HEARING

Pgs 8-50 A. To allow public input on Resolution 2020/2021 #7 regarding Increasing School Facilities Fees

11. REPORTS (Pursuant to the Brown Act: Gov. Code 854950 et.seq. - Reports are limited to announcements or brief descriptions of individual activities)

- A. ELEMENTARY SCHOOL PRINCIPAL'S REPORT:
- B. HIGH SCHOOL PRINCIPAL'S REPORT:
 - 1. Chris Hall, Math Teacher presentation
- C. M/O/T AND FOOD SERVICE DIRECTOR'S REPORT:
- D. SUPERINTENDENT'S REPORT:
- E. BOARD MEMBER REPORTS:

12. CONSENT AGENDA

All matters listed under the Consent Agenda are routine and will be acted upon by one motion and vote. If an item needs further clarification and/or discussion, it may be removed from the Consent portion of the agenda and then be acted upon as a separate item.

- Pg. 51 A. Approve Inter-District Transfers for the 2020-2021 school years
- Pgs. 52-68 B. Approve PO / Vendor Report from 11/01 - 12/30/2020

13. ACTION ITEMS

- A. Approve Resolution 2020/2021 #7 – Increasing School Facilities Fees
- Pgs. 69-74 B. Adopt Resolution # 2020/2021 #8 - Supporting The Designation Of District Representatives And Authorization To File Applications For The School Facility Program
- C. Approve change order for Modernization Project for Biggs High School and Biggs Elementary School
- Pgs. 75-78 D. Adopt the Following New or Updated Board Policies (BP), Admin. Regulations (AR) and Exhibits (E):
 - AR 0430 – Philosophy, Goals, Objectives and Comprehensive Plans – Comprehensive Local Plan for Special Education – update
 - BP/AR 1312.3 – Community Relations – Uniform Complaint Procedures – update
 - BP/AR 4119.25/4219.25/4319.25- Personnel –Political Activities of Employees – update
 - AR 4140/4240/4340- Personnel – Bargaining Units – update
 - BP/AR 5113.2 – Students –Work Permits – update
 - BP/AR 5126 – Students –Awards for Achievement – updated
 - BP/AR 5141.31 – Students – Immunizations – updated
 - BP 6146.1 – Instruction – High School Graduation Requirements - updated
 - BP/AR 6146.2 - Instruction –Certificate of Proficiency/High School Equivalency – update
 - E 6146.2 - Instruction –Certificate of Proficiency/High School Equivalency – add
 - BP 6170.1 – Instruction – Transitional Kindergarten - update
 - BB 9012 – Board Bylaws – Board Member Electronic Communications – update
 - BB 9320 – Board Bylaws – Meetings and Notices - update

14. PERSONNEL ACTION

- A. Approve Hiring of Cindi VanQuick as walk-on Girls Basketball coach for 2020/2021 season

15. INFORMATION ITEMS

- A. Quarterly Report on Williams Uniform Complaints – No complaints were filed with any school in the district during the last quarter.

16. FUTURE ITEMS FOR DISCUSSION

17. ADJOURNMENT

Notice to the Public: Please contact the Superintendent's Office at 868-1281 ext. 250 should you require a disability-related modification or accommodation in order to participate in the meeting. This request should be received at least 48 hours prior to the meeting in order to accommodate your request.

Minutes
BIGGS UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF TRUSTEES
December 2, 2020

OPEN SESSION

CALL TO ORDER – President Phillips called the meeting to order at 6:38 p.m.

SWEARING-IN CEREMONY

Superintendent Kaelin swore in returning board members Jonna Phillips and Linda Brown. He presented them with their certificates.

ROLL CALL - Board members present: Kathryn Sheppard, America Navarro, Jonna Phillips, Dennis Slusser and Linda Brown.

PLEDGE OF ALLEGIANCE – President Phillips lead the Pledge of Allegiance.

APPROVAL OF AGENDA

The Board approved the agenda with no changes or additions. MSCU (Slusser/Navarro) 5/0

APPROVAL OF MINUTES

The Board approved the minutes from the November 4, 2020 regular Board meeting as written. MSCU (Slusser/Sheppard) 5/0

The Board adjourned into Closed Session at 6:41 pm

CLOSED SESSION

1. Public Employment Appointment of Personnel as listed under “Personnel Action” below; Pursuant to Government Code Section 54957
2. Classified, Certificated, Classified Confidential, and Management Personnel Discipline, Dismissal and/or Release; Pursuant to Government Code Section 54957
3. Public Employee Performance Evaluation of Classified, Certificated, Classified Confidential, Management and Superintendent; Pursuant to Government Code Section 54957

Closed Session was adjourned at 7:09 pm and reconvened to Open Session.

Staff Present: Doug Kaelin, Superintendent; LaQuita Ulrich, Elementary Principal, Tyler Rutledge, High School Principal, Lorelle Mudd, CBO and Donna Cyr, Admin. Assist. & HR Director

ANNOUNCEMENT OF ACTIONS TAKEN IN CLOSED SESSION – President Phillips announced no action was taken during Closed Session.

ACTION ITEM - ANNUAL ORGANIZATIONAL MEETING

A. ELECTION OF OFFICERS

1. *President* – Jonna Phillips

Dennis Slusser nominated Jonna Phillips. There were no other nominations. MSCU (Slusser/Sheppard) 5/0

2. *Vice President* – M. America Navarro

Dennis Slusser nominated America Navarro. There were no other nominations. MSCU (Slusser/Sheppard) 5/0

Clerk – Linda Brown

Kathryn Sheppard nominated Linda Brown. There were no other nominations. MSCU (Sheppard/Slusser) 5/0

3. Establishment of Regular Meetings

The Board will keep the meeting time and place the same for 2021. The Board will meet the first Wednesday every month unless there is a holiday. There will only be a second meeting on the third Wednesday each month when necessary. The meeting time remains at 7:00 p.m. MSCU (Sheppard/Navarro) 5/0

4. Selection of Board of Trustees Representatives

Dennis Slusser motioned that all Representatives remain the same. MSCU (Slusser/Navarro) 5/0

- a) Representative to City Council – Linda Brown
- b) Representative to LCAP Committee – Jonna Phillips
- c) Representative to Biggs/Richvale Educational Foundation – America Navarro
- d) Representatives to Negotiation Teams: Biggs Unified Teachers Association (BUTA) and California School Employees Association (CSEA) - Dennis Slusser to serve as BUTA rep. and Kathryn Sheppard will be serving with CSEA. Jonna Phillips will be the alternate for BUTA and CSEA.

5. Secretary to the Board – Doug Kaelin, Superintendent

Linda Brown nominated Doug Kaelin. There were no other nominations. MSCU (Brown/Slusser) 5/0

PARENT ASSOCIATIONS REPORTS – No Parent report.

CLASSIFIED SCHOOL EMPLOYEES ASSOCIATION (CSEA) and BIGGS UNIFIED TEACHERS ASSOCIATION (BUTA) REPORTS - No report for CSEA or BUTA.

PUBLIC COMMENT – No Public Comments

REPORTS:

ELEMENTARY SCHOOL PRINCIPAL’S REPORT:

Principal Ulrich gave the report:

- The Spaghetti Feed was very successful. There was a good turnout. Raffle was a huge hit.
- BES has expanded in person learning to Kindergarten through 3rd grade & 8th grade to four days a week. Students are excited. We are being pro-active on parent pick up & drop off.
- We are diligent on calling parents if students are ill.
- Working with parents on student instruction
- We are working hard on the social emotional side with students. Defining the needs of the students – students that are withdrawn and inward. Mrs. Pfister is providing weekly Character Strong lessons.
- Trying to continue with the norm by having the Math-a-thon, Toys for Tots drive and a Sock & Coat Drive and school spirit.
- Younger grades have increased their small groups using guided reading and SIPPS. Some students are receiving a triple dose of either math or reading with a 1:1 session with a paraprofessional.

1. BES Academic Support Team – Mrs. Pfister and Mrs. Robinson presented a report on their 8th grade intervention strategies to ensure high school readiness. They gave 8th grade students an extra opportunity after school to bring

up their grades in any of their five core classes. Overall, it was very successful for both the students and their parents. All questions were answered. The report is attached.

HIGH SCHOOL PRINCIPAL'S REPORT:

Principal Rutledge gave the report:

- Principal Rutledge stated that the new freshmen are doing great at the high school and adjusting well.
- ASB is working hard on spirit posters for the campus, their annual Secret Santa, and a Shout Out wall conveying positive messages to teachers, staff and students. Christmas wreath sales made \$2,000. Future plans are Zoom Rally's, a small scale Homecoming (candidates only) and dress up days.
- FFA placed 3rd at the Novice team at Opening & Closing, Lucas Romena and Jazmin Ibarra received "High individual award"; holding a virtual Floral contest next Wed. Annual canned food drive happening now until Dec. 5th
- CIF has put practices on hold until next year.
- Chris Hall, math teacher, is working on plans to help students in math deficit areas. He would like to give a presentation to the Board.
- Staff meetings are going well – heavy technology emphasis.

