CONCEPTS AND ROLES

The Board of Trustees recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program. The Board shall endeavor to make the provision of adequate school facilities a priority in the district. Because the schools serve as a focal point for the community, the Board shall also strive to ensure that district facilities fit harmoniously and attractively into their neighborhoods and have flexibility of design to meet future educational and community needs.

(cf. 9000 - Role of the Board)

The Board shall strive to have a school facilities master plan in place and regularly reviewed in light of the district's educational goals. In accordance with this plan, the Board shall:

1. Approve additions or major alterations to existing buildings

(cf. 7111 - Evaluating Existing Buildings)

2. Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them

3. Determine the method of financing that will be used

(cf. 7210 - Facilities Financing)

4. Select and purchase school sites for future expansion

(cf. 7150 - Site Selection and Development)

5. Approve the selection of architects and structural engineers

(cf. 7140 - Architectural and Engineering Services)

6. Award contracts for design and construction

7. Name schools and individual buildings

(cf. 7310 - Naming of Facility)

8. Advocate school facility needs to the community

(cf. 7110 - Facilities Master Plan)
(cf. 7131 - Relations with Local Agencies)

The Superintendent or designee shall:

1. Assess the district's short- and long-term facility needs

CONCEPTS AND ROLES (continued)

2. Direct the preparation and updating of the facilities master plan

3. Oversee the preparation of bids and award of contracts

(cf. 3311 - Bids)

4. Supervise the implementation of the district's building program in accordance with the master plan, Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities

5. Represent the district in official governmental interactions related to the building program

Legal Reference:

EDUCATION CODE
17210-17224 General provisions (school sites)
17260-17268 Plans of schoolhouses
17280-17317 Approval of plans and supervision of construction
17340-17343 Building of schoolhouses
17350-17360 Factory-built school buildings
17365-17374 Fitness of buildings for occupancy; liability of board members
17400-17429 Leasing of school buildings
CODE OF REGULATIONS, TITLE 5
14001 Minimum standards
14010 Procedure for site acquisition
14030 Preliminary procedure, planning and approval of school facilities
14031-14032 Submissions to bureau of school facilities planning; approval

FACILITIES MASTER PLAN

The Board of Trustees recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

(cf. 7000 - Concepts and Roles)
(cf. 7160 - Charter School Facilities)
(cf. 7210 - Facilities Financing)

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

(cf. 7111 - Evaluating Existing Buildings)

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

(cf. 1220 - Citizen Advisory Committees)

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

FACILITIES MASTER PLAN (continued)

Plan Components

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies

2. A description of the planning process

3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs

4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications

5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds

(cf. 3514 - Environmental Safety)
(cf. 3517 - Facilities Inspection)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.7 - Sun Safety)
(cf. 5142 - Safety)
(cf. 6142.7 - Physical Education and Activity)

6. Site selection criteria and process

7. Development of a capital planning budget and identification of potential funding sources

8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives

(cf. 0000 - Vision)

2. Provide for maximum site enrollment at school facilities

3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010

(cf. 7150 - Site Selection and Development)

FACILITIES MASTER PLAN (continued)

4. Are designed for the environmental comfort and work efficiency of the occupants

5. Are designed to require a practical minimum of maintenance

6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety

7. Are designed and engineered with flexibility to accommodate future needs

Plans for the design and construction of new school facilities also shall meet the standards described in 5 CCR 14030, green building standards pursuant to 24 CCR 101 et seq., the Americans with Disabilities Act pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3510 - Green School Operations)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

(cf. 1330.1 - Joint Use Agreements)

Legal Reference: (see next page)

FACILITIES MASTER PLAN (continued)

Legal Reference:

EDUCATION CODE
16011 Long-range comprehensive master plan
16322 California Department of Education services
17017.5 Approval of applications for projects
17070.10-17079.30 Leroy F. Greene School Facilities Act
17251 Powers and duties of California Department of Education
17260-17268 Plans and specifications for school facilities
17280-17317 Field Act
17365-17374 Fitness for occupancy
17405 Relocatable structures; lease requirements
35275 New school planning; cooperation with recreation and park authorities
GOVERNMENT CODE
53090-53097.5 Regulation of local agencies by counties and cities
65352.2 Communicating and coordinating of school sites
65995.6 School facilities needs analysis
CODE OF REGULATIONS, TITLE 2
1859-1859.199 Leroy F. Greene School Facilities Act
CODE OF REGULATIONS, TITLE 5
14001 Minimum standards
14010 Site selection standards
14030-14036 Standards, planning, and approval of school facilities
CODE OF REGULATIONS, TITLE 24
101 et seq. Green building standards code
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, September 2009
Facilities Master Planning, Fact Sheet, November 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Schools of the Future Report, September 2011
Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
Guide for the Development of a Long-Range Facilities Plan, 1986
OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS
An Overview of the State School Facility Programs, rev. October 2011
School Facility Program Handbook, 2008
STATE ALLOCATION BOARD PUBLICATIONS
Public School Construction Cost Reduction Guidelines, 2000
WEB SITES
CSBA: http://www.csba.org
Office of Public School Construction: http://www.opsc.dgs.ca.gov
California Department of Education: http://www.cde.ca.gov/ls/fa

EVALUATING EXISTING BUILDINGS

The Superintendent or designee shall periodically evaluate the adequacy, design, and conditions of existing district facilities to determine whether they meet the needs of the instructional program and provide a healthful and pleasing environment for students and staff. He/she also shall determine whether district facilities fulfill legal requirements for safety and structural soundness, access for the disabled, and energy conservation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3511 - Energy and Water Management)
(cf. 3514 - Environmental Safety)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3517 - Facilities Inspection)

In addition, the Superintendent or designee shall regularly calculate the capacity of existing school buildings to adequately house the district's current students and projected enrollments.

Any identified needs for repair, modernization, or construction shall be incorporated into the district's facilities planning process.

