



**MOISES G. AGUIRRE, Ed.D.**  
**ASSISTANT SUPERINTENDENT OF**  
**FACILITIES & OPERATIONS**

**FACILITIES & OPERATIONS DIVISION**  
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**DATE:** December 9, 2016  
**TO:** Board of Trustees, and Dr. Karen Janney, Superintendent  
**FROM:** Moises G. Aguirre, Assistant Superintendent of Facilities & Operations  
**RE:** **Proposition 65 & Lead Products in Specifications**

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At the September 26, 2016, meeting of the Board of Trustees, there was a question regarding Proposition 65 warnings for lead.

Staff conducted research and found that school districts are exempt for purposes of this regulation. Below is the citation from the Health and Safety Code.

Source: **Health and Safety Code-HSC**

**Division 20. Miscellaneous Health and Safety Provisions (24000-26204)** (*Division 20 enacted by Stats. 1939, Ch. 60.*)

**Chapter 6.6. Safe Drinking Water and Toxic Enforcement Act of 1986 (25249.5-25249.13)**  
(*Chapter 6.6 added November 4, 1986, by initiative Proposition 65, Sec. 2.*)

The first excerpt 25249.5 states that no "person" shall discharge or release a chemical.

Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity. No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9

(*Added November 4, 1989, by initiative Proposition 65. Operative January 1, 1987.*)

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*Sweetwater Union High School District will fulfill the promise of 100% Student Success*

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*"Sweetwater Union High School District programs and activities shall be free from discrimination based on age, gender, gender identity or expression, or genetic information, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics." - SUHSD Board Policy 0410.*

*Los programas y actividades del distrito Sweetwater Union High School District estarán libres de discriminación basada en edad, género, identidad o expresión de género, o información genética, sexo, raza, color, religión, ascendencia, origen nacional, identificación con un grupo étnico, estado civil, discapacidad física o mental, orientación sexual; o por la percepción de una o más de dichas características, o la asociación con una persona o grupo con una o más de dichas características percibidas o reales." - Política 0410 del Consejo de SUHSD*

**Attachment #1**

The second excerpt 25249.11 states that school districts, along with other government entities, are not “persons”.

For purposes of this chapter:

- (a) “Person” means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.
- (b) “Person in the course of doing business” does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 116275.

If you have any questions, please feel free to contact me at [moises.aguirre@sweetwaterschools.org](mailto:moises.aguirre@sweetwaterschools.org).

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