M/O/T/, FOOD SERVICE and SUPERINTENDENT'S REPORT:

Superintendent Kaelin gave the report:

- Meals have been pushed to the Community Hall. We are serving over 200 meals a day and we are serving hot meals. It's going well.
- The Grounds crew are doing a great job. Maintenance is going very well.
- The front of the High School was landscaped.
- The new phone system has been installed.
- The fire alarm system is installed and the new clock / intercom system will hopefully be done next week.
- Construction is winding down.
- RES is almost completed.
- The District has been rekeyed.

FINANCIAL REPORT:

1. First Interim Budget

Mrs. Mudd gave the First Interim budget report and went over the PowerPoint presentation. She explained the CARES dollars and also identified areas of concern of future multiyear projections. All questions from the Board were answered. (PowerPoint Presentation is attached)

2. Budget Overview Report for Parents

Mrs. Mudd and Superintendent Kaelin went over the LCFF Budget Overview for Parents report. President Phillips would like the student dollars broken out.

BOARD MEMBER REPORTS: Nothing from the Board

CONSENT AGENDA

The Board approved the Consent Agenda Item A. MSCU (Sheppard/Navarro) 5/0

- A. Approve Inter-district Agreement Request(s) for the 2020-2021 school year

ACTION ITEMS

The Board approved Action Items A & B. Approve item C with revision to Budget Overview breaking out the High Needs Student dollars . MSCU (Navarro/Slusser) 5/0

- A. Approve First Interim Budget

RESOLUTION NO. 7 (January 6, 2021 Regular Meeting)
A RESOLUTION OF THE GOVERNING BOARD OF THE
BIGGS UNIFIED SCHOOL DISTRICT
INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED BY
GOVERNMENT CODE SECTION 65995 (b) 3

WHEREAS, Statute AB 2926 (Chapter 887/Statutes of 1986) authorizes the governing board of any school district to levy a fee, charge, dedication or other form of requirement against any development project for the reconstruction of school facilities; 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 January 6, 2021, meeting, the State Allocation Board approved the maximum fee authorized by Education Code Section 17620 to \$4.08 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.66 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 \$4.08 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 \$0.66 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 \$0.66 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.07 per square foot.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Biggs Unified 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 **January 6, 2021**, 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 14 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 10 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 summarized and contained in the District's Developer Fee Implementation Study dated **December 2020**, (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 increases the previously levied fee to the amount of **\$4.08** 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 \$0.66 per square foot for new commercial or industrial construction. The mini-storage category of commercial/industrial justification has less impact than the statutory **\$0.66** per square foot commercial/industrial justification and should be collected at the justified rate of **\$0.07** per square foot.
4. Fee Adjustments and Limitation. The fees adjusted 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 implementation of Developer Fees is exempt from the California Environmental Quality Act (CEQA).
8. Commencement Date. The effective date of this Resolution shall be **March 6, 2021** 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 Butte County and to the Planning Commission and City Council of the City of Biggs.
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 Biggs Unified School District this 6th day of January, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Governing Board
Biggs Unified School District

ATTEST:

Secretary, Governing Board
Biggs Unified School District

Level I Developer Fee Study (Draft)
for
Biggs Unified
School District

November 30, 2020

Doug Kaelin, Superintendent

Board of Trustees

Jonna Phillips, President
M. America Navarro, Vice President
Dennis G. Slusser, Clerk
Kathryn Sheppard, Member
Linda Brown, Member

Prepared by:

Jack Schreder & Associates, Inc.



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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 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.
- The Biggs Unified School District is justified in collecting \$4.08 per square foot for residential construction and \$0.66 per square foot for commercial/industrial construction, with the exception of mini storage. The mini storage category of construction should be collected at a rate of \$0.07 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 Biggs Unified School District's projected modernization need of \$2,741,620 for students generated from residential development over the next 20 years and the projected residential square footage of 289,000.
- 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 \$9.49 ($\$2,741,620/289,000$).
- Each square foot of commercial/industrial construction will create a school facilities cost ranging from \$0.07 to \$5.95 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 Biggs Unified School District serves approximately 600 students in transitional kindergarten through twelfth grade at Biggs Elementary, Richvale Elementary, and Biggs High School. Most students identify as White (approximately 57%), followed by Hispanic or Latino (approximately 36%), then African American (approximately 3%), with a small portion of other ethnic groups. The majority of students (approximately 64%) meet the criteria for socioeconomically disadvantaged and approximately 10% of students are considered English Learners. The District provides chrome books to students at a 1:1 device to student ratio and is dedicated to providing the best education possible. At the elementary level, the average student-teacher ratio does not exceed 24:1. At the high school, the District offers several Career and Technical Education pathways, along with A-G courses to prepare students for college, and a variety of athletic teams. "Biggs Unified School District's mission is to prepare each student for the future, be it vocational or higher education. Students will leave Biggs Unified School District with respect for the world they inhabit and for all humanity."

Biggs Unified School District serves students in the rural City of Biggs and a portion of unincorporated southwestern Butte County, including the community of Richvale, located in the farmlands of the Sacramento Valley in Northern California. The rural City of Biggs is located approximately 25 miles south of the City of Chico and approximately 60 miles north of the City of Sacramento, along State Route 99. The City of Biggs is known as the "heart of rice country" and is primarily a residential community with a population of approximately 1,700. While a small number of affluent farmers and professional families populate both Biggs and Richvale, these farm service and bedroom communities are predominantly populated by retirees, skilled, and unskilled laborers. As large retail stores have developed in surrounding larger cities, the commercial and industrial areas within the City of Biggs have been in a decline as stores go out of business. According to the Butte County General Plan 2030, agriculture generates significant economic activity in the County and supports other industrial sectors, including transportation, warehousing, manufacturing.

INTRODUCTION

State law gives school districts the authority to charge fees on new residential and commercial/industrial developments if those developments generate additional students and cause a need for additional or reconstructed school facilities. The Biggs Unified School District 2020 Developer Fee Study (hereinafter referred to as "Study" or "Report") analyzes the cost of providing school facilities for students generated by future residential and commercial/industrial development projects in the District. Jack Schreder & Associates, Inc. has been retained by the District to conduct the analysis and prepare this Report.

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 on new residential and commercial construction within their respective boundaries. 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." These fees can be collected without special city or county approval, to fund the construction of school facilities to accommodate students generated from new development projects.

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.

The next adjustment to the fee will occur at the January 2022 State Allocation Board meeting.

In order to levy a fee, a school district must demonstrate and document that the fee to be paid bears a reasonable relationship with the need for new or reconstructed facilities caused by new residential and commercial/industrial 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 existing school facilities in the Biggs Unified School District.

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 Biggs Unified School District.

School 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 the existing student population and 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. The District plans to update technology, update the air filtration and distribution system, modernize classrooms, and repair roofs. Projects will be funded as developer fee revenue is generated. Presently, infrastructure has exceeded its useful life, repair or replacement is necessary. 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 Residential Development

The Biggs Unified School District is located within the City of Biggs and Butte County planning jurisdictions. The two planning departments were contacted

regarding projected development. According to the planning departments, development is expected to continue at about the same rate as the previous five years. According to developer fee records and information from planning departments, an average of eight residential units were constructed per year for the previous four years. An estimated 200 (8 x 25) residential units may be constructed within District boundaries in the next 25 years. A summary of the projected units by planning jurisdiction is included in Table 1.

Table 1:
Housing Projection Summary

Planning Jurisdiction	Housing Units Projected by Year
City of Biggs	6
Butte County	<u>2</u>
Total	8

Source: Butte County, City of Biggs.

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.

The District's current total capacity will diminish over time if the District does not modernize its facilities. To the extent that the District has buildings older than twenty to twenty-five years old, the point will be reached without reconstruction/modernization that those buildings will no longer be able to provide the existing level of service to students, and may, in some circumstances, need to be closed entirely for health and safety reasons. Thus, without modernization of aging buildings, some facilities will become unavailable for the reasons described above, which will decrease the District's total student capacity.

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 projections of 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 Biggs Unified 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 K-12 pupil is \$47,647. Construction costs are based on information provided by California Department of Education and research completed by Jack Schreder & Associates. The recommended square footages per pupil were provided by CDE while the estimated costs were compiled by Jack Schreder & Associates based on research of recent project costs. Appendix A includes the cost per student calculations. Table 2 shows the weighted cost to construct facilities per K-12 pupil.