(cf. 7110 - Facilities Master Plan)

Structural Safety

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports to the Board of Trustees that a district building is unsafe for use, the Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The Board shall establish a system of priorities for the repair, reconstruction, or replacement of unsafe school buildings. (Education Code 17367)

A relocatable school building or structure shall meet the requirements of Education Code 17280-17317 and 17365-17374 pertaining to structural safety. However, a relocatable building that does not meet the requirements of Education Code 17280 may be used as a school building until September 30, 2015, if all the conditions specified in Education Code 17292 are met and the Board so certifies to the Department of General Services. (Education Code 17291, 17292)

Energy Efficiency

To the extent that services are available, the Superintendent or designee shall arrange for the energy audit of school buildings to identify the type and amount of work necessary to retrofit buildings and obtain an estimate of projected energy savings. The district may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17651-17653)

Legal Reference: (see next page)

EVALUATING EXISTING BUILDINGS (continued)

Legal Reference:

EDUCATION CODE
17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998, especially:
17071.10-17071.40 Existing school building capacity
17280-17316 Building approvals
17365-17374 Fitness for occupancy
17650-17653 Retrofitting school facilities for energy conservation
GOVERNMENT CODE
53097 Compliance with city or county ordinances
53097.5 Inspection of schools by city or county
CODE OF REGULATIONS, TITLE 2
1859-1859.106 Regulations relating to the Leroy F. Greene School Facilities Act of 1998

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: School Facilities Management
WEB SITES
CSBA: http://www.csba.org
California Department of Education, School Facilities Division: http://www.cde.ca.gov/ls/fa
California Energy Commission, Bright Schools Program: http://www.energy.ca.gov/efficiency/brightschools
Coalition for Adequate School Housing: http://www.cashnet.org
Department of General Services, Office of Public School Construction: http://www.opsc.dgs.ca.gov

RELATIONS WITH LOCAL AGENCIES

The Board of Trustees recognizes the importance of collaborating and communicating with other local agencies in order to provide the best possible school facilities and to allocate facility resources in an effective and efficient manner. The Board and district staff shall consult and coordinate with local agencies as required by law and whenever the expertise and resources of these agencies can assist the district in the planning, design and construction of facilities.

Following notification by a city or county of proposed action to adopt or substantially revise a general plan, the Board may request a meeting with the local planning agency to discuss possible methods of coordinating planning, design and construction of new school facilities and school sites. (Government Code 65352.2)

The Superintendent or designee shall monitor land development proposals within district boundaries and shall ensure that an exchange of accurate information is maintained with city/county planning staff regarding the impact of land development on the district's educational programs and facility needs.

(cf. 7150 - Site Selection and Development)

Recognizing that available funds may not suffice to eliminate overcrowding in district schools caused by new development, the Board urges the city/county to adopt in its general plan or other appropriate planning documents, to the extent permitted by law, a provision which ensures that adequate school facilities will be available.

(cf. 7210 - Facilities Financing)
(cf. 7211- Developer Fees)

Notifications to Other Local Agencies

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

1. That conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions

2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exists

The above notice shall specify the mitigation measures considered by the district and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school construction under applicable state law. (Government Code 65971)

RELATIONS WITH LOCAL AGENCIES (continued)

The Superintendent or designee shall notify the appropriate city or county planning agency of the adoption of a school facility needs analysis or facilities master plan, the acquisition of a school site, or other action regarding school facilities in accordance with law.

(cf. 7110 - Facilities Master Plan)

Legal Reference:

EDUCATION CODE
17280-17316 Approval of plans and supervision of construction
35275 New school planning; cooperation with recreation and park authorities
GOVERNMENT CODE
53090-53097.5 Compliance with city or county regulations
65300-65307 Authority for and scope of general plans
65352.2 Communication between cities, counties and school districts
65850-65863.11 Adoption of regulations
65970-65981 School facilities
65995-65998 Developer fees
PUBLIC RESOURCES CODE
21000-21177 California Environmental Quality Act of 1970
CODE OF REGULATIONS, TITLE 5
14010 Procedure for site acquisition
CODE OF REGULATIONS, TITLE 14
15000-15285 Implementation of California Environmental Quality Act of 1970

Management Resources:

WEB SITES
Office of Public School Construction: http://www.opsc.dgs.ca.gov
CDE, School Facilities Division: http://www.cde.ca.gov/facilities

ARCHITECTURAL AND ENGINEERING SERVICES

In order to ensure safe construction and protect the investment of public funds, the Board of Trustees requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of district schools and other facilities.

The Superintendent or designee shall devise a competitive process for the selection of architects and structural engineers that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural and engineering firms to the Board. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

Legal Reference:

EDUCATION CODE
17070.50 Conditions for apportionment
17280-17316 Approvals, especially:
17302 Persons qualified to prepare plans, specifications and estimates and supervise construction
17316 Contract provision re school district property
17371 Limitation on liability of governing board
GOVERNMENT CODE
4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms
14837 Definition of small business
87100 Public officials; financial interest
PUBLIC CONTRACT CODE
20111 School district contracts

ARCHITECTURAL AND ENGINEERING SERVICES

The Board of Trustees shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

(cf. 3312 - Contracts)

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code 14837

2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration

3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

The selection process may also include: (Government Code 4527)

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data

2. Discussion of alternative approaches for furnishing the services with at least three firms

3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the district. (Education Code 17316)

SITE SELECTION AND DEVELOPMENT

The Board of Trustees believes that a school site should serve the district's educational needs in accordance with the district's master plan as well as show potential for contributing to other community needs.

(cf. 7110 - Facilities Master Plan)

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

(cf. 7140 - Architectural and Engineering Services)
(cf. 7210 - Facilities Financing)

Before acquiring property for a new school or an addition to an existing school site, the Board shall evaluate the property at a public hearing using state site selection standards. (Education Code 17211)

Environmental Impact Investigation for the Site Selection Process

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act whenever so required. When evaluating district projects, the CEQA guidelines shall be used.

Agricultural Land

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located

2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land

SITE SELECTION AND DEVELOPMENT (continued)

3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

Legal Reference:

EDUCATION CODE
17006 Definition of self-certifying district
17024 Prior written approval of CDE for selection of school site or construction of building
17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998
17210-17224 General provisions (school sites)
17240-17245 New Schools Relief Act
17250.20-17250.35 Design-build contracts
17251-17253 Powers concerning buildings and building sites
17260-17268 Plans
17280-17317 Approvals
17565-17592.5 Board duties re management and control of school property
35271 Power to acquire and construct on adjacent property
35275 New school planning and design, re consultation with local recreation and park authorities
CODE OF CIVIL PROCEDURE
1263.710-1263.770 Remediation of hazardous substances on property to be acquired by school district
GOVERNMENT CODE
53094 Authority to render zoning ordinances inapplicable
65402 Acquisition or disposition of property
65995-65997 Developer fees
66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition
HEALTH AND SAFETY CODE
44360 Risk assessment
PUBLIC RESOURCES CODE
21000-21177 Implementation of Environmental Quality Act
CODE OF REGULATIONS, TITLE 5
14001-14036 Minimum standards
CODE OF REGULATIONS, TITLE 14
15000-15209 Review and evaluation of EIRs and negative declarations
ATTORNEY GENERAL OPINIONS
82 Ops.Cal.Atty.Gen. 130 (1999)

Management Resources:

WEB SITES
CDE, School Facilities Planning Division: http://www.cde.ca.gov/dmsbranch/sfpdiv
Office of Public School Construction: http://www.opsc.dgs.ca.gov/

SITE SELECTION AND DEVELOPMENT

As part of the district's site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)

(cf. 7131 - Relations with Local Agencies)

2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)

3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)

4. As necessary, request information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)

5. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.

