

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Section 7000

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LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7000

Concepts and Roles in New Construction - Page 1

Board Adopted: 8/8/01

Board Revised: 9/12/07

Providing proper educational facilities is a major responsibility of the Loma Prieta Governing Board and the Superintendent. The design of the school plant, adequacy of space and flexibility of use should all combine to enhance the instructional program.

Since school construction is costly, and buildings become a permanent part of the community to be used by large numbers of people, great care must be taken to make certain that the facilities will fully support the intended educational and community programs, that they may be altered conveniently and inexpensively to meet future educational and community needs, that they provide a healthful environment, and that the styling of the facilities will permit them to fit harmoniously and attractively into the community.

The Governing Board:

1. Decides what buildings shall be built, when and where, and what equipment shall be purchased for them.
2. Decides on the additions to buildings or any major alterations.
3. Selects and purchases school sites for future plant expansion.
4. Selects architects and structural engineers for the District building program.

The Superintendent:

1. Supervises the development of the District building program in accordance with state law and regulation.
2. Directs the planning of all educational features of new buildings or alterations of old buildings.
3. Maintains overall responsibility for the adequate implementation of the building program in accord with the educational needs of the District.
4. Acts as authorized agent of the District in all official governmental interactions related to the building program.
5. Coordinates the preparation of plans from the developed educational specifications.
6. Oversees the preparation of bids, award of contracts and, in collaboration with the architect, the construction.
7. Coordinates the District facilities inspection program by authorized building inspectors.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7000

Concepts and Roles in New Construction - Page 2

Board Adopted: 8/8/01

Board Revised: 9/12/07

Legal Reference: Education Code
 16000 et seq. General Provisions (School Sites)
 16328 Conformance With Code Provisions

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7100

Facilities Master Plan

Board Adopted: 8/8/01

Board Revised: 9/12/07

The Loma Prieta Joint Union Elementary School District facilities master plan shall be maintained and kept up to date. The plan shall reflect the long term educational program needs of the students based on the District educational vision and goals. To assist in the accurate assessment of these needs, the plan shall include an identification of community, social, economic and political factors and District housing and funding issues which ultimately affect the success and effectiveness of the District building and renovation program.

The plan shall incorporate population and enrollment projections.

Concurrent with efforts to identify those demographic factors affecting school enrollment, the plan shall include an analysis of present and future design needs of the District together with an assessment of those qualitative factors which reflect the characteristics and capacity of each school facility.

Qualitative factors may include, but are not limited to:

1. State allocation building area standards
2. Maximum student capacity according to designated student-teacher ratios
3. Current student capacity based on current District program requirements

The Board recognizes the importance of having current, complete and accurate information as the basis for developing and maintaining the facilities master plan. The Superintendent shall maintain procedures to encourage the cooperation of the District staff, parents/guardians, students, state and local governmental and planning agencies, and other business and community representatives in this effort.

Legal Reference:	Education Code	
	17717	Application for Project
	17717.5	Application Approval
	35275	New School Planning and Design
	39101	Powers (California Department of Education) Concerning Buildings and Building Sites

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7110

Determining Needs

Board Adopted: 8/8/01

Board Revised: 9/12/07

The Superintendent shall maintain planning procedures for school facilities. These procedures shall serve as the basis for determining facility needs that enhance the District educational program. Accordingly, criteria for determining these needs shall reflect the goals and objectives of the District facilities master plan.

The Superintendent shall draw upon all necessary resources to assure that proposed District facilities meet the educational needs of the students and conform to all planning requirements imposed by state and local governmental agencies. These resources shall include District staff, educational consultants, architectural and engineering firms, utility companies, local governmental and planning agencies, the Santa Clara County Office of Education, the State Department of Education and the Office of the State Architect.