Table 2:
Construction Costs

Grade Level	Construction Costs
K-6	\$41,883
7-8	\$49,526
9-12	\$56,796
Weighted Avg. $((\$41,883 \times 7) + (\$49,526 \times 2) + (\$56,796 \times 4)) / 13 = \$47,647$	

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 \$12,451 per K-12 pupil to construct new facilities and \$4,741 to modernize facilities, which is 38.1 percent ($\$4,741 / \$12,451$) 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 K-12 pupil is \$47,647 and is outlined in Table 2. Therefore, the per pupil cost to modernize facilities per K-12 pupil is \$19,583 (\$47,647 x .411).

25 Year Modernization Need

Based on the student generation rate and the projected number of residential units, 140 K-12 students are projected from proposed new development. The calculation is included in Table 3.

Table 3:
Projected Students from Proposed Development

Projected Units	Student Generation Rate	Projected Students
200	.7	140

Source: City of Biggs, Butte County, Jack Schreder & Associates, Office of Public School Construction.

The District’s estimated modernization need generated by students from new residential development is \$2,741,620. The calculation is included in Table 4.

Table 4:
25 Year Modernization Need

Per Pupil Modernization Cost	\$19,583
Students Generated	<u>x 140</u>
Modernization Need	\$2,741,620

Source: Biggs Unified School District, Office of Public School Construction, Jack Schreder & Associates, City of Biggs, Butte 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 Biggs Unified School District by students generated from new development.

The Biggs Unified School District is located within the Butte County and City of Biggs planning jurisdictions. The planning departments were contacted regarding projected development. According to the planning departments, development is expected to continue at about the same rate as the previous five years. According to developer fee records and information from planning departments, an average of eight residential units were constructed per year for the previous five years. An estimated 200 (8 x 25) residential units may be constructed within District boundaries in the next 25 years. Based on developer fee records, units average an estimated 1,445 square feet. Based on average square footage of projected units, the total square footage projected is 289,000 (200 x 1,445). Table 5 shows a projection of 200 residential units, totaling 289,000 square feet, may be constructed in the District over the next 25 years.

Table 5:
Summary of Projected Residential Square Footage

Projected Units	Average Square Footage	Total Square Footage
200	1,445	289,000

Source: Jack Schreder & Associates, Biggs Unified School District, Office of Public School Construction, City of Biggs, Butte County.

Based on the District's modernization need of \$2,741,620 generated by students from residential construction and the total projected residential square footage of 289,000, residential construction will create a facilities cost of \$9.49 per square foot. The calculation is included in Table 6. However, the Level I statutory fee is \$4.08 per square foot. Therefore, the District is justified to collect \$4.08 per square foot of residential construction.

Table 6:
Facilities Cost per SF from Proposed Residential Construction

Modernization Need	Total Square Footage	=	Facilities Cost
\$2,741,620	/289,000		\$9.49

Source: Biggs Unified School District, Jack Schreder & Associates, Office of Public School Construction.

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

Based on development projections, an estimated 289,000 residential square feet may be constructed in the next 25 years. Based on the statutory Level I fee of \$4.08 per square foot, the District is projected to collect \$1,179,120 ($\$4.08 \times 289,000$) in residential developer fees. The \$1,179,120 in total residential Level I fee revenue will cover only 43% of the \$2,741,620 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 7.

Table 7 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 7.

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 8 is based on the per student costs shown in Table 2. 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 8, the students per square foot are multiplied by the cost of providing school facilities.

Table 7:
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 8:
Commercial and Industrial Facilities Cost Impact

Type of Development	Cost Impact Per Sq. Ft.
Medical Offices	\$4.68
Corporate Offices	\$2.94
Commercial Offices	\$5.24
Lodging	\$2.55
Scientific R&D	\$3.33
Industrial/Business Parks	\$1.84
Industrial/Com Park	\$2.42
Commercial Shopping Centers	\$5.95
Community Shopping Centers	\$1.79
Banks	\$4.64
Mini-Storage	\$0.07
Agriculture	\$0.85

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

Table 8 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 \$0.07 to \$5.95 per square foot. The cost per square foot of commercial/industrial construction exceeds the District's share of the Level I commercial fee of \$0.66 in all categories of construction, with the exception of mini storage. Therefore, the District is justified to collect \$0.66 per square foot of commercial/industrial construction with the exception of mini storage. Mini storage should be collected at \$0.07 per square foot.

Summary

The cost impact on the District imposed by new students to be generated from new residential, commercial, and industrial development is greater than the maximum allowable fees. Each square foot of residential development creates a school facility cost of \$9.49 per square foot. Each square foot of commercial and industrial development creates a school facility cost ranging from \$0.07 to \$5.95 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.

However, the Level I statutory fee is \$4.08 for residential construction and \$0.66 for commercial/industrial construction. Therefore, the Biggs Unified School District is justified to collect \$4.08 per square foot of residential construction and \$0.66 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 \$0.02 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 January of 2020, the State Allocation Board changed the Level I fee to \$4.08 per square foot of residential construction and \$0.66 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 3228 (Chapter 1602/Statutes of 1990) added Government Code Section 66016 requiring districts adopting or increasing any fee to first hold a public hearing as part of a regularly scheduled meeting and publish notice of this meeting twice, with the first notice published at least ten days prior to the meeting.

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.

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.
2. 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 does not have available bond funds for future modernization needs.

Developer Fees

The District's developer fees are dedicated to the current needs related directly to modernization and replacement of school facilities.

School District General Funds

The District's General Fund budget is typically committed to instructional and day-to-day operating expenses and not used to construct and/or modernize buildings, as funds are needed solely to meet the District's non-facility needs.

Expenditure of Lottery Funds

State law prohibits the use of lottery funds for facilities. 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."

Surplus Property

The District has no surplus properties that could be sold to create a significant source of capital outlay funds.

Parcel Taxes

Approval by two-thirds of the voters is required to impose taxes that are not based on the assessed value of individual parcels. While these taxes have been

occasionally used in school districts, the revenues are typically minor and are used to supplement operating budgets.

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 Biggs Unified School District 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 289,000 residential square feet may be constructed in the next 25 years. Based on the statutory Level I fee of \$4.08 per square foot, the District is projected to collect \$1,179,120 ($\$4.08 \times 289,000$) in residential developer fees. The \$1,179,120 in total residential Level I fee revenue will cover only 43% of the \$2,741,620 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 \$0.07 to \$5.95 per square foot. The cost per square foot of commercial/industrial construction exceeds the District's share of the Level I commercial fee of \$0.66 in all categories of construction, with the exception of mini storage. Mini storage should be collected at \$0.07 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 projected modernization costs. We suggest the District continue to participate in the State School Facility Program to access State facility funds.

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. The District recently completed State

funded School Facility Program modernization projects at all sites. While funding provided for significant improvements, all work could not be completed with the funding provided. Developer fees will be used to complete remaining modernization projects and fund future modernization needs generated by students from projected development.

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 Biggs Unified School District levy residential development fees and commercial/industrial fees up to the statutory fee for which justification has been determined.

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

Forde, Austin. Assistant Planner, Butte County Planning Department.

Kaelin, Doug. Superintendent, Biggs Unified School District.

Local Control Accountability Plan. Biggs Unified School District. 2019-2020.

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

Peters, Karen. Chief Business Official, Biggs Unified School District.

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

Schreder, Jack and Associates. Original research.

Summerville, Bob. Senior Planner, ECORP Consulting Inc.

APPENDIX A
PER PUPIL CONSTRUCTION COST

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	<u>600</u>
	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	<u>\$0</u>
	Total-Acquisition of Site	\$0
III. Plans		
	A. Architect's Fee for Plans	\$1,842,110
	B. DSA Plans Check Fee	\$143,275
	C. School Planning, Plans Check Fee	\$7,833
	D. Preliminary Tests	\$6,006
	E. Other Costs, Energy Cons. & Advertising	<u>\$52,734</u>
		\$2,051,959
IV. Construction Requirements		
	A. Utility Services	\$504,376
	B. Off-site Development	\$756,563
	C. Site Development, Service	\$1,210,499
	D. Site Development, General	\$806,999
	E. New Construction	\$16,502,400
	F. Unconventional Energy Source	<u>\$687,056</u>
	Total Construction	\$20,467,893
	Total Items II, III and IV	\$22,519,852
	Contingency 10%	\$2,251,985
	Construction Tests	\$153,509
	Inspection	\$204,679
	TOTAL ESTIMATED PROJECT COSTS	\$25,130,025
	ESTIMATED COST PER STUDENT	\$41,883
*Source: California Department of Education, Jack Schreder & Associates.		