6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law. (Public Resources Code 21000-21177)

7. If the proposed site is within two miles of the air line of an airport runway or proposed runway, before acquiring title to or leasing the site, notify the California Department of Education in writing. (Education Code 17215)

8. If the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

SITE SELECTION AND DEVELOPMENT (continued)

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

   The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Annually submit a summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)

3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)

4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

CHARTER SCHOOL FACILITIES

The Board of Trustees believes that all students, including those attending charter schools, should have access to adequate facilities that are safe and support student learning.

Facilities to be used by a charter school shall be specified in the school's charter pursuant to Education Code 47605 and also may be addressed in a written memorandum of understanding between the district and charter school.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)

As applicable, charter school facilities shall comply with the California Building Standards Code adopted by the local building enforcement agency pursuant to 24 CCR 101 et seq. or the Field Act pursuant to Education Code 17280-17317 and 17365-17374. (Education Code 47610, 47610.5)

Upon request, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation. In accordance with law, such facilities shall be contiguous, furnished, equipped, and sufficient to accommodate all the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other district schools. The Board shall make reasonable efforts to provide the charter school with facilities near where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary proposal or final notification of space does not accommodate the charter school at a single school site, the Board shall make a specific finding that the charter school could not be accommodated at a single site and shall adopt a written statement of reasons explaining the finding. (Education Code 47614; 5 CCR 11969.1-11969.10)

(cf. 7110 - Facilities Master Plan)

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. (Education Code 47614)

(cf. 3100 - Budget)

The Superintendent or designee may assist eligible charter schools in applying for state facilities funding for new construction or rehabilitation of facilities pursuant to Education Code 17078.52-17078.66 and/or for rent and lease expenditures pursuant to Education Code 47614.5.

Legal Reference: (see next page)

CHARTER SCHOOL FACILITIES (continued)

Legal Reference:

EDUCATION CODE
17070.10-17080 Leroy F. Greene School Facilities Act of 1998, including:
17078.52-17078.66 Charter schools facility funding; state bond proceeds
17280-17317 Field Act
46600 Interdistrict attendance agreements
47600-47616.5 Charter Schools Act
48204 Residency requirements for school attendance
GOVERNMENT CODE
53094 Authority to render zoning ordinance inapplicable
53097.3 Charter school ordinances
CODE OF REGULATIONS, TITLE 2
1859.2 Definitions
1859.31 Classroom inventory
1859.160-1859.172 Charter school facilities program, new construction
CODE OF REGULATIONS, TITLE 5
11969.1-11969.10 Charter school facilities
COURT DECISIONS
Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185
ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 52 (1997)

Management Resources:

CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
Charter Schools: A Manual for Governance Teams, rev. 2009
Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005
OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS
School Facility Program Handbook, May 2008
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.charterassociation.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs
Coalition for Adequate School Housing: http://www.cashnet.org
Office of Public School Construction: http://www.opsc.dgs.ca.gov

CHARTER SCHOOL FACILITIES

Definitions

Average daily classroom attendance (ADA) or *classroom ADA* is ADA for classroom-based apportionment as used in Education Code 47612.5. (5 CCR 11969.2)

In-district classroom ADA is classroom ADA attributable to in-district students. (5 CCR 11969.2)

In-district students are those charter school students who are entitled to attend a district school. Students eligible to attend district schools based on an interdistrict attendance agreement or parent/guardian employment shall be considered students of the district where they reside. (5 CCR 11969.2)

(cf. 5111.1 - District Residency)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5117 - Interdistrict Attendance)

Operating in the district means the charter school is either currently providing public education to in-district students or has identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year, regardless of whether the district is or is proposed to be the chartering entity and whether or not the charter school has a facility inside the district's boundaries. (Education Code 47614; 5 CCR 11969.2)

Reasonably equivalent facilities are facilities that are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Reasonable equivalency shall be determined based on a comparison group of district schools with similar grade levels, the capacity of facilities, and the condition of facilities, as described below in the section "Submission and Review of Facilities Requests." (5 CCR 11969.2, 11969.3)

Furnished and equipped means the facilities include reasonably equivalent furnishing necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools established under 5 CCR 11969.3(a) and that the facilities have equipment that is reasonably equivalent to the comparison group schools. *Equipment* means property that does not lose its identity when removed from its location and is not changed materially or consumed immediately (e.g., within one year). *Equipment* has relatively permanent value and its purchase increases the total value of the district's physical properties. Examples include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets such as major software programs. Furnishings and equipment acquired for a school site with nondistrict resources are excluded when determining reasonable equivalence. (5 CCR 11969.2)

CHARTER SCHOOL FACILITIES (continued)

Contiguous facilities are those facilities contained on a school site or immediately adjacent to a school site. If the in-district classroom ADA of the charter school cannot be accommodated on any single school site, contiguous facilities also include facilities located at more than one site, provided that the district minimizes the number of sites assigned and considers student safety. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. (5 CCR 11969.2, 11969.3)

Conversion charter school is a charter school established through the conversion of an existing public school. (Education Code 47605)

Eligibility for District Facilities

A charter school shall be operating in the district, as defined above, before it submits a request for facilities. A new or proposed charter school operating in the district is eligible to request facilities for a particular fiscal year only if it submits its charter petition before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of its charter petition before March 15 of the fiscal year preceding the year for which facilities are requested. (5 CCR 11969.9)

(cf. 0420.4 - Charter School Authorization)

Submission and Review of Facilities Requests

The following procedures shall apply to a charter school's request for facilities:

1. On or before November 1, a charter school shall submit a written request for facilities to the Superintendent or designee for the next fiscal year. The request shall include: (Education Code 47614; 5 CCR 11969.2, 11969.9)

    a. Reasonable projections of in-district and total ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year

    Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the district school that the students would otherwise attend.