To assure a comprehensive approach to projecting and planning needs, the following elements shall be considered in planning school facilities:

1. Expanding and changing educational program of the District including the number of students to be served and their specific educational needs
2. Impact of proposed facilities on the community and considerations regarding community use of the facilities
3. Safety and welfare of students
4. Relationship between existing and new facilities
5. Community planning and zoning requirements
6. Other site specific information which provide guidance in the planning of facilities

Legal Reference:	Education Code	
	35275	New School Planning and Design (Re Cooperative Relations With Recreation and Park Authorities)
	16324	Application; Report and Recommendations; Approval or Rejection; Conditional and Final Apportionment
	Code of Regulations, Title 5	
	14030(c)	Prepare Educational Specifications
	14031	Submission to Bureau of School Facilities Planning
	14032	Plan Approval
	14033	Planning Guides "The Guide for Planning Educational Facilities"

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7111

Evaluating Existing Buildings

Board Adopted: 9/12/07

The adequacy and design of all existing Loma Prieta Joint Union Elementary School District school facilities shall be evaluated periodically in terms of meeting the needs of the instructional program and fulfilling the requirements of law regarding safety and structural soundness, accessibility to the handicapped and energy conservation.

A primary consideration in evaluating existing facilities shall be the preservation of a healthful environment for students and staff as well as providing an aesthetically pleasing learning and working atmosphere.

In the evaluation of existing buildings, the installation of energy conserving devices, including insulation or the implementation of other design modifications, shall be considered as permitted by law for purposes of reducing energy costs.

Legal Reference:	Education Code	
	17342-17343	Additional Schools, Annexed Area
	17367	Building Examinations; Required Actions of Governing Board Up Report of Unsafe Conditions
	17650-17653	Retrofitting Existing School Facilities for Energy Conservation

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7120

Participation in Planning

Board Adopted: 9/12/07

Procedures shall be maintained that ensure members of the school community including staff, parents, students and business and community representatives are given the opportunity to provide input into the planning process.

Consultants and other appropriate resource personnel from state and local agencies shall be initiated into the planning process in accordance with state law and in those instances, where such consultation will benefit an effective planning process.

Assistance from colleges and universities, planning laboratories and private consulting firms shall be authorized when necessary to augment District staff resources.

Legal Reference:	Education Code	
	17251	Powers Concerning Building and Building Sites (State Department of Education)
	17263	Required Approval of Plans by Department of General Services
	17268	Construction of New School Building; Requirements for Approval
	17280-17289	Approval of Plans and Supervision of Construction
	35275	New School Planning and Design (Consulting With Local Government, Recreation and Park Authorities)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7124

Assembling and Preserving Important Documents

Board Adopted: 9/12/07

All documents pertaining to the planning and construction of facilities shall be preserved in the District Office. "As Built" plans shall be filed with the Superintendent. Subsequent changes to any building shall be entered on the original plans and filed with the Superintendent.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7150

Relations With Other Governmental Units

Board Adopted: 9/12/07

The Loma Prieta Joint Union Elementary School District will cooperate with city, county, state, and federal agencies to provide the best possible school facilities and obtain the greatest efficiency and economy in the use of funds expended for school construction.

In matters relating to the selection and acquisition of school sites and in the construction of school buildings, structures or additions thereto, the District will work in the planning stages in cooperation with other county and municipal bodies such as planning and zoning commissions, the police, fire, health and welfare departments and other relevant bodies.

Special care shall be taken to work with the planning staffs of each governmental body with responsibility for approving, refusing or otherwise controlling land development. Procedures shall be maintained to ensure the exchange of accurate information between the surrounding Districts and these agencies regarding the impact of development on the District's educational programs and facility needs.

When the District determines that overcrowding will occur as a result of new land development, the Superintendent will prepare an official declaration of impact for Board approval and subsequent delivery to the appropriate local agency. If the agency has adopted an impact ordinance requiring developers to cooperate in the development of plans to mitigate the consequences of development on the District, the declaration of impact would "trigger" the imposition of the ordinance.

Legal Reference:	Education Code	
	17280-17289	Approval of Plans and Supervision of Construction (Relations With Department of General Services)
	35275	New School Planning and Design (Re Cooperative Relations With Government Recreation and Park Authorities)
	California Code of Regulations, Title 5	
	14011	Procedure for Site Acquisition
	California Code of Regulations, Title 14	
	12100 <u>et seq.</u>	Implementation of California Environmental Quality Act of 1970
	Public Resources Code	
	21000 <u>et seq.</u>	California Environmental Quality Act of 1970

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7210

Architectural and Engineering Services

Board Adopted: 9/12/07

Upon approval by the Governing Board, the Superintendent shall engage the services of a certified architect(s) or engineer(s) for any approved project through a signed contract. The contract shall include statements outlining specific District requirements and procedures which must be followed.