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	\$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		\$3,633,252
B. OSA Plans Check Fee		\$282,586
C. School Planning, Plans Check Fee		\$8,993
D. Preliminary Tests		\$9,991
E. Other Costs, Energy Cons. & Advertising		<u>\$76,936</u>
		\$4,011,758
IV. Construction Requirements		
A. Utility Services		\$739,991
B. Off-site Development		\$832,810
C. Site Development, Service		\$2,300,396
D. Site Development, General		\$1,640,844
E. New Construction		\$33,680,400
F. Unconventional Energy Source		<u>\$1,175,028</u>
Total Construction		\$40,369,469
Total Items II, III and IV		\$44,381,227
Contingency		\$4,438,123
Construction Tests		\$302,771
Inspection		\$403,695
TOTAL ESTIMATED PROJECT COSTS		\$49,525,816
ESTIMATED COST PER STUDENT		\$49,526
<i>*Source: California Department of Education, Jack Schreder & Associates.</i>		

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	\$6,249,718
	B. OSA Plans Check Fee	\$486,089
	C. School Planning, Plans Check Fee	\$9,618
	D. Preliminary Tests	\$15,573
	E. Other Costs, Energy Cons. & Advertising	<u>\$142,211</u>
		\$6,903,210
IV. Construction Requirements		
	A. Utility Services	\$1,297,805
	B. Off-site Development	\$1,327,303
	C. Site Development, Service	\$4,276,861
	D. Site Development, General	\$3,215,021
	E. New Construction	\$57,000,000
	F. Unconventional Energy Source	<u>\$2,324,325</u>
	Total Construction	\$69,441,315
	Total Items II, III and IV	\$76,344,525
	Contingency 10%	\$7,634,452
	Construction Tests	\$520,810
	Inspection	\$694,413
	TOTAL ESTIMATED PROJECT COSTS	\$85,194,200
	ESTIMATED COST PER STUDENT	\$56,796
*Source: California Department of Education, Jack Schreder & Associates.		

APPENDIX B
PER PUPIL GRANT AMOUNTS

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	<u>600</u>
	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	<u>\$0</u>
	Total-Acquisition of Site	\$0
III. Plans		
	A. Architect's Fee for Plans	\$1,842,110
	B. DSA Plans Check Fee	\$143,275
	C. School Planning, Plans Check Fee	\$7,833
	D. Preliminary Tests	\$6,006
	E. Other Costs, Energy Cons. & Advertising	<u>\$52,734</u>
		\$2,051,959
IV. Construction Requirements		
	A. Utility Services	\$504,376
	B. Off-site Development	\$756,563
	C. Site Development, Service	\$1,210,499
	D. Site Development, General	\$806,999
	E. New Construction	\$16,502,400
	F. Unconventional Energy Source	<u>\$687,056</u>
	Total Construction	\$20,467,893
	Total Items II, III and IV	\$22,519,852
	Contingency 10%	\$2,251,985
	Construction Tests	\$153,509
	Inspection	\$204,679
	TOTAL ESTIMATED PROJECT COSTS	\$25,130,025
	ESTIMATED COST PER STUDENT	\$41,883
*Source: California Department of Education, Jack Schreder & Associates.		

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	\$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		\$3,633,252
B. OSA Plans Check Fee		\$282,586
C. School Planning, Plans Check Fee		\$8,993
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		\$4,011,758
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E. New Construction		\$33,680,400
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Total Construction		\$40,369,469
Total Items II, III and IV		\$44,381,227
Contingency		\$4,438,123
Construction Tests		\$302,771
Inspection		\$403,695
TOTAL ESTIMATED PROJECT COSTS		\$49,525,816
ESTIMATED COST PER STUDENT		\$49,526
<i>*Source: California Department of Education, Jack Schreder & Associates.</i>		

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	\$6,249,718
	B. OSA Plans Check Fee	\$486,089
	C. School Planning, Plans Check Fee	\$9,618
	D. Preliminary Tests	\$15,573
	E. Other Costs, Energy Cons. & Advertising	<u>\$142,211</u>
		\$6,903,210
IV. Construction Requirements		
	A. Utility Services	\$1,297,805
	B. Off-site Development	\$1,327,303
	C. Site Development, Service	\$4,276,861
	D. Site Development, General	\$3,215,021
	E. New Construction	\$57,000,000
	F. Unconventional Energy Source	<u>\$2,324,325</u>
	Total Construction	\$69,441,315
	Total Items II, III and IV	\$76,344,525
	Contingency 10%	\$7,634,452
	Construction Tests	\$520,810
	Inspection	\$694,413
	TOTAL ESTIMATED PROJECT COSTS	\$85,194,200
	ESTIMATED COST PER STUDENT	\$56,796
*Source: California Department of Education, Jack Schreder & Associates.		

APPENDIX C

**COMMERCIAL/INDUSTRIAL
CALCULATIONS**

Biggs Unified School District						
Commercial/Industrial Calculations						
	EMP/ 1000 SQ.FT	DIST.HH/ EMP	HH/SF	% EMP IN EXIST HH	ADJUSTED HH/SF	ADJ % 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			COST PER STUDENT			
K-12	0.7000		K-12	\$19,583		
STUDENTS PER SQUARE FOOT						
(YIELD FACTORS X ADJ HH/SQ. FT IN COLUMN F)						
	K-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)						
	K-12					
MEDICAL	\$4.68					
CORP. OFFICE	\$2.94					
COM. OFFICE	\$5.24					
LODGING	\$2.55					
R&D	\$3.33					
IN. PARK	\$1.84					
IN/COM PARK	\$2.42					
COM. SC.	\$5.95					
COMMUNITY SC	\$1.79					
BANKS	\$4.64					
MINI STORAGE	\$0.07					
AGRICULTURE	\$0.85					

BIGGS UNIFIED SCHOOL DISTRICT

Meeting Date: January 6, 2021

Item Number: 12A
Item Title: Inter-district Agreement Request(s)
Presenter: Doug Kaelin, Superintendent & Donna Cyr, Admin. Assistant/HR Officer
Attachment: None
Item Type: Consent Agenda Action Report Work Session Other:

Background/Comments:

We have received the following interdistrict transfer requests. After reviewing each one with Board Policy and Administration Regulations 5117, we make the following recommendations.

2020-2021 School Year	From:	To:	Action:	New/Ongoing:
1. (Kinder.)	Biggs	Oroville	Release	New
2. (4 th grade)	Biggs	Chico	Release	Ongoing
3. (2 nd grade)	Biggs	Chico	Release	Ongoing

Fiscal Impact: We will have a loss of ADA for those outgoing transfer requests and an increase of ADA for those incoming transfer requests.

Recommendation: The Superintendent recommends action as indicated.

Register 000303 - 11/03/2020

Bank Account COUNTY - US Bank

Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-187667	3,225.66	Printed	01		AT&T (100086/1)
3005-187668	85.09	Printed	01		DAVE BROWNING (100734/1)
3005-187669	81.28	Printed	01		CLARK & SONS (100165/1)
3005-187670	153.73	Printed	01		GOLD COUNTRY BANK CARD SERVICE CENTER (100235/1)
3005-187671	116.62	Printed	01		HOUGHTON MIFFLIN CO (100261/1)
3005-187672	349.86	Printed	01		HOUGHTON MIFFLIN HARCOURT PUB (100262/1)
3005-187673	221.00	Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-187674	1,619.28	Printed	01		J C NELSON SUPPLY CO (100275/1)
3005-187675	4,640.05	Printed	01		JEG CONSULTING GROUP (100281/1)
3005-187676	91.69	Printed	01		OFFICE DEPOT (100358/1)
3005-187677	446.73	Printed	13		PRO PACIFIC FRESH (100376/1)
3005-187678	1,186.60	Printed	01		T-MOBILE (100751/1)
3005-187679	2,242.52	Printed	01		U S BANK OFFICE EQUIP FINANCE SERVICES (100458/1)
3005-187680	172.92	Printed	01		ZEE SERVICE COMPANY (100479/1)
3005-187681	423.55	Printed	01		ZOO PHONICS (100757/1)

15,056.58

Number of Items

15 Totals for Register 000303

2021 FUND-OBJ Expense Summary / Register 000303		
01-4100	466.48	
01-4300	2,627.54	
01-5606	2,242.52	
01-5800	1,186.60	
01-5805	4,640.05	
01-5900	3,225.66	
01-9110*		14,388.85-
Totals for Fund 01	14,388.85	14,388.85-
13-4700	667.73	
13-9110*		667.73-
Totals for Fund 13	667.73	667.73-
Totals for Register 000303	15,056.58	15,056.58-