    Nonclassroom ADA may be included in the ADA calculation only to the extent of instructional time that students generating nonclassroom ADA are

CHARTER SCHOOL FACILITIES (continued)

actually in the classroom under the direct supervision and control of a charter school employee, and only if the district and the charter school agree upon the time(s) that the facilities devoted to students generating nonclassroom-based ADA will be used.

b. A description of the methodology for the projections

c. If relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy

d. The charter school's operational calendar

e. Information regarding the district's school site and/or general geographic area in which the charter school wishes to locate

f. Information on the charter school's educational program that is relevant to assignment of facilities, if any

In submitting a facilities request, the charter school shall use a form specified by the district. The charter school shall distribute a reasonable number of copies of the written request to parents/guardians, school staff, and/or other interested parties, or shall otherwise make the request available for review.

2. On or before December 1, the district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA, express any objections in writing, and state the projections the district considers reasonable. If the district does not express any objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR 11969.9)

3. On or before January 2, the charter school shall respond to any objections expressed by the district and to the district's attendance projections provided pursuant to item #2 above. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to item #2. If the charter school does not respond by January 2, the district's projections provided pursuant to item #2 are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR 11969.9)

CHARTER SCHOOL FACILITIES (continued)

4. The district shall determine what facilities it will offer to the charter school, ensuring that the facilities are reasonably equivalent to other district facilities. (5 CCR 11969.3)

   If a charter school was established through the conversion of an existing public school pursuant to Education Code 47605(a)(2), the condition of the facility previously used by the district shall be considered to be reasonably equivalent for the first year the charter school uses the facility. (5 CCR 11969.3)

   For any other charter school, reasonable equivalency shall be based on the following criteria as detailed in 5 CCR 11969.3: (5 CCR 11969.3)

   a. A comparison group of district schools with similar grade levels

      If a charter school's grade-level configuration is different from the configuration of the district's schools, the district shall not pay for the modification of a school site to accommodate the charter school's configuration.

   b. Capacity, including equivalency of the ratio of teaching stations (classrooms), specialized classroom space, and nonteaching space to ADA

   c. Condition of facilities, as determined by assessing such factors as age of facilities (from last modernization), quality of materials, and state of maintenance, including:

      (1) School site size

      (2) Condition of interior and exterior surfaces

      (3) Condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes

      (4) Availability and condition of technology infrastructure

      (5) Condition of the facility as a safe learning environment, including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use

      (6) Condition of the facility's furnishing and equipment

      (7) Condition of athletic fields and/or play area space

(cf. 7111 - Evaluating Existing Buildings)

CHARTER SCHOOL FACILITIES (continued)

5. On or before February 1, the district shall prepare a written preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. In evaluating and accommodating the charter school's request, the charter school's in-district students shall be given the same consideration as students in the district's schools, subject to the requirement that the facilities provided must be contiguous. At a minimum, the preliminary proposal shall include: (5 CCR 11969.2, 11969.3, 11969.9)

   a. The projections of in-district classroom ADA on which the proposal is based

   b. The specific location(s) of the space

   c. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space

   d. The projected pro rata share amount and a description of the methodology used to determine that amount

   e. A list and description of the comparison group schools used in developing the district's preliminary proposal and a description of the difference between the preliminary proposal and the charter school's request submitted pursuant to item #1 above

6. On or before March 1, the charter school shall respond in writing to the district's preliminary proposal made pursuant to item #5 above and shall express any concerns, including differences between the preliminary proposal and the charter school's request, and/or make a counter proposal. (5 CCR 11969.9)

7. On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to item #6 above, the district shall submit, in writing, a final notification of the space to be offered to the charter school. The notification shall include a response to the charter school's concerns and/or counter proposal, if any. The final notification shall specifically identify: (5 CCR 11969.9)

   a. The teaching stations, specialized classroom spaces, and nonteaching station spaces offered for the exclusive use of the charter school and the teaching stations, specialized classroom spaces, and nonteaching spaces to which the charter school is to be provided access on a shared basis with district-operated programs

   b. Arrangements for sharing any shared space

CHARTER SCHOOL FACILITIES (continued)

c. The assumptions of in-district classroom ADA for the charter school upon which the allocation is based, and if the assumptions are different than those submitted by the charter school pursuant to item #3 above, a written explanation of the reasons for the differences

d. The specific location(s) of the space

e. All conditions pertaining to the space

f. The pro rata share amount

g. The payment schedule for the pro rata amount, which shall take into account the timing of revenues from the state and from local property taxes

8. By May 1 or within 30 days after the district notification pursuant to item #7 above, whichever is later, the charter school shall notify the district in writing whether or not it intends to occupy the offered space. (5 CCR 11969.9)

   The charter school's notification may be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the district by this deadline that it intends to occupy the offered space, then the space shall remain available for district programs and the charter school shall not be entitled to use facilities of the district in the following fiscal year. (5 CCR 11969.9)

Availability of Facilities

The space allocated to the charter school by the district, or the space to which the district provides the charter school access, shall be furnished, equipped, and available for occupancy at least 10 working days prior to the first day of instruction of the charter school. For good cause, the district may reduce the period of availability to a period of not less than seven working days. (5 CCR 11969.9)

Space allocated for use by the charter school, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the district's instructional year or class schedule. (5 CCR 11969.5)

For a conversion charter school, the school site identified in the school's charter shall be made available to the charter school for its second year of operation and thereafter upon

CHARTER SCHOOL FACILITIES (continued)

annual request for facilities from the district pursuant to this administrative regulation. If, as a result of a material revision of the charter, either the location of the conversion charter school is changed or the district approves the operation of additional sites by the school, then the school may request, and the district shall provide, facilities in accordance with law, the revised charter, and this administrative regulation. (5 CCR 11969.3)

Written Agreement Regarding Facilities Operations

The district and charter school shall negotiate an agreement regarding the use of and payment for the space which contains, at a minimum, the information included in the district's final notification pursuant to item #7 in the section "Submission and Review of Facilities Requests" above. (5 CCR 11969.9)

A reciprocal hold-harmless/indemnification provision shall be established between the district and the charter school. The charter school shall maintain general liability insurance naming the district as an additional insured in order to indemnify the district for any damage and losses. The district shall maintain first party property insurance for the facilities allocated to the charter school. (5 CCR 11969.9)

(cf. 3530 - Risk Management/Insurance)

Responsibilities for facility maintenance and improvements shall be as follows: (5 CCR 11969.4, 11969.9)

1. The district shall be responsible for:

    a. Modifications necessary to maintain the facility in accordance with applicable building codes pursuant to Education Code 47610 or 47610.5

    b. Replacement of district-provided furnishings and equipment in accordance with district schedules and practices

    c. Projects eligible to be included in the district's deferred maintenance plan

2. The charter school shall be responsible for the ongoing operations and maintenance of facilities, furnishings, and equipment.

