

**BEFORE THE GOVERNING BOARD  
OF THE CAMPBELL UNION SCHOOL DISTRICT  
SANTA CLARA COUNTY, CALIFORNIA  
RESOLUTION NO. 2017-18-12**

**RESOLUTION TO CHANGE ROSEMARY ELEMENTARY'S STATUS FROM  
CHARTER TO A TRADITIONALLY OPERATED SCHOOL**

**WHEREAS**, on or about March 27, 2008, the Campbell Union School District ("District") Board of Trustees ("Board") approved the charter petition for Rosemary Elementary Charter School ("Charter School"), a dependent charter school located at 401 W. Hamilton Ave, Campbell, CA 95008;

**WHEREAS**, the Board approved the Charter School's renewal petition on or about April 30, 2015, for a five-year term commencing in the 2015-2016 academic school year;

**WHEREAS**, the Charter School is governed by the Board, and the Board may, at its discretion, voluntarily close the Charter School;

**WHEREAS**, the Board intends to convert Campbell Middle School, the District's only traditionally operated (non-charter) school, to a charter school beginning in the 2018-2019 academic school year;

**WHEREAS**, for funding purposes, the District wishes to continue to operate one traditionally operated school;

**WHEREAS**, the District's funding is based, in part, on the unduplicated count of the District's traditionally operated school;

**WHEREAS**, because the Charter School has the highest unduplicated count of all schools in the District, the District now desires to take action to voluntarily close the Charter School, and reopen it, at its existing location, as a traditionally operated school for the 2018-2019 academic school year;

**WHEREAS**, the closure of the Charter School and the opening of Rosemary Elementary School at 401 W. Hamilton Ave., Campbell, CA 95008 (collectively, the "Project") constitute a project for purposes of the California Environmental Quality Act (Pub. Resources Code, § 21000, *et seq.*, ("CEQA"));

**WHEREAS**, the Guidelines for CEQA (California Code of Regulations, Title 14, Chapter 13) ("CEQA Guidelines") exempt certain projects from further CEQA evaluation, including the following: Class 1 for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features (Cal. Code Regs., tit. 14, § 15301), and Class 14 for minor additions to schools (Cal. Code Regs., tit. 14, § 15314);

**WHEREAS**, the Project does not involve any of the following and so is eligible for a categorical exemption as described above under State CEQA Guidelines section 15300.2:

- (a) the cumulative impact of successive projects of the same type in the same place, which over time are significant;
- (b) an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (c) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (d) a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and
- (e) a project which may cause a substantial adverse change in the significance of a historical resource.

**WHEREAS**, the CEQA Guidelines also exempt from further CEQA review those activities that are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (the “Common Sense Exemption”); and

**WHEREAS**, upon a determination that the Project is exempt from CEQA, the District is entitled to file a Notice of Exemption with the County Clerk pursuant to California Code of Regulations, Title 14, section 15062.

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**NOW, THEREFORE**, based upon the above-referenced recitals, the Board hereby finds, determines and orders as follows:

1. The Charter School, located at 401 W. Hamilton Ave, Campbell, CA 95008, shall voluntarily close on June 30, 2018, the end of the 2017-18 school year;
2. The Rosemary Elementary School will open, and is hereby approved to be opened, at 401 W. Hamilton Ave, Campbell, CA 95008, as a traditionally operated school, on July 1, 2018, the beginning of the 2018-2019 academic school year;
3. The District is designated as the “responsible entity” to conduct closure-related activities pursuant to Title 5, section 11962, subdivision (a) of the California Code of Regulations;

4. All pupil records, state assessment results, special educational records, and personal records shall continue to be maintained by the District at the District's corporation yard and on the District servers, in accordance with applicable law (5 C.C.R. § 11962, subd. (d) and (e));
5. The Superintendent and/or designee shall ensure that the Charter School complies with all charter school closure requirements, including all notice requirements, as provided in Title 5, section 11962 of the California Code of Regulations;
6. The Superintendent and/or designee shall ensure that a final audit of the Charter School is conducted within six months of June 30, 2018, and ensure that the results of the audit are thereafter submitted to California Department of Education;
7. The Superintendent and/or designee is hereby authorized and directed to take any other actions necessary to effectuate the purposes of this Resolution;
8. The Board hereby approves the Project and finds and determines that the Project is in the best interests of the District, its students, and the community; and
9. The Project is hereby found to be exempt from the requirements of CEQA pursuant to the Common Sense Exemption and the Class 1 and 14 exemptions. The District's Superintendent, or his designee, is authorized and directed to prepare and file a Notice of Exemption with the County Clerk.

The foregoing Resolution was adopted at a meeting of the Governing Board of the Campbell Union School District on October 26, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Board President  
Campbell Union School District

CERTIFIED TO BE A TRUE  
AND CORRECT COPY:

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Clerk  
Campbell Union School District