* denotes System Generated entry

Net Change to Cash 9110

15,056.58- Credit

Selection Sorted by Check Number, Include Address:No, Filtered by (Org = 6, Bank Account(s) IN ('COUNTY'), Source = A, Pay To = V, Payment Method = N, Starting Check Date = 11/1/2020, Ending Check Date = 12/30/2020, Summary? = Y, Sort/Group 1 = 1, Sort/Group 2 =)

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2021 FUND-OBJ Expense Summary / Register 000303 (continued)

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Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-187953	4,846.01	Printed	01		ANDES POOL SUPPLY (100077/1)
3005-187954	491.61	Printed	01		BI-COUNTY IRRIGATION (100498/1)
3005-187955	138.78	Printed	01		BUCKMASTER OFFICE SOLUTIONS (100112/1)
3005-187956	94.41	Printed	01		BUTTE AUTO PARTS (100115/1)
3005-187957	4,615.99	Printed	13		DANIELSEN COMPANY (100182/1)
3005-187958	4,180.54	Printed	01		DEMCO (100187/1)
3005-187959	381.09	Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-187960	379.00	Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-187961	183.43	Printed	01		LAKEVIEW PETROLEUM CO. (100304/2)
3005-187962	89.55	Printed	01		MACS MARKET (100318/1)
3005-187963	145.46	Printed	01		OFFICE DEPOT (100358/1)
3005-187964	213.20	Printed	13		PRO PACIFIC FRESH (100376/1)
3005-187965	316.19	Printed	01		SCHOOL NURSE SUPPLY (100410/1)
3005-187966	673.90	Printed	01		SUNRISE ENVIRONMENTAL SCIENTIF (100439/1)
3005-187967	4,688.40	Printed	13		SFS OF SACRAMENTO, INC (100443/2)
3005-187968	181.64	Printed	01		VERIZON WIRELESS (100467/1)

21,619.20

Number of Items

16 Totals for Register 000304

2021 FUND-OBJ Expense Summary / Register 000304

01-4300	6,372.75	
01-4303	183.43	
01-5606	138.78	
01-5800	4,846.01	
01-5900	181.64	
01-9110*		11,722.61-
Totals for Fund 01	11,722.61	11,722.61-
13-4300	160.20	
13-4700	9,736.39	
13-9110*		9,896.59-
Totals for Fund 13	9,896.59	9,896.59-
Totals for Register 000304	21,619.20	21,619.20-

2021 FUND-OBJ Expense Summary / Register 000304 (continued)

* denotes System Generated entry

Net Change to Cash 9110

21,619.20- Credit

Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-188329	136.51	Printed	01		A Z BUS SALES INC (100057/1)
3005-188330	42.00	Printed	01		PACIFIC STORAGE COMPANY AMERICAN MOBILE SHREDDING (100075/1)
3005-188331	191.12	Printed	01		BUTTES CENTER STATE P&S (100127/1)
3005-188332	4,700.00	Printed	01		CASTRO TREE SERVICE (100750/1)
3005-188333	2,850.00	Printed	01		GAYNOR TELESYSTEMS (100233/1)
3005-188334	289.26	Printed	01		GRAINGER INC (100240/1)
3005-188335	167.00	Printed	01		GUIDED READERS.COM (100742/1)
3005-188336	1,689.51	Printed	01		HELENA AGRI-ENTERPRISES LLC (100254/3)
3005-188337	50.36	Printed	01		MJB SALES & SERVICE (100336/1)
3005-188338	54.77	Printed	01		OFFICE DEPOT (100358/1)
3005-188339	525.00	Printed	01		SSDA (100434/1)
3005-188340	79.36	Printed	01		JOHN STRATTARD (100732/1)
3005-188341	4,065.70	Printed	01		WILCO SUPPLY CO. (100475/1)
3005-188342	4,279.77	Printed	01		YUBA CITY TREASURER ADMINISTRATIVE SERVICES DEPT (100476/1)

19,120.36

Number of Items

14 Totals for Register 000305

2021 FUND-OBJ Expense Summary / Register 000305

01-4300	6,685.59	
01-5300	525.00	
01-5800	11,909.77	
01-9110*		19,120.36-
Totals for Register 000305	19,120.36	19,120.36-

* denotes System Generated entry

Net Change to Cash 9110

19,120.36- Credit

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Register 000306 - 11/19/2020

Bank Account COUNTY - US Bank

Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-188992	67.46	Printed	01		ALHAMBRA SIERRA SPRINGS (100070/1)
3005-188993	15.44	Printed	01		BUTTE AUTO PARTS (100115/1)
3005-188994	32.00	Printed	01		BUTTE COUNTY SHERRIF S OFFICE RECORDS DIVISION (100125/1)
3005-188995	11,636.63	Printed	01		CINTAS CORPORATION NO. 2 (100749/1)
3005-188996	1,732.45	Printed	13		DANIELSEN COMPANY (100182/1)
3005-188997	33.00	Printed	01		FGL ENVIRONMENTAL (100221/1)
3005-188998	119.62	Printed	01		FLINN SCIENTIFIC INC (100223/1)
3005-188999	321.11	Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-189000	1,418.00	Printed	41		HOLDREGE & KULL (100257/1)
3005-189001	725.00	Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-189002	161.95	Printed	01		J C NELSON SUPPLY CO (100275/1)
3005-189003	823.60	Printed	01		LAKEVIEW PETROLEUM CO. (100304/2)
3005-189004	49.00	Printed	01		MINASIAN MEITH ET AL (100335/1)
3005-189005	252.00	Printed	01		DAVE NORTH (100733/1)
3005-189006	139.37	Printed	13		OFFICE DEPOT (100358/1)
3005-189007	1,379.65	Printed	01		PG&E (100369/1)
3005-189008	981.92	Printed	13		PRO PACIFIC FRESH (100376/1)
3005-189009	1,309.04	Printed	01		RECOLOGY BUTTE COLUSA (100384/1)
3005-189010	87.00	Printed	01		RIGHT WAY PEST CONTROL (100393/1)
3005-189011	427.87	Printed	01		SCHOOL NURSE SUPPLY (100410/1)
3005-189012	1,189.80	Printed	01		STERLING DEARMOND (100741/1)
3005-189013	24.66	Printed	01		JOHN STRATTARD (100732/1)
3005-189014	112.57	Printed	01		SUNRISE ENVIRONMENTAL SCIENTIF (100439/1)
3005-189015	1,545.21	Printed	13		SFS OF SACRAMENTO, INC (100443/2)

24,584.35

Number of Items

24 Totals for Register 000306

2021 FUND-OBJ Expense Summary / Register 000306

01-3701	1,189.80
01-4300	13,071.85
01-4303	823.60
01-5503	1,379.65
01-5504	1,309.04
01-5800	100.46

Selection Sorted by Check Number, Include Address:No, Filtered by (Org = 6, Bank Account(s) IN ('COUNTY'), Source = A, Pay To = V, Payment Method = N, Starting Check Date = 11/1/2020, Ending Check Date = 12/30/2020, Summary? = Y, Sort/Group 1 = 1, Sort/Group 2 =)

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2021 FUND-OBJ Expense Summary / Register 000306 (continued)

01-5802	49.00	
01-5807	32.00	
01-5808	87.00	
01-9110*		18,042.40-
Totals for Fund 01	18,042.40	18,042.40-
13-4300	359.72	
13-4700	4,764.23	
13-9110*		5,123.95-
Totals for Fund 13	5,123.95	5,123.95-
41-6200	1,418.00	
41-9110*		1,418.00-
Totals for Fund 41	1,418.00	1,418.00-
Totals for Register 000306	24,584.35	24,584.35-

* denotes System Generated entry

Net Change to Cash 9110 24,584.35- Credit

Number	Amount Status	Fund	Cancel Register Id	Payee
3005-189541	45.00 Printed	01		99 SMOG AND TUNE UP (100597/1)
3005-189542	538.37 Printed	01		BUTTE AUTO PARTS (100115/1)
3005-189543	7,382.04 Printed	01		CITY OF BIGGS (100164/1)
3005-189544	3,079.88 Printed	13		DANIELSEN COMPANY (100182/1)
3005-189545	1,492.41 Printed	01		GOLD COUNTRY BANK CARD SERVICE CENTER (100235/1)
3005-189546	82.90 Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-189547	217.00 Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-189548	911.41 Printed	13		PRO PACIFIC FRESH (100376/1)
3005-189549	1,234.53 Printed	13		SFS OF SACRAMENTO, INC (100443/2)
3005-189550	179.10 Printed	01		THE LAB DEPOT (100758/1)

15,162.64 Number of Items 10 Totals for Register 000307

2021 FUND-OBJ Expense Summary / Register 000307		
	01-4300	2,154.00
	01-5200	113.78
	01-5502	7,382.04
	01-5600	45.00
	01-5800	25.00
	01-9110*	9,719.82-
Totals for Fund 01		9,719.82
	13-4300	259.86
	13-4700	5,182.96
	13-9110*	5,442.82-
Totals for Fund 13		5,442.82
Totals for Register 000307		15,162.64