The charter school shall not sublet or use the facilities for purposes other than those that are consistent with district policies and practices without permission of the Superintendent or designee. (5 CCR 11969.5)

(cf. 1330 - Use of School Facilities)

CHARTER SCHOOL FACILITIES (continued)

Facilities, furnishings, and equipment provided to a charter school by the district shall remain the property of the district. (5 CCR 11969.4)

The district may charge the charter school, in accordance with 5 CCR 11969.7, for a pro rata share of the district's facilities costs for activities related to keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition. Such activities include maintaining safety in buildings, on grounds, and in the vicinity of schools; plant maintenance and operations; facilities acquisition and construction; and facilities rents and leases. (Education Code 47614; 5 CCR 11969.2)

The charter school shall report actual in-district and total ADA and classroom ADA to the district every time that the charter school reports ADA for apportionment purposes. If the charter school generates less ADA than projected, the following provisions shall apply to any overallocated space: (Education Code 47614; 5 CCR 11969.3, 11969.8, 11969.9)

1. The charter school shall reimburse the district for the overallocated space as set forth in 5 CCR 11969.8, unless the district agrees, in response to the notification by the charter school of overallocation, to exercise its sole discretion to use the overallocated space for district programs.

2. In the case of a conversion charter school, the overallocated space shall not be subject to reimbursement under the following circumstances:

   a. The school notifies the district, by February 1 of its first year of operation, that it will have overallocated space in the following fiscal year. In such cases, the district may occupy all or a portion of the space identified. A charter school that wants to recover space surrendered to the district shall apply to the district and the district shall evaluate the application in accordance with law and this administrative regulation.

   b. Based on the State Board of Education's waiver of attendance area requirements in Education Code 47605(d)(1), the district makes a decision, between November 1 and June 30, to change the school's attendance area in the forthcoming fiscal year.

Mediation of Disputes

If a dispute arises between the district and a charter school pursuant to Education Code 47614 or 5 CCR 11969.1-11969.10, both parties may agree to settle the dispute using mediation, in accordance with the following procedures: (5 CCR 11969.10)

CHARTER SCHOOL FACILITIES (continued)

1. If both parties agree to mediation, the initiating party shall select a mediator, subject to the agreement of the responding party. If the parties are unable to agree on a mediator, the initiating party shall request the CDE to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.

2. Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall send a notice to the responding party and the mediator. The notice shall include the following information:

   a. Name, address, and phone numbers of designated representatives of the parties

   b. A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute

   c. The specific sections of the statute or regulations that are in dispute

   d. The specific resolution sought by the initiating party

3. Within seven days of receiving the notice, the responding party shall file a written response.

4. The mediation shall be entirely informal in nature. Each party shall share copies of exhibits upon which its case is based with the other party. The relevant facts shall be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses.

5. Any agreement reached by the parties shall be in writing and shall not set a precedent for any other case.

6. The mediation shall be terminated if the district and the charter school fail to meet within the specified timelines, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares an impasse.

7. The costs of the mediation shall be divided equally between the parties and paid promptly.

FACILITIES FINANCING

When it is determined that school facilities must be built or expanded to accommodate a increased or projected increased enrollment, the Board of Trustees shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the district's master plan for school facilities.

(cf. 7110 - Facilities Master Plan)

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998

(cf. 7211- Developer Fees)

2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act

(cf. 7212 - Mello-Roos Districts)

3. Forming a school facilities improvement district pursuant to Education Code 15300-15425

(cf. 7213 - School Facilities Improvement Districts)

4. Issuing voter-approved general obligation bonds

5. Imposing a qualified parcel tax pursuant to Government Code 50079

6. Using lease revenues for capital outlay purposes from surplus school property

Legal Reference: (see next page)

FACILITIES FINANCING (continued)

Legal Reference:

EDUCATION CODE
15100-17059.2 School bonds, especially:
15122.5 Ballot statement
15300-15327 School facilities improvement districts
17000-17059.2 State School Building Lease-Purchase Law of 1976
17060-17066 Joint venture school facilities construction projects
17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998
17085-17095 State Relocatable Classroom Law of 1979
17582 District deferred maintenance fund
17620-17626 Levies against development projects by school districts especially:
17621 Procedures for levying fees
GOVERNMENT CODE
6061 One time notice
6066 Two weeks' notice
50075-50077 Voter-approved special taxes
50079 School districts; qualified special taxes
53175-53187 Integrated Financing District Act
53311-53368.3 Mello-Roos Community Facilities Act of 1982
53753 Assessment notice and hearing requirements
53753.5 Exemptions
54954.1 Mailed notice to property owners
54954.6 New or increased tax or assessment; public meetings and hearings; notice
65864-65867 Development agreements
65970-65980.1 School facilities development project
65995-65998 Payment of fees against a development project
66000-66008 Fees for development projects
66016-66018.5 Development project fees
66020-66025 Protests and audits
HEALTH AND SAFETY CODE
33445.5 Overcrowding of schools resulting from redevelopment
33446 School construction by redevelopment agency
CALIFORNIA CONSTITUTION
Article 13D, Sections 1-6 Assessment and property related fee reform
UNCODIFIED STATUTES
17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986
CODE OF REGULATIONS, TITLE 2
1859-1859.106 School facility program

Legal Reference continued: (see next page)

FACILITIES FINANCING (continued)

Legal Reference: (continued)

COURT DECISIONS

Loyola Marymount University v. Los Angeles Unified School District (1996) 45 Cal.App.4th 1256

Ehrlich v. City of Culver City (1996) 12 Cal.4th 854

Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Canyon North Co. v. Conejo Valley Unified School District (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495

Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897

Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 149 (1996)

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction: http://www.opsc.dgs.ca.gov

DEVELOPER FEES

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Board of Trustees may establish, levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation.