The contract shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the District.

The Superintendent, through appropriate delegation, shall be responsible for:

1. Developing criteria applicable to the selection of architects and similar professionals for Board approval
2. Recommending a list of architects and similar professionals to be approved by the Board
3. Providing the pertinent information necessary to facilitate review of the list of architects and other design professionals
4. Recommending specific architectural firms for each project from the approved list

Legal Reference: Education Code
17302 Preparers of Plans, Specifications and Estimates;
Qualification; Observation of Construction
17316 Contract Provision re School District Property
17371 Limitation on Liability of Governing board

California Code of Regulations, Title 5
14001 Minimum Standards
14010 Planning for Site Acquisition

California Code of Regulations, Title 14
12100 et seq. Implementation of Environment Quality Act of 1970

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7220

Environmental Impact Procedures - Page 1

Board Adopted: 9/12/07

Environmental Impact Consideration Procedures

1. All proposed discretionary projects shall be evaluated to determine whether the project:
 - a. Is categorically exempt from these procedures
 - b. Is the appropriate subject of a negative declaration
 - c. May have a significant effect on the environment
2. If the project is categorically exempt from the California Environmental Quality Act, nothing further is required by these procedures.
3. If it is determined that the project does not require the preparation of a draft environmental impact report (EIR), a negative declaration and the initial study shall be filed with the Santa Clara County Clerk and the State Office of Planning and Research, and other appropriate state agencies. Copies of the negative declaration and the initial study shall also be made available to local planning agencies, other interested members, and posted for public inspection.
 - a. The Governing Board shall not approve any such projects until at least thirty (30) days have passed for review and comment.
 - b. Upon the close of the review period, the Board shall make a determination whether the project is the appropriate subject of a negative declaration at a special or regularly scheduled meeting.
 - (1) The Board may affirm the decision that the project is the appropriate subject of a negative declaration and, if it does, it will then proceed according to paragraph 4(e).
 - (2) If the Board determines that the project is not the appropriate subject of a negative declaration, it will then proceed in accordance with paragraph 4.
4. If the project may have a significant effect on the environment, a draft environmental impact report (EIR) shall be prepared with consultant assistance, if necessary.
 - a. Upon completion of the draft EIR, a Notice of Completion shall be filed with the State Office of Planning and Research along with the draft EIR. The Notice and draft EIR shall also be made available to local planning agencies, appropriate state agencies, other interested parties, and to the general public.
 - b. After filing the Notice of Completion, the consultation and comments of any public agency which has jurisdiction over the project and the EIR shall be obtained in addition to the comments of any other person who has special expertise with respect to any environmental impact involved.

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Policy No.: 7220

Environmental Impact Procedures - Page 2

Board Adopted: 9/12/07

- c. The final EIR shall not be prepared until the community has been given the opportunity to comment on the draft.
- d. The final EIR shall be adopted by the Board prior to a decision of the Board to proceed with the project.
- e. The Notice of Determination shall be filed with the Santa Clara County Clerk and State Office of Planning and Research.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7310

Methods of Financing - Page 1

Board Adopted: 8/8/01

Board Revised: 9/12/07

As economic development continues and homes and apartments multiply, school facilities must be built or expanded to accommodate a growing number of students. With time, safety considerations and educational program changes may require the reconstruction of existing facilities. The purchase of school sites and the construction of buildings may be financed by any legally provided means which the District is qualified to employ.

Developer Fees

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Governing Board may levy developer fees on residential, commercial and industrial construction within the District, subject to restrictions specified by law. (Government Code Sections 53080 and 65995)

Findings/Fee Levying/Exemptions

Before levying developer fees, the Board shall make all findings required by law. Findings shall show a reasonable relationship between the construction or reconstruction on which the fee is imposed and the need for school facilities. A reasonable relationship also shall be found between the amount of the fee and the cost of the needed school construction. All decisions to levy fees shall be based upon such reasonable relationships. Exemptions from fees shall be granted when reasonable relationships cannot be shown.