* denotes System Generated entry

Net Change to Cash 9110 15,162.64- Credit

2021 FUND-OBJ Expense Summary / Register 000307 (continued)

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Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-190120	610.36	Printed	01		ANDES POOL SUPPLY (100077/1)
3005-190121	97.99	Printed	01		BUCKMASTER OFFICE SOLUTIONS (100112/1)
3005-190122	640.38	Printed	01		BUTTE AUTO PARTS (100115/1)
3005-190123	185.25	Printed	13		CA DEPT OF EDUCATION/FOOD DIST CASHIER'S OFFICE (100129/1)
3005-190124	279.89	Printed	01		NOR CAL INK & TONER (100146/1)
3005-190125	119.25	Printed	01		CASEYS AUTO REPAIR (100150/1)
3005-190126	5,839.55	Printed	01		CITY OF BIGGS (100164/1)
3005-190127	1,038.35	Printed	13		DANIELSEN COMPANY (100182/1)
3005-190128	33.00	Printed	01		FGL ENVIRONMENTAL (100221/1)
3005-190129	84.00	Printed	01		GRIDLEY HERALD (100243/1)
3005-190130	11.26	Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-190131	568.00	Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-190132	2,485.00	Printed	01		ITSAVVY (100273/1)
3005-190133	1,328.42	Printed	01		LAKEVIEW PETROLEUM CO. (100304/2)
3005-190134	37.23	Printed	01		MACS MARKET (100318/1)
3005-190135	57.89	Printed	01		SKYWAY TOOL CENTER (100428/1)
3005-190136	1,236.01	Printed	13		SFS OF SACRAMENTO, INC (100443/2)
3005-190137	1,253.20	Printed	01		T-MOBILE (100751/1)
3005-190138	380.44	Printed	01		U S BANK OFFICE EQUIP FINANCE SERVICES (100458/1)
3005-190139	181.55	Printed	01		VERIZON WIRELESS (100467/1)
3005-190140	152.80	Printed	01		ZEE SERVICE COMPANY (100479/1)

16,619.82

Number of Items

21 Totals for Register 000308

2021 FUND-OBJ Expense Summary / Register 000308

01-4300	1,195.23
01-4303	1,328.42
01-5300	84.00
01-5502	5,839.55
01-5600	59.63
01-5606	478.43
01-5800	4,381.56
01-5900	181.55
01-8590	57.89

2021 FUND-OBJ Expense Summary / Register 000308 (continued)

01-9110*		13,606.26-
Totals for Fund 01	13,606.26	13,606.26-
13-4300	13.82	
13-4700	2,999.74	
13-9110*		3,013.56-
Totals for Fund 13	3,013.56	3,013.56-
Totals for Register 000308	16,619.82	16,619.82-

* denotes System Generated entry

Net Change to Cash 9110 **16,619.82- Credit**

Number	Amount	Status	Fund	Cancel Register Id	Payee
3005-191174	67.62	Printed	01		BUTTE AUTO PARTS (100115/1)
3005-191175	776.00	Printed	01		CA Department of Tax & Fee Ad (100762/1)
3005-191176	13,662.39	Printed	01		CDW GOVERNMENT INC (100151/1)
3005-191177	5.88	Printed	01		CENTURYLINK COMMUNICATIONS (100153/1)
3005-191178	19,710.00	Printed	01		CURRICULUM ASSOCIATES LLC (100611/1)
3005-191179	1,930.03	Printed	13		DANIELSEN COMPANY (100182/1)
3005-191180	112.32	Printed	01		Dan's Electrical Supply (100183/2)
3005-191181	245.26	Printed	01		GOLD COUNTRY BANK CARD SERVICE CENTER (100235/1)
3005-191182	212.63	Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-191183	470.50	Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-191184	4,800.00	Printed	01		STENTZEL HYDROSEEDING INC (100759/1)
3005-191185	40.37	Printed	01		MACS MARKET (100318/1)
3005-191186	220.00	Printed	01		MESSENGER PUBLISHING GROUP (100621/1)
3005-191187	2,704.33	Printed	01		PG&E (100369/1)
3005-191188	136.11	Printed	01		Pitney Bowes Inc (100371/2)
3005-191189	1,600.60	Printed	01		Preferred Pump & Equipment, LP (100763/1)
3005-191190	1,551.00	Printed	13		PRO PACIFIC FRESH (100376/1)
3005-191191	1,309.04	Printed	01		RECOLOGY BUTTE COLUSA (100384/1)
3005-191192	87.00	Printed	01		RIGHT WAY PEST CONTROL (100393/1)
3005-191193	3,740.00	Printed	01		STEPHEN ROATCH ACCOUNTANCY (100438/1)
3005-191194	68.73	Printed	01		THE UPS STORE (100449/1)
3005-191195	275.93	Printed	01		TPX COMMUNICATIONS (100764/1)
3005-191196	14,709.85	Printed	01		WAXIE Sanitary Supply (100761/1)

68,435.59

Number of Items

23 Totals for Register 000309

2021 FUND-OBJ Expense Summary / Register 000309

01-4300	35,598.65
01-4303	84.62
01-4400	162.93
01-5503	2,704.33
01-5504	1,309.04
01-5600	136.11
01-5800	19,932.53

2021 FUND-OBJ Expense Summary / Register 000309 (continued)

01-5801	220.00	
01-5804	3,740.00	
01-5808	87.00	
01-5900	281.81	
01-9110*		64,436.49-
01-9580	179.47	
Totals for Fund 01	64,436.49	64,436.49-
13-4300	22.14	
13-4400	25.43	
13-4700	3,951.53	
13-9110*		3,999.10-
Totals for Fund 13	3,999.10	3,999.10-
Totals for Register 000309	68,435.59	68,435.59-

* denotes System Generated entry

Net Change to Cash 9110 68,435.59- Credit

Number	Amount Status	Fund	Cancel Register Id	Payee
3005-191197	595.00 Printed	01		CASBO PROFESSIONAL DEVELOPMENT ACCOUNTS RECEIVABLE (100148/1)
3005-191198	43.48 Printed	01		HARSHBARGER ACE HARDWARE (100250/1)
3005-191199	279.00 Printed	13		HYLEN DISTRIBUTING (100268/1)
3005-191200	23.82 Printed	01		JIMMYS CUSTOM TROPHIES (100282/1)
3005-191201	2,595.55 Printed	13		SFS OF SACRAMENTO, INC (100443/2)
3005-191202	2,228.37 Printed	01		THE LAB DEPOT (100758/1)
3005-191203	653.89 Printed	01		US Air Conditioning Dist (100760/1)
6,419.11		Number of Items	7	Totals for Register 000310

2021 FUND-OBJ Expense Summary / Register 000310		
01-4300	2,949.56	
01-5200	595.00	
01-9110*		3,544.56-
Totals for Fund 01	3,544.56	3,544.56-
13-4300	160.23	
13-4700	2,714.32	
13-9110*		2,874.55-
Totals for Fund 13	2,874.55	2,874.55-
Totals for Register 000310	6,419.11	6,419.11-

* denotes System Generated entry

Net Change to Cash 9110 6,419.11- Credit

2021 FUND-OBJ Expense Summary / Register 000310 (continued)

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2021 FUND-OBJ Expense Summary / Register 000310 (continued)

187,017.65

Number of Items

130 Totals for Org 006 - Biggs Unified School District

BIGGS UNIFIED SCHOOL DISTRICT

SUBJECT: ADOPT RESOLUTION # 2020/2021 #8, SUPPORTING THE DESIGNATION OF DISTRICT REPRESENTATIVES AND AUTHORIZATION TO FILE APPLICATIONS FOR THE SCHOOL FACILITY PROGRAM

RECOMMENDATION:

That the Board of Trustees adopt Resolution # 2020/2021 #8, supporting the designation of District Representatives and authorizing the filing of applications to determine School Facility Program new construction eligibility and modernization eligibility and, if eligible, applications for new construction and modernization funding with the State Allocation Board.

BACKGROUND:

The New Construction Program provides State funds on a 50/50 state and local sharing basis for public school capital facility projects in accordance with statute. Eligibility for State funding is based on a district's need to house pupils and is determined by criteria set in School Facility Program legislation (SB50).

Education Code Section 17072.10 establishes the "new construction grant" per unhoused pupil for new construction projects. The State Allocation Board approved the annual adjustment to the grant on January 22, 2020. The adjusted grants are as follows: \$12,451 for each elementary school pupil, \$13,169 for each middle school pupil (include 6th grade, if part of a 6-8 school), and \$16,756 for each high school pupil.

This "new construction grant" amount is intended to provide the State's share for all necessary project costs that include, but are not limited to, funding for design, the construction of the building, general-site development, education technology, unconventional energy, tests, inspections and furniture/equipment. Site acquisition, utilities, off-site and service-site development are approved for funding based on review and approval of required documentation and funded on a 50/50 state and local sharing basis. The per pupil grant amounts are adjusted annually for inflation based on the change in the Class B Construction Cost Index as approved by the SAB each January.

The Modernization Program provides State funds on a 60/40 basis for improvements to educationally enhance school facilities. Projects eligible under this Program include such modifications as air conditioning, plumbing, lighting, and electrical systems. Site acquisition may not be included in modernization applications. Education Code Section 17074.10 establishes the "modernization grant" for each eligible pupil. The State Allocation Board approved the annual adjustment to the grant on January 22, 2020. The adjusted grants are as follows: \$4,741 for each elementary school pupil, \$5,014 for each middle school pupil and, \$6,565 for each high school pupil.

The "modernization grant" amount is intended to provide the State's share for all necessary project costs. The necessary project costs include, but are not limited to, funding for design, the modernization of the building, education technology, unconventional energy, tests, inspections and furniture/equipment.

Funds for the School Facility Program may be from any funding source made available to the State Allocation Board. This includes the State General Fund and proceeds from the sale of State General Obligation Bonds. In addition, districts are required to provide a portion of the cost of a project from funds available to the school district. This may include, among other sources, local general obligation bonds, developer fees, general fund, etc.

In order to apply for approval of School Facility Program eligibility and potential funding, the District must approve a resolution designating the District Representatives and authorizing the filing of the applications.

BOARD OF TRUSTEES OF THE BIGGS UNIFIED SCHOOL DISTRICT

Designation of District Representative and
Authorization to file Application(s) for School Facility Grant

WHEREAS, the Biggs Unified School District is applying to the State Allocation Board for approval of state facilities program projects pursuant to Chapter 12.5, Part 10, Division 1, commencing with Section 17010.10, et. seq., of the Education Code, for needed new construction and modernization of school facilities;

NOW, THEREFORE, BE IT RESOLVED, by the Biggs Unified School District Board of Trustees as follows:

1. That Doug Kaelin, Superintendent, and Lorelle Mudd, CBO are designated as District Representative and Alternate Representative, respectively and are hereby authorized and directed to file, on behalf of the District, such applications with the State Allocation Board under Chapter 12.5 of the Education Code; and,
2. That the District will establish a “Restricted Maintenance Account” for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an on-going and major maintenance plan that complies with the provisions of Education Code Section 17070.75 and 17070.77 (Regulation Sections 1859.100 through 1859.102); and,
3. That the District will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
4. That the District understands if the funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the District will be required to certify that the state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from classroom use within six months of the filing of the Notice of Completion for the project; or, it has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities; and,
5. That the facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Regulation Section 1859.163.6; and,
6. That the District will engage in a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4245) of Division 5, of Title 1, of the Government Code for all contracts entered on or after November 4, 1998, for the services of any architect, structural engineer, or other design professional services for any work under the project(s); and,

7. That the District understands if this request is for new construction funding, the District has received approval of the site and the plans from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,
8. That the District understands that if this request is for modernization or Charter School Facility Program Rehabilitation funding, the District has received approval of the plans for the project from the California Department of Education (CDE). Plan approval is not required if request is for separate design apportionment; and,
9. That the District will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
10. That the District will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
11. That the Districts matching funds required pursuant to Regulation Sections 1859.77.1 or 1859.79 has either been expended by the District, deposited in the County School Facility Fund or will be expended by the District prior to the notice of completion for the project; and,
12. That the District will receive written approval of the plans and specifications for the project(s) from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
13. That if the District is requesting site acquisition funds as part of its application, the District has complied with Regulation Sections 1859.74 through 1859.75.1; and,
14. That the District understands that with the exception of an apportionment made pursuant to Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (reference Regulation Section 1859.105); and,
15. That the District understands that if the apportionment for this project was made pursuant to Regulation Section 1859.75.1, the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funds shall be cause for the rescission of the unexpended funds (refer to Regulation Section 1859.105.1); and,
16. That the District understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (reference Regulation Section 1859.90); and,
17. That the statements set forth in the application(s) and supporting documents are true and correct to the best of my knowledge and belief; and,

18. That all school facilities purchased or newly constructed under the project(s) for use by pupils who are individuals with exceptional needs, defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
19. That the District will certify that all forms submitted are exact duplicates (verbatim) of the forms provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
20. That the District understands that some or all of the State funding for the project may be returned to the State as a result of an audit pursuant to Section 1859.105, 1859.105.1, 1859.106; and,
21. That the District will comply with the provisions of Section 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
22. That the District understands if the SFP grants are used for the construction or modernization of school facilities on leased land, the District has entered into a lease agreement for the leased property that meets the requirements of Regulation Section 1859.22; and,
23. That the District understands if the application contains a “Use of New Construction Grant“ request, the District will adopt a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board as specified in Sections 1859.77.2, or 1859.77.3, as appropriate; and,
24. That the District understands if requesting additional funding for fire code requirements pursuant to Regulation Section 1859.71.2 or 1859.78.4, the District will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
25. That the District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Section 51224, 51225.3(b), 51228(b) and 52336.1; and,
26. That the District understands if requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the District; and,
27. That the District understands that if this application is submitted after January 1, 2004 for modernization funding the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state and local standards for the management of any identified lead; and,

28. That the District has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
29. That the District has or will contract with the Department of Industrial Relations (DIR) for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), in effect January 1, 2012 through June 19, 2014, if the contract was awarded on January 1, 2012 through June 19, 2014 and the District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The District understands that if it fails to meet this requirement, it will be required to repay all State bond funds received including interest; and,
30. That the District understands that beginning with the 2005/06 fiscal year, the District will comply with Educational Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
31. That the District understands that if this application is submitted pursuant to Section 1859.180, the District certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables for the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
32. That the District has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustic conducive to teaching and learning, and the other characteristics of high performance schools; and,
33. The District understands if requesting an additional grant for high performance incentive funding, the school district governing board will have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
34. The District understands that if the application is submitted when there is insufficient Bond Authority, the District has adopted a school board resolution pursuant to Section 1859.95.1.
35. The District will comply with all laws pertaining to the construction or modernization of its school buildings.

PASSED AND ADOPTED by the Board of Trustees of the Biggs Unified School District, County, State of California, this ____ day of _____, 2021, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Superintendent and
Secretary to the Board

CSBA POLICY GUIDE SHEET December 2020

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

Administrative Regulation 0430 - Comprehensive Local Plan for Special Education

Regulation updated to reflect **NEW LAW (SB 98, 2020)** which extends, from July 1, 2021 to July 1, 2023, the date by which the Special Education Local Plan Area (SELPA) must include in its local plan an annual assurances support plan demonstrating how the SELPA and its participating agencies are coordinating to assure effective outcomes for students with disabilities.

Board Policy 1312.3 - Uniform Complaint Procedures

Policy updated to reflect the relationship between the state uniform complaint procedures (UCP) and **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** regarding Title IX complaints of sexual harassment. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which limit the applicability of the UCP for complaints regarding special education and child nutrition programs, add procedures for addressing complaints regarding health and safety deficiencies in license-exempt California State Preschool Programs (CSPP), and delete the referral of complaints of fraud to the California Department of Education (CDE). The list of programs subject to the UCP revised and reorganized to more directly reflect CDE's 2020-21 Federal Program Monitoring (FPM) instrument.

Administrative Regulation 1312.3 - Uniform Complaint Procedures

Regulation updated to provide optional language stating that the compliance officer for purposes of the UCP will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment. Section on "Notifications" reflects CDE's 2020-21 FPM instrument which requires additional content for the annual notification to students, parents/guardians, employees, and others. Regulation also updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which (1) clarify that for complaints related to the local control and accountability plan (LCAP) the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP, (2) designate the final written decision as the "investigation report" and specifies required components for that report, (3) change the timeline for filing an appeal to CDE from 15 calendar days to 30 calendar days, (4) expand the basis upon which an appeal may be filed, (5) require the district to submit specified documents to CDE within 10 days after the district has been notified that an appeal has been filed, (6) require the district to investigate and address any allegations that CDE determines were not addressed in the district's investigation, (7) require CDE to issue a written decision regarding an appeal within 60 days of CDE's receipt of the appeal unless extended by written agreement or documentation by CDE of exceptional circumstances, and (8) authorize either party to request reconsideration by the Superintendent of Public Instruction or designee within 30 days of the appeal decision. Section on "Health and Safety Complaints for License-Exempt Preschool Programs" reflects a requirement of new state regulations to include in the annual UCP notification a list of which district programs are licensed or exempt from licensing.