Appeals Process for Protests by Developers

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

Legal Reference:

EDUCATION CODE
17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998
17582 District deferred maintenance fund
17620-17626 Levies against development projects by school districts
GOVERNMENT CODE
6061 One time notice
6066 Two weeks' notice
65352.2 Level 2 funding notification requirement
65864-65869.5 Development agreements
65995-65998 Payment of fees against a development project
66000-66008 Fees for development projects
66016-66018.5 Development project fees
66020-66025 Protests and audits
CODE OF REGULATIONS, TITLE 2
1859-1859.106 School facility program
COURT DECISIONS
Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Management Resources:

WEB SITES
Department of General Services, Office of Public School Construction: http://www.opsc.dgs.ca.gov

DEVELOPER FEES

Level 1 Funding: Residential, Commercial and Industrial Construction

Before taking action to establish, increase or impose developer fees, the Board of Trustees shall conduct a fee justification study which: (Government Code 66001)

1. Identifies the purpose of the fee and the use to which the fee will be put

2. Determines a reasonable relationship between the fee's use and the type of development project for which the fee is imposed

3. Determines a reasonable relationship between the need for the public facility and the type of development project for which the fee is imposed

4. Determines a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributed to the development for which the fee is imposed

Level 1 Funding: Notice and Hearing Requirements

Before levying developer fees or prior to increasing an existing fee, the Board shall schedule a public hearing. The Superintendent or designee shall mail notice of the time and place of the meeting, including a general explanation of the matter to be considered and a statement that the required data are available, at least 14 days prior to the meeting to any interested party who has requested such information. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 66016)

Information on the anticipated amount of fees, other available funds and funding sources, and the estimated cost of planning, land acquisition and school construction shall be made available to the public at least 10 days before the hearing. (Government Code 66016)

At the hearing, the Board shall adopt a resolution for the levying of the developer fees. (Government Code 66016) The resolution shall set forth:

1. The purpose of the fee and the public improvement(s) that the fee will be used to finance (Government Code 66006)

2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001

DEVELOPER FEES (continued)

3. The district's determination of either of the following conditions which allow collection of the fees at the time when building permits are issued: (Government Code 66007)

   a. That the fees are to reimburse the district for previous expenditures

   b. That the fees shall be collected for public improvements or facilities for which an account has been established, funds have been appropriated and the district has adopted a proposed construction schedule or plan

Level 2 Funding: Residential Construction

In order to impose residential construction fees within the limits of Government Code 65995.5, the Board shall: (Government Code 65995.5)

1. Make a timely application to the State Allocation Board for new construction funding for which it is eligible

2. Conduct and adopt a school facility needs analysis pursuant to Government Code 65995.6

3. Satisfy at least two of the requirements set forth in Government Code 65995.5(b)(3)(A-D) (Government Code 65995.5)

Level 2 Funding: Notice and Hearing Requirements

At least 45 days prior to completion of the school facility needs analysis, the Board shall notify and provide copies of the analysis to the planning commission or agency of the city or county with land use jurisdiction within the district. Upon request of either party, the Board and city or county shall meet within 15 days following notification. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

The Board shall adopt the school facility needs analysis by resolution at a public hearing. (Government Code 65995.6)

This analysis may not be adopted until the analysis, in its final form, has been made available to the public for a period of not less than 30 days. Prior to its adoption, the public shall have the opportunity to review and comment on the analysis and the Board shall respond to written comments it receives regarding the analysis. (Government Code 65995.6)

DEVELOPER FEES (continued)

During the period of public review, the analysis shall be provided to the local agency responsible for land use planning for its review and comment. (Government Code 65995.6)

No less than 30 days prior to the hearing, notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed analysis, shall be published in at least one newspaper of general circulation within the jurisdiction of the district. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous places within the district's jurisdiction not less than 30 days prior to the hearing. (Government Code 65995.6)

In addition, the Superintendent or designee shall mail a copy of the needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 65995.6)

The school facility needs analysis may be revised at any time. The revision is subject to the same conditions and requirements applicable to the adoption of the analysis. The existing school building capacity shall be recalculated as part of any revision to the needs analysis. (Government Code 65995.6)

The fees authorized by Government Code 65995.6 and Government Code 65995.7 shall be adopted by resolution as part of the adoption or revision of the school facilities needs analysis. The fees shall take effect immediately upon adoption of the resolution and may not be effective for more than one year. (Government Code 65995.6)

Level 3 Funding: Residential Construction

When Level 3 fees are authorized by law and the district qualifies for Level 2 funding pursuant to Government Code 65995.5, the Board may assess a fee on residential construction pursuant to the requirements of Government Code 65995.7.

Level 3 Funding: Notice and Hearing Requirements

Pursuant to Government Code 65995.7, the notice and hearing requirements, resolution requirement, and term of effectiveness for Level 3 funding shall be the same as the requirements for Level 2 funding as specified above.

All Developer Funding Fees: Additional Requirements

The district shall send a copy of any resolution adopting or increasing developer fees to the city and county, accompanied by all relevant supporting documentation and a map indicating the boundaries of the area subject to the fee. (Education Code 17621)

DEVELOPER FEES (continued)

In cooperation with local governmental agencies issuing building permits, the Superintendent or designee shall establish a means by which all of the following shall be accomplished:

1. The project applicant shall receive a written statement of the amount of the fees and notification that the 90-day approval period during which the applicant may protest has begun. (Government Code 66020)

2. The Superintendent or designee shall receive and retain acknowledgment that the above notification was received.

3. Before a permit is issued and upon the payment of the applicable fee or requirement, the Board shall immediately certify that the fee has been paid or that the district has determined that the fee does not apply to the development project. (Education Code 17620)

Developer fees shall be deposited, invested, accounted for and expended pursuant to Government Code 66006. Developer fees shall be deposited in a separate capital facilities account, except for temporary investments allowed by law, and shall be used only for the purpose for which they were collected. Interest income earned by the capital facilities account shall also be deposited in that account and used only for the purpose for which the fee was originally collected. (Government Code 66006)

For each separate account so established, the Superintendent or designee shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year: (Government Code 66006)

1. A brief description of the type of fee in the account or fund

2. The amount of the fee

3. The beginning and ending balance of the account or fund

4. The amount of the fees collected and the interest earned

5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees

6. An identification of an approximate date by which the construction of the public improvement will commence if the district determines that sufficient funds have been collected to complete financing on an incomplete public improvement

DEVELOPER FEES (continued)

7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan

8. The amount of refunds made pursuant to Government Code 66001(e) and any allocations made pursuant to Government Code 66001(f)

The Board shall review the above information at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006. (Government Code 66006)

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

1. Identify the purpose to which the fee is to be put

2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified

4. Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund

When sufficient funds have been collected to complete the financing of public improvements but such improvements remain incomplete, the district shall, within 180 days of the date that a determination of sufficient funding was made, either identify an approximate date by which construction will begin or refund the unexpended revenues in accordance with Government Code 66001. (Government Code 66001)

Appeals Process for Protests by Developers

Developers of residential, commercial and industrial projects who claim that the developer fee has been inappropriately levied shall use the following procedures: (Government Code 66020)

DEVELOPER FEES (continued)

1. The developer shall tender any required payment in full or provide satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.