Before levying developer fees, the Board shall schedule a public hearing at which it may adopt the resolutions required by law. 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 available to the public at least 10 days before the hearing. Notice of the hearing shall be given as required by law. (Government Code Sections 54954.1 and 54992)

The resolution adopted by the Board shall state the Board's findings which justify the fees and the conditions which have been met to allow collection of the fees at the time when building permits are issued.

The Superintendent or designee shall establish procedures for the timely and consistent levying of developer fees in accordance with the requirements of law. He/She shall cooperate with local governmental agencies in issuing building permits. (Government Code Section 53080)

The Board shall regularly review its school construction plans to evaluate its capital needs and its need for developer fees.

Fees may be revised in accordance with the increase legally allowed for inflation as determined every two years by the State Allocation Board. (Government Code 65995)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7310

Methods of Financing - Page 2

Board Adopted: 8/8/01

Board Revised: 9/12/07

Developer fees shall be deposited, invested, accounted for and expended pursuant to Government Code Section 66006.

The District shall annually make findings regarding any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit. The board will take action based on its findings in accordance with law. (Government Code Section 66001)

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 Section 66006)

For each separate account so established, the District shall, within 90 days of the close of each fiscal year, make available to the public the beginning and ending balance for the fiscal year; the fee, interest and other income received; the amount of expenditure; and the amount of refunds made pursuant to Government Code Section 66001. The Board shall review this information at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. (Government Code Section 66006)

Appeals Process

The Superintendent or designee shall establish an appeals process for the handling of protests, including protests made pursuant to Government Code Section 66008.

Legal Reference:	Education Code	
	15100-15592	Bonds of School District
	15700-15754	General Provisions (State School Building Aid Law of 1949)
	15900-15913	State School Building Aid Bond Law of 1949
	16000-16106	State School Building Aid Law of 1952
	16600-16613	State School Building Aid Bond Law of 1957
	16700-16713	State School Building Aid Bond Law of 1958
	17300-17334	Urban School Construction Aid Law of 1968
	17680-17693	State School Building Lease-Purchase Bond Law of 1982
	17695-17695.95	State School Building Lease-Purchase Bond Law of 1984
	17696-17696.98	Greene-Hughes School Building Lease-Purchase Bond Law of 1986
	17701-17758	State School Building Lease-Purchase Law of 1976
	Government Code	
	53080	Levies Against Development Projects by School District
	53080.1	Procedures for Levying Fees
	53080.2	Agreements Between Districts
	53080.3	Refund of Fee or Charge

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Policy No.: 7310

Methods of Financing - Page 3

Board Adopted: 8/8/01

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Legal Reference:	Government Code (cont.)
	53080.4 Levies Against Manufactured Home or Mobile Home
	53080.6 Fee not Allowable for Reconstruction of Structure Damaged by Disaster
	53080.15 School Districts; Levies on Enclosed Agricultural Space
	53081 School Districts; Use of Fees on Construction
	53175-53179.5 Integrated Financing District Act
	53311-53317.5 Mello-Roos Community Facilities Act of 1982
	54954.1 Mailed Notice to Property Owners
	54992 New or Increased Levies; Meetings; Notice; Ordinance and Resolution
	65864-65867 Development Agreements
	65962 Single or Multi-Family Development Projects; Adoption or Increase of Fee or Charge
	65970-65980.1 Interim School Facilities
	65995-65997 Payment of Fees, Charges, Dedications or Other Requirements Against a Development Project
	66000-66008 Fees for Development Projects

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

NEW CONSTRUCTION

Policy No.: 7511

Naming of Facilities

Board Adopted: 8/8/01

Board Revised: 9/12/07

The Board generally discourages the naming of buildings or specialized facilities. However, when appropriate, the Board may name a facility, building or room after an individual or organization. The Board shall use the following criteria:

1. In honor of an individual(s) or organization(s) who have made an extraordinary contribution to the school or community.
2. In recognition of an individual(s) or organization(s) who made a significant contribution of least 40% of the construction cost for the building or room.

Appointment by the Board

The Board may appoint an *ad hoc* committee to review name suggestions for the Board's final consideration.

Dedication Plaques

At the completion of construction for all new District facilities there should be a plaque dedicating the facility to the education mission of the school and recognizing the individual members of the Board, the Superintendent and architect.