Board Policy 4119.25/4219.25/4319.25 - Political Activities of Employees

Policy updated to recognize the importance of employee political activity, voting, and civic engagement, and reflect Pickering v. Board of Education Township High School District regarding the prohibition against dismissing or demoting an employee due to engagement in constitutionally protected political activity.

Administrative Regulation 4119.25/4219.25/4319.25 - Political Activities of Employees

Regulation updated to reflect law which makes it a misdemeanor to use any reproduction of the district's seal in any campaign literature or mass mailing with the intent to deceive voters, the prohibition against posting or distributing political campaign materials in classrooms or through distance learning platforms, and the court's decision in San Leandro Teachers Association v. Governing Board of San Leandro Unified School District regarding the district's ability to refuse to permit the use of school mailboxes for union

communications involving candidate endorsements. Regulation also updated to delete material regarding employee organization communications which do not constitute political activity, now addressed in 4140/4240/4340 - Bargaining Units, and to delete material regarding employee activities during a concerted action or work stoppage.

Board Policy 4140/4240/4340 - Bargaining Units

Policy updated to reflect Public Employment Relations Board decisions regarding the wearing of union buttons, clarify material regarding employees in management, senior management, and confidential positions, divide material regarding "Access to Employee Orientations" and "Access to Employee Contact Information," and add section on "Communications with Employees" with material formerly in AR 4119.25/4219.25/4319.25 - Political Activities of Employees.

Board Policy 5113.2 - Work Permits

Policy updated to reflect **NEW LAW (AB 908, 2020)** which prohibits consideration of grades, grade point average, or school attendance in the event of an extended campus closure due to a natural disaster, pandemic, or other emergency.

Administrative Regulation 5113.2 - Work Permits

Regulation updated to reflect **NEW LAW (AB 908, 2020)** which prohibits consideration of grades, grade point average, or school attendance in the event of an extended campus closure due to a natural disaster, pandemic, or other emergency and provides flexibility in the work permit application process during such a closure. Regulation also updated to clarify that (1) students who have graduated early from high school or have received a certificate of proficiency need a "certificate of age" rather than a work permit to be employed; (2) a work permit is not required for students who are serving with written parent/guardian permission as unpaid trainees, volunteers, or in an in-school placement, nor for students who are employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian; (3) a student applying for a full-time work permit needs to appear in person with the student's parent/guardian except during an extended school closure; (4) a work permit shall not be denied based on a student's grades, grade point average, or school attendance when a student will be participating in a government-administered employment and training program that will occur during a school vacation or recess; (5) work permits are required to be issued on forms provided by or authorized by CDE; and (6) impairment of a student's health can be the basis for revocation of a work permit.

Board Policy 5126 - Awards for Achievement

Policy updated to add optional language for the presentation of biliteracy awards to students who are English learners upon their reclassification as fluent English proficient. New optional section on "State Seal of Civic Engagement" addresses awards for students who have demonstrated excellence in civics education and participation and an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. Policy also clarifies that a district committee established by the board to administer a scholarship and loan fund is subject to the open meeting requirements of the Brown Act.

Administrative Regulation 5126 - Awards for Achievement

Regulation updated to add eligibility criteria for the Golden State Seal Merit Diploma which had been removed while the criteria were in flux. Regulation also adds eligibility criteria for the State Seal of Biliteracy and reflects **NEW LAW (SB 98, 2020)** which authorizes the Superintendent of Public Instruction to provide alternative criteria for students on track to graduate in 2020 or 2021 who were not able to take the English Language Proficiency Assessments for California or who did not receive a letter grade in English language arts due to COVID-19, and waives the requirement to take the California Assessment of Student Performance and Progress for students who were not able to take the exam. New section on "State Seal of Civic Engagement" includes eligibility criteria, clarifies that the state criteria establish a framework for the development of qualifications based on local contexts, and adds material regarding the provision of insignias.

Board Policy 5141.31 - Immunizations

Policy updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** which specify conditions under which a medical exemption is effective. Policy also deletes outdated date regarding immunization requirements for enrollment or advancement to grade 7.

Administrative Regulation 5141.31 - Immunizations

Regulation updated to delete outdated material regarding immunization requirements for enrollment or advancement to grade 7, and to add material regarding immunization records and the California Immunization Registry (CAIR). Regulation also updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** addressing medical exemptions, including provisions that (1) medical exemption requests must be made by a licensed physician or surgeon on an electronic, standardized, statewide form developed by the California Department of Public Health (CDPH) and transmitted using CAIR; (2) a student who has a medical exemption issued prior to January 1, 2020 must be allowed to continue enrollment until the next grade span, except that after July 1, 2021 a student may not be admitted or advanced to grade 7 unless the student has been immunized as required or a medical exemption form has been filed; (3) temporary exemptions cannot exceed one year and all medical exemptions cannot extend beyond the grade span; (4) medical exemptions may be revoked by CDPH if it is determined that the exemption does not meet applicable criteria; (5) a parent/guardian may appeal the revocation of a student's medical exemption to the Secretary of California Health and Human Services; and (6) districts must annually file the written report on the immunization status of new students to CDPH and the local department of public health.

Board Policy 5148.3 - Preschool/Early Childhood Education

~~Policy updated to reflect **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish modifications to the UCP for investigating and resolving complaints alleging violation of applicable health or safety requirements for license exempt programs operating under the CSPP.~~

Administrative Regulation 5148.3 - Preschool/Early Childhood Education

~~Regulation updated to clarify that families need to meet at least one of two specified criteria to be eligible for subsidized services. Regulation also reflects **NEW LAW (SB 75, 2019)** which authorizes eligibility for a full-day CSPP without meeting the requirements related to the need for child care services if all families meeting those requirements have been enrolled and establishes enrollment priorities for schools where at least 80 percent of students are eligible for free or reduced-price meals.~~

Board Policy 6146.1 - High School Graduation Requirements

Policy updated to change "foreign language" to "world language" to reflect current terminology in law, add material regarding the provision of credits towards community service hours for completion of a course in community emergency response training, and reflect **NEW LAW (AB 1350, 2020)** which authorizes districts to award a retroactive diploma to students who were in good standing and on track to graduate at the end of the 2019-20 school year but were unable to complete the statewide graduation requirements due to COVID-19.

Board Policy 6146.2 - Certificate of Proficiency/High School Equivalency

Policy updated to clarify the distinction between a certificate of proficiency and a high school equivalency certificate. Policy also reflects that there is a fee for these tests which is waived for homeless or foster youth under 25 years of age who meet all other registration requirements and submit certification of homeless or foster youth status.

Administrative Regulation 6146.2 - Certificate of Proficiency/High School Equivalency

Regulation updated to reflect **NEW LAW (SB 820, 2020)** which requires CDE to schedule testing dates at least once in the fall semester and once in the spring semester, add the requirement that districts develop a consent form that may be used by persons receiving a certificate of proficiency to be exempted from compulsory school attendance, and reflect the two tests currently approved by the State Board of Education for the purpose of attaining a California High School Equivalency Certificate (the General Educational Development test and the High School Equivalency Test).

NEW - Exhibit 6146.2 - Certificate of Proficiency/High School Equivalency

New exhibit presents a sample consent form to be used by students who receive a certificate of proficiency, and their parents/guardians if the student is under 18 years of age, for the purpose of requesting an exemption from compulsory school attendance for the student.

Board Policy 6170.1 - Transitional Kindergarten

Policy updated to clarify that it is only districts with an extended day kindergarten program that are authorized to maintain transitional kindergarten (TK) and kindergarten programs for different lengths of time either at the same or different school sites and reflect **NEW LAW (SB 98, 2020)** which extends, until August 1, 2021, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications.

Board Bylaw 9012 - Board Member Electronic Communications

Bylaw updated to clarify that electronic communications should not be used as a means to restrict access to a public forum, that meeting locations include teleconference locations, and that the prohibition against serial meetings includes a series of communications directly or through intermediaries. Bylaw reflects **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are 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, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also references court decisions which clarify that a public official's social media account which includes discussion of public business may be considered a public forum from which the official cannot exclude access or comments by members of the public based on viewpoint.

Board Bylaw 9320 - Meetings and Notices

Bylaw updated to clarify that meeting locations include teleconference locations and reflect **NEW LAW (AB 992, 2020)** which authorizes board members to engage in separate conversations or communications on social media platforms that are 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, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also updated to clarify the vote requirements for holding a closed session during an emergency meeting and for adjourning or continuing a board meeting to a later time or location.