2. The developer shall serve written notice to the Board. This notice shall include:

   a. A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest

   b. A statement informing the Board of the factual elements of the dispute and the legal theory forming the basis for the protest

3. The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees.

At the time of the imposition of the fee, the Superintendent or designee shall provide each project applicant written notice that the 90-day period in which the applicant may initiate a protest has begun. The developer may file an action to attack, review, set aside, void or annul the imposition of the fees imposed on the development project within 180 days of delivery of the notice. (Government Code 66020)

MELLO ROOS DISTRICTS

The Board of Trustees desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, the Board may order the formation of a community facilities/Mello-Roos district for the acquisition or improvement of school facilities when, in the Board's judgment, it is advisable and in the best interest of district students and the community.

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7210 - Facilities Financing)
(cf. 7211 - Developer Fees)
(cf. 7213 - School Facilities Improvement Districts)

Prior to forming a community facilities district, the Board shall consider and adopt local goals and policies that include the following elements: (Government Code 53312.7)

1. The priority that various facilities shall have for financing through the community facilities district, including public facilities to be owned and operated by other public agencies and services to be provided by other public agencies

2. The credit quality to be required of bond issues and criteria to be used in evaluating the credit quality

3. Steps by which prospective property purchasers will be fully informed about their related taxpaying obligations

4. Criteria for evaluating the equity of tax allocation formulas, including desirable and maximum amounts of special tax to be levied against any parcel

5. Definitions, standards, and assumptions to be used in appraisals required by Government Code 53345.8

(cf. 5116 - School Attendance Boundaries)

The Board may initiate the proceedings to establish a community facilities district. In addition, the Board shall initiate such proceedings when any two Board members have filed a written request or a specified percentage of voters or landowners have filed a petition requesting such a district be formed. (Government Code 53317)

Upon Board action to form a community facilities district or receipt of a petition or request, the Board shall adopt a resolution of intention and conduct a hearing in accordance with law. The resolution shall fix the time and place for holding a public hearing on the establishment of the community facilities district which shall be within 30-60 days after the adoption of the

MELLO-ROOS DISTRICTS (continued)

resolution. Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6061, starting at least seven days before the hearing, and shall include the requirements specified in Government Code 53322 and 53322.4. (Government Code 53321, 53322, 53322.4)

If, after the hearing, the Board determines to establish a community facilities district, the Board shall adopt a resolution of formation in accordance with law. (Government Code 53325, 53325.1)

Upon approval by two-thirds of the voters in the proposed community facilities district, the tax may be levied. The proceeds of any bonds, notes, or other securities issued pursuant to the Mello-Roos Community Facilities Act shall be deposited or invested in accordance with Government Code 53356.03.

Legal Reference:

EDUCATION CODE
15300-15425 School facilities improvement districts
17060-17066 Joint venture school facilities construction projects
GOVERNMENT CODE
6061 One time notice
53311-53368.3 Mello-Roos Community Facilities Act of 1982
53753 Assessment notice and hearing requirements
53753.5 Exemptions
54954.1 Mailed notice to property owners
54954.6 New or increased tax or assessment; public meetings and hearings; notice
65970-65981 School facilities development project
65995 Levies against development projects
CODE OF REGULATIONS, TITLE 2
1859-1859.106 School facility program

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: School Facilities Management, 2006
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Office of Public School Construction: http://www.opsc.dgs.ca.gov
Coalition for Adequate School Housing: http://wwww.cashnet.org

SCHOOL FACILITIES IMPROVEMENT DISTRICTS

The Board of Trustees desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students.

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7210 - Facilities Financing)

The Board may determine that it is necessary and in the best interest of the district to form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15100 and finds that the overall cost of financing the bonds issued would be less than the overall cost of other school financing options available to the district including, but not limited to, issuing bonds pursuant to the Mello-Roos Community Facilities Act. The Board shall define the boundaries of the school facilities improvement district to include any portion of territory within the jurisdiction of the school district, including the option of including the territory of an existing Mello-Roos community facilities district. (Education Code 15301)

(cf. 7212 - Mello-Roos Districts)

The Superintendent or designee shall establish procedures consistent with Education Code 15100-15262 governing the financing of bonds, bond elections, and the issuance and sale of bonds.

Board Resolution of Intention

The Board may pursue the authorization and issuance of bonds by approval of either 66.67 percent majority or 55 percent majority of the voters within the proposed territory of the school facilities improvement district and shall adopt a resolution of intent to form an improvement district. In order to proceed with an election requiring a 55 percent approval of the voters, two-thirds of the Board shall agree to such an election and the district shall comply with the accountability provisions, including the requirements regarding the citizens' oversight committee, required for 55 percent approval set forth in Education Code 15264-15288. (Education Code 15266)

(cf. 7214 - General Obligation Bonds)
(cf. 9323.3 - Actions by the Board)

The Board's resolution of intention shall state all of the following: (Education Code 15320)

1. The Board's intention to form the proposed school facilities improvement district

2. The purpose for which the proposed district is to be formed

3. The estimated cost of the school facilities improvement project

SCHOOL FACILITIES IMPROVEMENT DISTRICTS (continued)

4. That any taxes levied for financing general obligation bonds issued to finance the project shall be levied exclusively upon the lands in the proposed school facilities improvement district

5. That a map showing the exterior boundaries of the proposed district is on file with the Board and available for public inspection, and that these boundaries meet the requirements of Education Code 15301

6. The time and place for a Board hearing on the formation of the proposed district

7. That any interested persons, including all persons owning lands in the district or in the proposed school facilities improvement district, may appear and be heard at the above hearing

The Board shall hold the hearing as specified in its resolution and may, at the hearing, adopt a resolution proposing modifications of its above-stated purposes. (Education Code 15322, 15323)

Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6066, starting at least 14 days before the hearing. No other notice shall be required. (Education Code 15321)

When hearings are concluded, the Board may, by resolution, order the formation of a school facilities improvement district with the boundaries described in the resolution. The resolution shall state the estimated cost of carrying out described purposes and shall number and designate the improvement district as specified in Education Code 15326. (Education Code 15326)

Legal Reference: (see next page)

SCHOOL FACILITIES IMPROVEMENT DISTRICTS (continued)

Legal Reference:

EDUCATION CODE
15100-15111 Purposes for authorizing bonds
15120-15262 Election procedures and issuance of bonds
15264-15288 Accountability in local school construction
15300-15425 School facilities improvement districts
GOVERNMENT CODE
6066 Two weeks' notice
50075-50077.5 Voter-approved special taxes
50079 School districts; qualified special taxes
53175-53187 Integrated Financing District Act
53753 Assessment notice and hearing requirements
53753.5 Exemptions
54954.1 Mailed notice to property owners
54954.6 New or increased tax or assessment; public meetings and hearings; notice

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: School Facilities Management, 2006
WEB SITES
CSBA: http://www.csba.org
CSBA, District and Financial Services, Proposition 39 Bond Performance Audit Program: http://www.csba.org/Services/Services/DistrictServices/Proposition39BondAudits.aspx
California Department of Education: http://www.cde.ca.gov
California Office of Public School Construction: http://www.opsc.dgs.ca.gov
Coalition for Adequate School Housing: http://wwww.cashnet.org

GENERAL OBLIGATION BONDS

The Board of Trustees recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

(cf. 1160 - Political Processes)
(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

The Board shall determine the appropriate amount of the bonds in accordance with law.

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

(cf. 9323.2 - Actions by the Board)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities

2. The acquisition or lease of real property for school facilities

3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

GENERAL OBLIGATION BONDS (continued)

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses

2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 6151 - Class Size)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

GENERAL OBLIGATION BONDS (continued)

Bonds Requiring 66.67 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots

2. Building or purchasing school buildings

3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs

4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity

5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature

6. Permanently improving school grounds

7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans

8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577

9. Purchasing school buses with a useful life of at least 20 years

10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

GENERAL OBLIGATION BONDS (continued)

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolutions Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, available funding instruments, the costs and suitability of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)

2. Statement of the reasons for the method of sale selected

3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected

GENERAL OBLIGATION BONDS (continued)

4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), items #1-4 above and the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds shall be included in the resolution to be adopted by the Board. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest

2. A comparison to the overall cost of current interest bonds

3. The reason bonds that allow for the compounding of interest are being recommended

4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully

GENERAL OBLIGATION BONDS (continued)

available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.

2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

Legal Reference:

EDUCATION CODE
7054 Use of district property, campaign purposes
15100-15254 Bonds for school districts and community college districts
15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000
17577 Sewers and drains
47614 Charter school facilities
ELECTIONS CODE
324 General election
328 Local election
341 Primary election
348 Regular election
356 Special election
357 Statewide election
1302 School district election
15372 Elections official certificate
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
8855 California Debt and Investment Advisory Commission
53506-53509.5 General obligation bonds
53580-53595.5 Bonds
54952 Definition of legislative body, Brown Act
CALIFORNIA CONSTITUTION
Article 13A, Section 1 Tax limitation
Article 16, Section 18 Debt limit
COURT DECISIONS
San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen. 46 (2005)
87 Ops.Cal.Atty.Gen. 157 (2004)

Management Resources: (see next page)

GENERAL OBLIGATION BONDS (continued)

Management Resources:

CSBA PUBLICATIONS

Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

WEB SITES

CSBA: http://www.csba.org

California Debt and Investment Advisory Commission: http://www.treasurer.ca.gov/cdiac

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

California Office of Public School Construction: http://www.opsc.dgs.ca.gov

GENERAL OBLIGATION BONDS

Election Notice

Whenever the Board of Trustees orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable.

Citizens' Oversight Committee

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 (Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district

2. One member active in a senior citizens organization

3. One member active in a bona fide taxpayers' organization

4. One member who is a parent/guardian of a district student

5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

GENERAL OBLIGATION BONDS (continued)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities

2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) and (D) of the California Constitution

(cf. 3460 - Financial Reports and Accountability)

2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution

3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district

4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:

    a. Mechanisms designed to reduce the costs of professional fees

    b. Mechanisms designed to reduce the costs of site preparation

    c. Recommendations regarding the joint use of core facilities

(cf. 1330.1 - Joint Use Agreements)

GENERAL OBLIGATION BONDS (continued)

d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design

e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 9320 - Meetings and Notices)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1113 - District and School Web Sites)
(cf. 1340 - Access to District Records)

Reports

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved

2. The percentage of registered electors who voted at the election

3. The results of the election, with the percentage of votes cast for and against the proposition

NAMING OF FACILITY

The Board of Trustees shall name district schools and other district-owned or leased buildings, grounds, and facilities in recognition of:

1. Individuals, living or deceased, and entities that have made outstanding contributions, including financial contributions, to the school community

2. Individuals, living or deceased, who have made contributions of statewide, national, or worldwide significance

3. The geographic area in which the school or building is located

The Board encourages community participation in the process of selecting names. A citizen advisory committee shall be appointed to review name suggestions and submit recommendations for the Board's consideration.

(cf. 1220 - Citizen Advisory Committees)

Any name adopted for any new school shall not be so similar to the name of any existing district school as to result in confusion to members of the community.

Before adopting any proposed name, the Board shall hold a public hearing at which members of the public will be given an opportunity to provide input.

(cf. 9320 - Meetings and Notices)

When naming or renaming a district school, building, or facility, the Board may specify the duration for which the name shall be in effect.

Memorials

Upon request, the Board shall consider planting commemorative trees, erecting monuments, or dedicating buildings, parts of buildings, athletic fields, gardens, or other district facilities, in memory of deceased students, staff members, community members, and benefactors of the district.

Naming Rights

The Board may grant to any person or entity the right to name any district building or facility. In doing so, the Board shall enter into a written agreement which shall:

1. Specify the benefits to the district from entering into the agreement

2. State the roles and responsibilities of the parties to the agreement, including whether or not the Board shall retain the power to approve any proposed name

NAMING OF FACILITY (continued)

3. Provide details related to the naming right granted, including the building, grounds, or facility involved and the duration for which the name shall be in effect

4. Prohibit any message, image, or other depiction that advocates or endorses the use of drugs, tobacco, or alcohol, encourages unlawful discrimination against any person or group, or promotes the use of violence or the violation of any law or district policy

(cf. 0410 - Nondiscrimination in District Programs/Activities)
(cf. 1325 - Advertising/Promotions)
(cf. 3290 - Gifts, Grants and Bequests)

5. Reserve the authority to terminate the naming right if it determines that the grantee, subsequent to receiving the naming right, has engaged in any of the prohibited acts stated in item #4 above or other criminal or unlawful acts that might bring the district into disrepute

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards