



Contra Costa County

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Works
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Phone: (925) 313-2000

Julia R. Bueren, Director

March 28, 2017

Tom Torlakson, Superintendent of Public Instruction
California Department of Education
1430 N St, Sacramento, CA 95814

Subject: Title 5 School Siting and Design Standards Review

Dear Superintendent Torlakson:

This letter responds to the California Department of Education's (Department) School Facilities & Transportation Services Division request for input on its review of Title 5 which was initiated in late 2016. Contra Costa County (County) welcomes this review as we have witnessed gaps in state school siting practices relative to contemporary land use and transportation planning statutes and principles. Specifically, the County urges the Department to conform school siting practices with State and local policies to ensure that the siting of new schools does not violate goals related to student safety, growth management, greenhouse gas reduction, health in all policies, agricultural preservation, complete streets, and general public health.

The County recognizes the significant link between the built environment and public health. This recognition led the Board of Supervisors to create a staff level committee in 2007, the Planning Integration Team for Community Health (PITCH). PITCH is comprised of staff from three Departments, Conservation and Development, Health Services, and Public Works. Respectively, these Departments are responsible for land use/transportation planning, public health, and engineering. PITCH advises the Board of Supervisors on policies and strategy related to land development, grant applications, policy changes, infrastructure investment, etc.

Given the significant and enduring effect that schools have on the character and safety of the community surrounding school sites, the Board of Supervisors directed PITCH to develop this response to the Title 5 revision effort. We have organized this response as follows:

- I. Immediately below is the policy context in which the PITCH Departments developed comments.
- II. Below the policy context we provide broader recommendations that don't lend themselves to direct insertion in to the existing Title 5 text.
- III. Attached are specific, recommended revisions entered directly in the body of the Title 5 text.

I. Policy Context

Numerous policies guide land development and transportation infrastructure investment at both the local and state levels. School sites, which are defining institutions in our communities, have a substantial impact on the safety and character of the surrounding community, and serve a vulnerable population, are often not developed to be consistent with the adopted policies listed below.

Because schools are exempt from complying with local ordinances they are frequently inconsistent with many local and state policies that are enacted to combat sprawl, achieve greenhouse emission goals, ensure safe and efficient transportation, and protect public health. The policies include:

Local Policies

Urban Limit Line: Contra Costa County voters approved an Urban Limit Line (ULL) in 1990. In 2006 voters passed a new Measure which affirmed and extended the ULL protection to 2026. The ULL limits urban development to certain areas of the County and helps to preserve farmland, open space, and combat sprawl.

Currently, schools are being planned and built outside the ULL undermining growth restrictions approved by the voters.

Complete Streets: Contra Costa County's Complete Streets policy was adopted by General Plan revision in 2008 and pre-dates the State Complete Streets Act. The policy was reaffirmed and expanded in 2016 with the Board of Supervisors Adoption of an updated Complete Streets Policy. Complete Streets recognizes that streets serve many users and should accommodate users of all ages, abilities, and modes including cyclists, pedestrians, transit users and the mobility impaired.

When schools are located as infrastructure islands in rural or agricultural areas it is not financially possible to provide adequate transportation infrastructure throughout the school attendance boundaries to accommodate student cyclists and pedestrians. These sites are often well outside of established transit routes, promote increased vehicular travel, and make it unsafe and impractical to get to school by using active transportation such as walking and bicycling because there are no sidewalks or adequate facilities for student cyclists.

Climate Action Plan: In December 2015, Contra Costa County adopted a Climate Action Plan that outlines how we will reduce greenhouse gas emissions in our County. The Climate Action Plan has goals and requirements regarding green buildings; the State should ensure that the Title 5 update recognizes local sustainability and green building policies, as well as comply with State policies. The Climate Action Plan sets goals for increasing active transportation in our County with specific targets around number of weekday bike trips, implementing the Safe Routes to School program, and reducing the number of vehicle miles traveled.

State Policies

Complete Streets Act of 2008: Similar to Contra Costa County's local policy, the state Complete Streets Act (AB 1358/2008) directs that transportation facilities be planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, etc. appropriate to the function and context of the facility.

When the State facilitates the development of schools in disconnected areas, it compromises the ability for local jurisdictions to adhere to complete streets policies.

Greenhouse Gas (GHG) Reduction Legislation (AB32 – 2006, SB375 – 2008, SB743 – 2013):

Through various mechanisms, this State legislation dictates how GHG's are to be reduced. Given that land development is most often a local activity, the successful implementation of these mandates often fall to local agencies to implement through changes to land development and infrastructure investment practices.

Though local jurisdictions are implementing these policies at the city/county level, the State school siting program impedes implementation of this legislation by facilitating the development of school sites in remote areas, thereby driving up vehicle miles traveled.

Recognizing this issue, in the California Air Resources Board's (CARB) original draft implementation guidance for AB 32, the reform of school siting practices was included. In the final version, the guidance was removed without explanation.

Health in all policies: The State adopted a Health in All Policies (HIAP) approach to improve the health of all people by incorporating health considerations into collaborative decision-making across sectors and policy areas. The HIAP effort includes 22 State agencies and departments that fall under the Health In All Policies Task Force which is in turn overseen by the Strategic Growth Council.

While efforts are made through the HIAP program to improve health through policy changes, the State school siting program conflicts with this effort by facilitating the development of school sites in remote areas. This practice limits the ability for students to use active transportation to make the home/school/home trip. Concurrently, the State practices compromise safety for those that do walk/bike to school because it is not financially possible to construct adequate non-motorized transportation infrastructure connecting remote schools to the communities they serve.

Similar to CARB's GHG reduction effort, this issue was acknowledged by the State early during HIAP implementation. The original draft strategies for implementing HIAP included addressing school siting practices. Subsequent revisions to the HIAP removed school siting reform activities.

II. Broad Policy Recommendations

Establish Clear Authority/Responsibility: The County has had numerous conversations with local school districts and state officials on school siting practices over the years that reveal a lack of clarity regarding authority on school siting practices. It would appear that a vacuum of responsibility exists that does not foster comprehensive planning or accountability:

- In discussing and advocating for school siting policy changes with State staff a common response is, "local school districts are responsible, we merely provide guidance".
- In discussing and advocating for a change in school siting practices with local school districts a common response is, "we are just following state policies".
- When the County advocates for better decision making a common response is, "school districts are exempt from local ordinances".

Administering a massive public investment program such as school construction requires a process with clear lines of authority and responsibility. Ultimately, the lack of clear responsibilities and effective policies has led to adversarial situations. Please see the attached letters for examples.

Develop Financial Incentives and Disincentives: In Contra Costa, and we assume in other Counties with rural areas, one significant reason schools are developed on remote or agricultural land is the lower cost. Addressing this fundamental issue will be necessary to make policy changes effective. The State should consider implementing financial incentives and disincentives.

Develop Compulsory Requirements: There are substantial *existing* statutes and guidance related to school siting. Site selection, safety considerations, access, consultation with local land use agencies are all in this guidance. A compulsory component should be included with any policy changes to ensure effective implementation.

Encourage/Incentivize Cooperation between Developers and School Districts: There are existing policies that facilitate consultation between school districts and the local land use agencies. In practice, some of the more successful school sites are a product of coordination between developers and school districts. The State should investigate methods to encourage, incentivize or require coordination between developers and school districts.

Enforce Urban Limit Line (ULL)/Urban Growth Boundary (UGB): At a minimum, the state should respect locally approved growth control measures and institute some minimal subsidiarity by prohibiting school districts from acquiring and developing school sites outside of adopted ULLs/UGBs. This would help establish consistency with local priorities and direct growth to where it can best be served. Absent an outright prohibition, the state could adopt incentives and/or disincentives that would help protect the ULL/UGB.

Expand Authority of Local Agency Formation Commissions (LAFCO): The two main purposes of LAFCOs per the Cortese-Knox-Hertzberg Act are **1)** discourage sprawl, and **2)** encourage planned, orderly, coordinated, logical development. This authority directly addresses the problems experienced statewide with school siting practices.

Ensure Complete Streets Consistency: The following approach would help to bring school siting practices into consistency with State and local policies relative to complete streets, active transportation, safe routes to school, greenhouse gas reduction, and health in all policies.

1) The school board may only approve the purchase of a school site if the board also:

- *Makes findings with substantial evidence in the record that the proposed site complies with, or will ultimately comply with, all applicable guidance in Title 5, Guide to School Site Analysis and Development, and School Site Selection and Approval Guide. These findings should provide enough relevant information or data and reasonable inferences to support the conclusion that the proposed site complies with the aforementioned policy documents, (as they may be amended or superseded from time to time), and*
- *Approves a preliminary multimodal (bus, automobile, pedestrian, bicycle, active) circulation and safety plan (spanning both immediate site access and attendance boundaries) approved by a licensed traffic engineer representing the Department of Transportation.*
- *Must establish that it is reasonable to project that all necessary, multi-modal transportation infrastructure will be in place concurrent with the opening of the school (secured bond, projects on local capital improvement plan for instance)*

2) The school board may only approve a final school design if the board also:

- *Makes findings with substantial evidence in the record that the proposed site will comply with all applicable guidance in Title 5, Guide to School Site Analysis and Development, and School Site Selection and Approval Guide upon opening of the school. These findings should provide enough relevant information or data and reasonable inferences to support the conclusion that the proposed site complies with the aforementioned policy documents, as they may be amended or superseded from time to time,*
- *Approves a final multimodal (bus, automobile, pedestrian, bicycle, active) circulation and safety plan (spanning both immediate site access and attendance boundaries) approved by a licensed traffic engineer representing the Department of Transportation.*
- *Establish that all necessary, multi-modal transportation infrastructure will be in place concurrent with the opening of the school.*

III. Title 5 Revisions

Please find our detailed, redline/strikeout comments on the Title 5 code attached to this letter.

We appreciate the Department of Education conducting the Title 5 review and the opportunity to provide input. We look forward to your response and working with the State in addressing this serious issue.

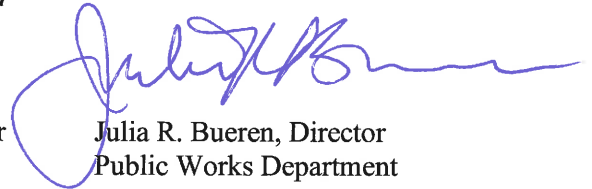
Sincerely,



John Kopchik, Director
Department of Conservation and
Development



Dr. William Walker, Director
Health Services Department



Julia R. Bueren, Director
Public Works Department

Attachments:

Comments on Title 5 - School Facilities Construction Policies

August 25, 2010 Letter: Contra Costa County to Liberty Union High School District: Re: Postponement FEIR Certification

August 24, 2016 Letter: Contra Costa County to Liberty Union High School District: Re: Parcel Purchase with no notice.

Copy

Members, Board of Supervisors
Contra Costa County Legislative Delegation
Karen Sakata, Contra Costa Office of Education
Kathryn Lyddan, CA Department of Conservation
Siddharth Nag, CA Gov Office of Planning and Research
Kiana Buss, California State Association of Counties

Nick Schweizer, CA Department of Education
Juan Mireles, CA Department of Education
Jahmal Miller, CA Department of Public Health
Ken Alex, CA Strategic Growth Council
Bob Glover, Building Industry Association of the Bay Area
Members, California County Planning Directors Association

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**Contra
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Aruna Bhat
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Maureen Toms
Deputy Director

Kara Douglas
Assistant Deputy Director

Victoria Mejia
Business Operations Manager

August 24, 2016

Eric Volta, Superintendent
Liberty Union High School District
20 Oak Street
Brentwood, CA 94513

Subject: LUHSD Purchase of APN #s: 011210028, 011210027, 011210026

Dear Superintendent Volta:

It has come to the County's attention that last year the Liberty Union High School District (LUHSD) purchased Assessor's Parcel Number (APN) 011210028 south of Discovery Bay at the end of Kellogg Creek Road. Public Resources Code §21151.2 and Government Code §65402 require, among other actions, that school districts notify the local planning department and planning commission prior to any acquisition. To my knowledge, the County received no such notification. These notifications help keep the County informed of activities in the unincorporated areas. In addition, these statutes help to promote collaboration between our two agencies through the reporting and investigative activities mentioned in the code.

We understand that this latest acquisition is expanding LUHSD's existing holdings immediately to the north (APNs 011210027 and 011210026) which were purchased in 2010. I understand that these two parcels were also purchased without the notification required in the aforementioned code sections.

If the subject parcels are to be developed such that they produce a positive community asset, include safe, sufficient access, and result in an adequate California Environmental Quality Act analysis, a collaborative process with the County will be critical. In this light, the land acquisitions without the required notifications are of concern to the County as we have responsibility for the transportation network surrounding the facility.

Eric Volta, Superintendent
August 23, 2016

I would appreciate it if we could meet to review our options for communicating and coordinating on these matters. If you or members of your staff could please contact me (674-7819, john.kopchik@dcd.cccounty.us) or John Cunningham, Principal Planner (925-674-7833, john.cunningham@dcd.cccounty.us) at your earliest convenience I would appreciate it.

Sincerely,



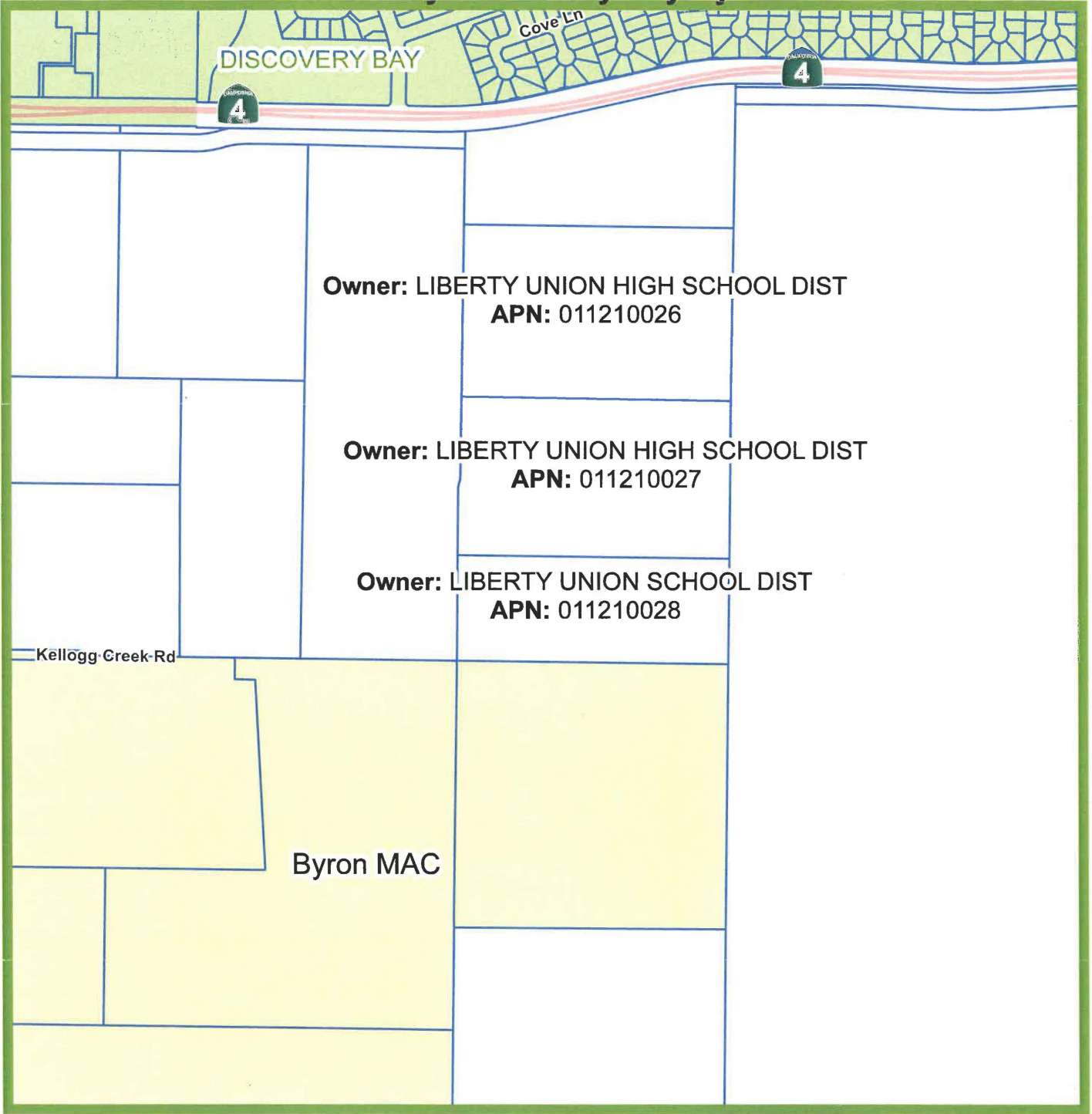
John Kopchik, Director
Contra Costa County Department of Conservation and Development




cc:

Federal D. Glover, Supervisor – District V
Mary N. Piepho, Supervisor – District III
Bryan Montgomery, City Manager – Oakley
Gustavo Vina, City Manager – Brentwood
Julie Bueren, Director – Public Works Department
Dan Peddycord, Director of Public Health – Health Services
Catherine Kutsuris, Interim General Manager – Discovery Bay CSD

Attachment: 5th High School Site Area Map

Central Contra Costa County: Discovery Bay/Byron



-  DISCOVERY BAY CSD
-  Byron MAC
-  Parcel Lines



Department of
Conservation &
Development

Contra
Costa
County

Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

Community Development Division

County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229



Phone:

August 25, 2010

Jerry Glenn, Superintendent
Liberty Union High School District
1050 Neroly Road
Oakley CA 94561-3843

RE: *Proposed Fourth High School Final Environmental Impact Report*

Dear Superintendent Glenn:

It has just come to the County's attention that certification of the subject Final Environmental Impact Report (EIR) has been scheduled for the Liberty Union High School District ("District") Board of Trustees meeting today, Wednesday, August 25, 2010. We were only made aware of this pending school board action on Monday by City of Oakley staff, and we then subsequently discovered that the District has now posted to its website the Final EIR.

The County calls to the District's attention the requirements for a lead agency in the certification of an EIR under the California Public Resources Code (PRC) and the California Environmental Quality Act (CEQA) Guidelines. Both state law and CEQA Guidelines clearly prescribe that before a lead agency certifies an Environmental Impact Report (EIR) it *shall* provide proposed written responses to a public agency on comments made by that public agency ten days prior the EIR's certification.¹ For the record, the County has not received written responses to our comments on the Draft EIR ten day prior to the scheduled hearing on EIR certification, as prescribed under the law, and furthermore, the County has not received a notice of the hearing at which the school board will consider EIR certification, or a notice of availability of the Final EIR.

Therefore, I am writing to respectfully request that the certification of the EIR by the school board scheduled for tonight's meeting be postponed until the County, other public agencies, and the public have sufficient time to review the Final EIR as required under the law. We are specifically concerned with the adequacy of the District's responses to the County's extensive comments on the Draft EIR. Unfortunately, it is simply not possible to determine the adequacy of the responses when we do not have a copy of the Final EIR document which would contain the written responses to our comments.

¹ Public Resources Code section 21092.5: "At least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response..."
CEQA Guidelines section 15088 (b): "The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report."


It must be noted that it is the common practice and procedure for cities and counties acting in their capacity as the lead agency under CEQA to provide a public agency that has commented on a Draft EIR with hard copy or CD-ROM of the Final EIR, which contains responses to written comments on the Draft EIR, along with a notice of a public hearing at which certification of the EIR will be considered. The Final EIR and accompanying hearing notice are always provided to a commenting public agency ten days prior to the hearing, as prescribed under the law. The County is disappointed that District has apparently not followed commonly accepted CEQA procedures for a lead agency in notifying a commenting public agency about the certification of an EIR and providing them with a copy of the Final EIR.

This is especially troubling given that the County, as well as the cities of Brentwood and Oakley, expended significant efforts in reviewing and commenting on the Draft EIR and devoted significant staff time and resources to advise and assist the District in identifying measures and actions to mitigate impacts from the high school. We are disappointed that after such collaborative efforts the District would proceed with certification of the EIR without giving a commenting public agency timely notice of this pending action or adequate time to review the document to be certified. It is for these reasons that we urge the District to postpone the EIR's certification until commenting public agencies are provided the Final EIR document and all interested parties are afforded adequate time to review and assess the responses to written comments on the Draft EIR.

Thank you in advance for your consideration of this request. Please update John Cunningham of my staff (925-335-1243) with the status of this certification process as soon as possible.

We look forward to continuing in a productive working relationship with the District on this important project.

Sincerely,



Catherine O. Kutsuris
Director

cc: D. III Office
D. V Office
S. Goetz, DCD
M. Avalon, Flood Control
S. Kowalewski, PWD
J. Vogan, City of Oakley
P. Eldredge, City of Brentwood
President R. Valverde, LUHSD
W. Reeves, LUHSD

Contra Costa County Comments on Title 5 Revision Process. Revisions are in redline/strikeout format. Annotations/comments on the revisions are in [brackets and in typewriter font].

Title 5. Education

Division 1. California Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 1. School Housing

 [Article 1.](#) General Standards

 **§ 14001. Minimum Standards.**

Educational facilities planned by school districts shall be:

(a) Evolved from a statement of educational program requirements which reflects the school district's educational goals and objectives.

(b) Master-planned to provide for maximum site enrollment..

(c) Located on a site which meets California Department of Education standards as specified in Section 14010.

(d) Designed for the environmental comfort and work efficiency of the occupants.

(e) Designed to require a practical minimum of maintenance.

(f) Designed to meet federal, state, and local statutory requirements for structure, fire, and public safety.

(g) Designed and engineered with flexibility to accommodate future needs.

(h) Located and designed to support reductions of greenhouse gasses and vehicle miles traveled consistent with state goals.

(i) Include access infrastructure, at the time of school opening, consistent with the 2008- Complete Streets Act. [Reflects authority established with the "safety" references in EDC § 17251 (c) and (f)].

Note: Authority cited: Sections 17251(b) and 33031, Education Code. Reference: Sections 17017.5 and 17251(b), Education Code.

HISTORY

1. Amendment filed 9-23-77; effective thirtieth day thereafter (Register 77, No. 39).

2. Amendment of text and adoption of Note filed 11-12-93; operative 12-13-93 (Register 93, No. 46).

3. Amendment of Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14001, 5 CA ADC § 14001

Title 5. Education
Division 1. California Department of Education
Chapter 13. School Facilities and Equipment
Subchapter 1. School Housing
Article 2. School Sites
§ 14010. Standards for School Site Selection.

All districts shall select a school site that provides safety and that supports learning. The following standards shall apply to site selection and be addressed in a written report provided to the governing board, the district advisory committee, and the local land use agency [requirements are consistent with EDC § PART 10.5. SCHOOL FACILITIES: Schoolsites: 17211]:

(a) The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in the 2000 Edition, "School Site Analysis and Development" published by the California Department of Education and incorporated into this section by reference, in toto, unless sufficient land is not available or circumstances exist due to any of the following:

(1) Urban or suburban development results in insufficient available land even after considering the option of eminent domain.

(2) Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications which pose a threat to the health and/or safety of students and staff.

(3) Sufficient acreage is available but not within the attendance area of the unhoused students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.

(4) Geographic barriers, traffic congestion, inadequate transportation infrastructure for student cyclists, pedestrians, and/or other wheeled/active transportation, high vehicle speeds, or other constraints throughout the attendance boundary would cause extreme school access issues for the school district and the community at large. financial hardship for the district to transport students to the proposed school site. [Regarding the struck out text, excepting special needs students, school districts are not obligated to provide transportation. Regardless, the listed issues DO create a hardship for parents, students, and local jurisdictions who, when school districts site schools in remote areas, are left to somehow get students safety to/from school sites which are often infrastructure islands surrounded by rural landscape.]

(b) If a school site is less than the recommended acreage required in subsection (a) of this section, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.

(c) The property line of the site even if it is a joint use agreement as described in subsection (o) of this section shall be at least the following distance from the edge of respective power line easements:

(1) 100 feet for 50-133 kV line.

(2) 150 feet for 220-230 kV line.

(3) 350 feet for 500-550 kV line.

(d) If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment,

preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified. [Roadways and automobiles are a more substantial threat to student safety than railroads. Implementation of the County's "Ensure Complete Streets Consistency" proposal will help to ensure an appropriate review of roadway safety, on par with the railroad language]

(e) The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.

(f) Pursuant to Education Code sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.

(g) Pursuant to Education Code sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

(h) The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.

(i) The site is not subject to moderate to high liquefaction or landslides.

(j) The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.

(k) The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.

(l) The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto. [Considering the wealth of new, relevant statutes and policies that the state has developed over the past 10 years this language should be rewritten. Contemporary references (as opposed to the 1987 School Area Pedestrian Safety document) should be referenced including, the 2008 Complete Streets Act, Health In All Policies, AB32/SB375 concepts, Caltrans Smart Mobility Framework, and the numerous revisions to the Highway Design Manual.]

(m) Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with Education Code Section 17213 and Government Code Section 65402, the multimodal circulation and safety plan, and other available studies of traffic surrounding the site.

(n) The site shall be located within the proposed attendance area to accommodate and encourage student ~~walking and active transportation~~ avoid extensive bussing unless bussing is used to promote ethnic diversity. Accommodation shall be documented in the multimodal circulation and safety plan. [The comment is reflective of the County's comment, "Ensure Complete Streets Consistency"]

(o) The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.

(p) The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.

(q) The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.

(r) Easements on or adjacent to the site shall not restrict access or building placement.

(s) The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:

(1) Distance of utilities to the site, availability and affordability of bringing utilities to the site.

(2) Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.

(3) Eminent domain, relocation costs, severance damage, title clearance and legal fees.

(4) Long-term high landscaping or maintenance costs.

(5) Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.

(t) If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substances Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.

(u) At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific circumstances overrides a standard without compromising a safe and supportive school environment.

Note: Authority cited: Sections 17251(b) and 33031, Education Code. Reference: Sections 17212, 17212.5, 17213, 17251(b) and 17251(f), Education Code.

HISTORY

1. Renumbering of former section 14010 to section 14011 and new section filed 11-12-93; operative 12-13-93 (Register 93, No. 46). For prior history, see Register 77, No. 39.

2. Amendment of section and Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14010, 5 CA ADC § 14010

➔ § 14011. Procedures for Site Acquisition - State-Funded School Districts.

A state-funded school district is defined as a school district having a project funded under Chapter 12.5 (commencing with Section 17070.10) of the Education Code. A state-funded school district, before acquiring title to real property for school use, shall obtain written approval from the California Department of Education using the following procedures:

(a) Request a preliminary conference with a consultant from the School Facilities Planning Division and in consultation review and evaluate sites under final consideration.

(b) Contact the School Facilities Planning Division of the California Department of Education to obtain a "School Facilities Planning Division Field Site Review," form SFPD 4.0, published by the California Department of Education, as last amended in December 1999 and incorporated into this section by reference, in toto, which lists the site options in order of merit according to the site selection standards delineated in Section 14010.

(c) Prepare a statement of policies as delineated on the "School Facilities Planning Division School Site Report," form SFPD 4.02, as last amended in December 1999 and incorporated into this section by reference, in toto, covering the range and organization of grades to be served, the transportation of pupils, and the ultimate maximum pupil enrollment to be housed on the site. Prepare a statement showing how the site is appropriate in size as justified by the school district's Facilities Master Plan, including acreage increases above the California Department of Education recommendation made to compensate for off-site mitigation. A school district may choose, in place of a master plan, a developer fee justification document or a five-year plan if it addresses enrollment projections, needed schools, and site sizes.

(d) Prepare maps showing present and proposed school sites, significant roads or highways, unsanitary or hazardous installations, such as airports or industries and the indicated boundary of the pupil attendance area to be served as delineated on form SFPD 4.02.

(e) Meet with appropriate local government, recreation, and park authorities to consider possible joint use of the grounds and buildings and to coordinate the design to benefit the intended users as required by Education Code Section 35275.

(f) Give written notice to the local planning agency having jurisdiction to review the proposed school site or addition to an existing school site and request a written report from the local planning agency of the investigations and recommendations for each proposed site with respect to conformity with the adopted general plan as required by Public Resources Code Section 21151.2 and Government Code Section 65402 and provide documentation to the California Department of Education (CDE) demonstrating the notice and report request to the local planning agency. CDE shall not provide any administrative, procedural, or financial support to the school district without fulfillment of this requirement. [This requirement is in response to our experience with school districts not being aware of or disregarding the referenced sections of the code. Please see the County's 8-24-16 letter to the Liberty Union High School District (LUHSD) attached to our Title 5 Comment letter. The letter to LUHSD is also available here: www.cccounty.us/no-notice]

(g) Comply with Education Code Sections 17212 and 17212.5, with particular emphasis upon an engineering investigation made of the site to preclude locating the school on terrain that may be potentially hazardous:

(1) The geological and soils engineering study shall address all of the following:

(A) Nature of the site including a discussion of liquefaction, subsidence or expansive soils, slope, stability, dam or flood inundation and street flooding.

(B) Whether the site is located within a special study zone as defined in Education Code Section 17212.

(C) Potential for earthquake or other geological hazard damage.

(D) Whether the site is situated on or near a pressure ridge, geological fault or fault trace that may rupture during the life of the school building and the student risk factor.

(E) Economic feasibility of the construction effort to make the school building safe for occupancy.

(2) Other studies shall include the following:

(A) Population trends

(B) Transportation

(C) Water supply

(D) Waste disposal facilities

(E) Utilities

(F) Traffic hazards

(G) Surface drainage conditions

(H) Other factors affecting initial and operating costs.

(h) Prepare an environmental impact report, or negative declaration in compliance with the Environmental Quality Act, Public Resources Code, Division 13, (commencing with Section 21000 with particular attention to Section 21151.8). As required by Education Code Section 17213, the written findings of the environmental impact report or negative declaration must include a statement verifying that the site to be acquired for school purposes is not currently or formerly a hazardous, acutely hazardous substance release, or solid waste disposal site or, if so, that the wastes have been removed. Also, the written findings must state that the site does not contain pipelines which carry hazardous wastes or substances other than a natural gas supply line to that school or neighborhood. If hazardous air emissions are identified, the written findings must state that the health risks do not and will not constitute an actual or potential danger of public health of students or staff. If corrective measures of chronic or accidental hazardous air emissions are required under an existing order by another jurisdiction, the governing board shall make a finding that the emissions have been mitigated prior to occupancy of the school.

(i) Consult with, or demonstrate that the lead agency, if other than the district preparing the environmental impact report or negative declaration, has consulted with the appropriate city/county agency and with any air pollution control district or air quality management district having jurisdiction, concerning any facilities having hazardous or acutely hazardous air emissions within one-fourth of a mile of the proposed school site as required by Education Code Section 17213.

(j) For purposes of Environmental Site Assessment, school districts shall comply with Education Code sections 17210.1, 17213.1, and 17213.2.

(k) Follow the recommendations of the State Superintendent of Public Instruction report based upon the Department of Transportation, Division of Aeronautics, findings, if the proposed site is within two miles of the center line of an airport runway or proposed runway as required by Education Code Section 17215.

(l) Follow the standards for school site selection in Section 14010 of this article.

(m) Conduct a public hearing by the governing board of the school district as required in Education Code Section 17211 to evaluate the property using the standards described in Section 14010 of this article. The school district's facility advisory committee may provide an evaluation of the proposed site to the governing board.

(n) Submit the request for exemption from a standard in Section 14010 of this article, with a description of the mitigation that overrides the standard, to the California Department of Education.

(o) Certify there are no available alternative school district-owned sites for the project deemed usable for school purposes by the California Department of Education or certify that the school district intends to sell an available alternative school district-owned site and use the proceeds from the sale for the purchase of the new school site.

Note: Authority cited: Sections 17251(b) and 33031, Education Code. Reference: Sections 17070.50, 17072.12, 17210.1, 17211, 17212, 17213 and 17251(b), Education Code.

HISTORY

1. Renumbering and amendment of section 14010 to section 14011 and adoption of Note filed 11-12-93; operative 12-13-93 (Register 93, No. 46).

2. Amendment of section heading, section and Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14011, 5 CA ADC § 14011

➔ **§ 14012. Procedures for Site Acquisition - Locally-Funded School Districts.**

A locally-funded school district is defined as a school district with a project not applying for funding from any state program administered by the State Allocation Board as defined in Chapter 12.0 (commencing with Section 17000) or Chapter 12.5 (commencing with Section 17070.10) of the Education Code. A locally-funded school district, before acquiring title to real property for school use, shall:

- (a) Evaluate the property using the standards established in Section 14010 and items (e) through (l) in Section 14011;
- (b) Comply with terms of the complaint investigation described in Section 14012(d); and
- (c) May request advice from the California Department of Education as described in Education Code Section 17211(a).
- (d) Prepare documentation of and retain for purposes of a complaint investigation the exemption from the standard in Section 14010 of this article with a description of the mitigation that overrides the standard. Locally-funded school districts may request from the California Department of Education a review of the adequacy of the mitigation measure.
- (e) Comply with Education Code section 17268 regarding potential safety or health risks to students and staff.

Note: Authority cited: Sections 17251(b) and 33031, Education Code. Reference: Sections 17251(a) and (b) and 17268, Education Code.

HISTORY

1. New section filed 11-12-93; operative 12-13-93 (Register 93, No. 46).
 2. Repealer of former section 14012 and renumbering of former section 14013 to new section 14012, including amendment of section heading, section and Note, filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).
- 5 CCR § 14012, 5 CA ADC § 14012

➔ **§ 14013. Procedures for Site Acquisition - Locally-Funded Districts. [Renumbered]**

Note: Authority cited: Section 39001(b), Education Code. Reference: Sections 17700 et. seq., 39101(a), and 39101(b), Education Code.

HISTORY

1. New section filed 11-12-93; operative 12-13-93 (Register 93, No. 46).
 2. Renumbering of former section 14013 to section 14012 filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).
- 5 CCR § 14013, 5 CA ADC § 14013

§ 14030. Standards for Development of Plans for the Design and Construction of School Facilities.

The following standards for new schools are for the use of all school districts for the purposes of educational appropriateness and promotion of school safety:

(a) Educational Specifications.

Prior to submitting preliminary plans for the design and construction of school facilities, and as a condition of final plan approval by CDE, school board-approved educational specifications for school design shall be prepared and submitted to the California Department of Education based on the school district's goals, objectives, policies and community input that determine the educational program and define the following:

(1) Enrollment of the school and the grade level configuration.

(2) Emphasis in curriculum content or teaching methodology that influences school design.

(3) Type, number, size, function, special characteristics of each space, and spatial relationships of the instructional area that are consistent with the educational program.

(4) Community functions that may affect the school design. [Substantial detail and examples should be added to remove ambiguity]

(b) Site Layout.

Parent drop off, bus loading areas, ~~and~~ parking, and non-motorized access shall be separated or otherwise designed to allow students to enter and exit the school grounds safely unless these features are unavailable due to limited acreage in urban areas or restrictive locations, specifically [Comments are consistent with authority established in the "safety" references in EDC § 17251 (c) and (f)].

(1) Buses do not pass through parking areas to enter or exit school site unless a barrier is provided that prevents vehicles from backing directly into the bus loading area.

(2) Parent drop off area is adjacent to school entrance and separate from bus area and staff parking.

(3) Vehicle traffic pattern does not interfere with foot traffic patterns. Foot traffic does not have to pass through entrance driveways to enter school. Crosswalks are clearly marked to define desired foot path to school entrance.

(4) Parking stalls are not located so vehicles must back into bus or loading areas used by parents. Island fencing or curbs are used to separate parking areas from loading/unloading areas.

(5) To provide equal access to insure the purposes of the least restrictive environment, bus drop off for handicapped students is in the same location as for regular education students.

(6) To ensure safe, efficient access an active transportation plan for the school's entire attendance boundary shall be developed. [consistent with authority established in the "safety" references in EDC § 17251 (c) and (f)]

(7) Bicyclist and pedestrian access to school sites shall be encouraged through prioritized access and bicycle parking.

(c) Playground and Field Areas.

Adequate physical education teaching stations shall be available to accommodate course requirements for the planned enrollment, specifically:

(1) A variety of physical education teaching stations are available to provide a comprehensive physical education program in accordance with the district's adopted course of study (including hardcourt, field area and indoor spaces).

(2) The physical education teaching stations are adequate for the planned student enrollment to complete the minimum instruction and course work defined in Education Code Sections 51210(g), 51220(d) and 51225.3(a)(1)(F).

(3) Supervision of playfields is not obstructed by buildings or objects that impair observation.

(4) Joint use for educational purposes with other public agencies is explored. Joint use layout with parks is not duplicative and fulfills both agencies' needs.

(d) Delivery and Utility Areas.

Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff:

(1) Delivery/utility vehicles have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

(2) Trash pickup is fenced or otherwise isolated and away from foot traffic areas.

(e) Future Expansion.

Site layouts shall have capability for expansion without substantial alterations to existing structures or playgrounds:

(1) Site layout designates area(s) for future permanent or temporary additions that are compatible with the existing site plans for playground layout and supervision.

(2) Utilities to the expansion area are included in the plans and have the capacity to accommodate anticipated growth.

(3) Exits, corridors, stairs, and elevators are located to accommodate capacity of additions, particularly in such buildings added as the multi-purpose/cafeteria, administration, gymnasium/or auditorium.

(f) Placement of Buildings.

Building placement shall consider compatibility of the various functions on campus and provide optimum patterns of foot traffic flow around and within buildings. Site layout of buildings, parking, driveways, and physical education areas shall be adequate to meet the instructional, security and service needs of the educational program:

(1) Building placement is compatible with other functions on campus; e.g., band room is not next to library.

(2) Physical relationship of classrooms, auxiliary, and support areas allows unobstructed movement of staff and students around the campus.

(3) Building placement has favorable orientation to wind, sun, rain, and natural light.

(4) Restrooms are conveniently located, require minimum supervision, and, to the extent possible, are easily accessible from playground and classrooms.

(5) Parking spaces are sufficient for staff, visitors, and students (where applicable).

(6) The campus is secured by fencing and electronic devices such as code entries, electronic monitoring or motion sensors when needed.

(g) Classrooms.

Classrooms at new school sites shall have adequate space to perform the curriculum functions for the planned enrollment as described in the school district's facility master plan, specifically:

(1) Classroom size standards:

(A) General classrooms, grades one through twelve are not less than 960 square feet. Classrooms proposed of less than 960 square feet require written justification to be submitted to and approved by the State Superintendent of Public Instruction. Adjacent instructional space shall be included in the calculation of square feet for purposes of approving classroom design.

(B) Proposed classrooms of less than 960 square feet have written justification consistent with the educational program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms.

(2) Total classroom space meets or exceeds the capacity planned for the school using the district's classroom loading standards in accordance with State Allocation Board policy.

(3) Consideration is given to some classrooms which are easily alterable in size and shape at a reasonable cost.

(4) Conduit/cabling and outlets are available for technology in each classroom to provide network and stand alone equipment related to the planned and future potential educational functions.

(h) Specialized Classrooms and Areas.

Specialized classrooms shall be designed to reflect the function planned for that portion of the educational program. If any of the following classrooms are needed, these standards apply:

(1) Small-Group Areas.

(A) Small-group instruction areas are not included in the computation of classroom size unless the area is an integral part of the classroom and can be visibly supervised by a teacher from the classroom.

(B) Small-group instruction areas are designed to allow for collaborative learning opportunities where appropriate to support the regular education program and are located in the vicinity of classrooms.

(2) Kindergarten Classrooms.

(A) Kindergarten classroom size for permanent structures is not less than 1350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.

(B) Kindergarten classrooms are designed to allow supervision of play yards (unless prevented by site shape or size) and all areas of the classroom.

(C) Play yard design provides a variety of activities for development of large motor skills.

(D) Classrooms are located close to parent drop-off and bus loading areas.

(E) Storage, casework, and learning stations are functionally designed for use in free play and structured activities; e.g., shelves are deep and open for frequent use of manipulative materials.

(F) Windows, marking boards, sinks, drinking fountains, and furniture are appropriate heights for kindergarten-age students.

(G) Restrooms are self-contained within the classroom or within the kindergarten complex.

(3) Special Education Classrooms and Areas.

(A) A new school designates at least 240 square feet for the resource specialist program and provides additional space in accordance with the allocations in Education Code Section 17747(a) as larger enrollments are being planned.

(B) A new school designates at least 200 square feet for the speech and language program which is close to classrooms when an individualized instruction program is necessary.

(C) A new school designates office area for the psychologist/counseling program which provides for confidentiality and may be shared with other support service programs.

(D) Special day classrooms are at least the same size as regular education classrooms at that site and are properly equipped for the students who will occupy the space, for their age and type of disabling condition.

(E) The square footage allowance in Education Code Section 17747(a) for special day class programs is used for the design of classroom space and other space on the campus to support the special education program. The support space includes but is not limited to speech specialist area, psychologist, counseling offices and conference area.

(F) Special day classrooms are distributed throughout the campus with age appropriate regular education classrooms.

(G) A cluster of two special day classrooms may be considered if support or auxiliary services (e.g., bathrooming, feeding, physical or occupational therapy) are needed to serve the students throughout the school day.

(H) A conference area is available to conduct annual individualized education program meetings for each special education student.

(I) Medical therapy units, if planned for the site, are close to visitor parking areas and accessible after school hours.

(i) Laboratories shall be designed in accordance with the planned curriculum.

(1) Science laboratory:

(A) Size is at least 1300 square feet including storage and teacher preparation area.

(B) Science laboratory design is consistent with the requirements for proper hazardous materials management specified in both the "Science Facilities Design for California Public Schools," published by the California Department of Education,

1993, and the "Science Safety Handbook for California Public Schools," published by the California State Department of Education, 1999.

(C) Accommodations are made for necessary safety equipment and storage of supplies; e.g., fire extinguisher, first aid kit, master disconnect valve for gas.

(D) Secured storage areas are provided for volatile, flammable, and corrosive chemicals and cleaning agents.

(E) Properly designated areas are provided with appropriate ventilation for hazardous materials that emit noxious fumes, including a high volume purge system in the event of accidental release of toxic substances which may become airborne.

(F) Exhaust fume hoods, eye washes, deluge showers are provided.

(G) Floor and ceiling ventilation is provided in areas where chemicals are stored.

(H) Room is provided for movement of students around fixed-learning stations.

(I) There is the capability for technology which complements the curriculum.

(J) Classrooms are flexibly designed to insure full student access to laboratory stations and lecture areas.

(2) Consumer Home Economics laboratory:

(A) There is room for movement of students around fixed learning stations.

(B) Cooking equipment reflects current home food preparation practices and/or commercial food preparation simulation.

(C) There is the capability for technology which complements portions of the curriculum, such as fashion design, consumer economics, and nutritional analysis of foods.

(D) There is space for industrial or home sewing equipment consistent with the planned curriculum.

(E) There is storage for student projects and supplies.

(F) Space for work tables is provided for such activities as cutting fabric or completing interior design projects.

(G) Lecture area is provided.

(H) At least 1300 square feet is allocated for each laboratory.

(I) If part of the planned program, space for a child care area or for a laboratory to teach child growth and development is provided.

(3) Industrial and Technology/Education Laboratory:

(A) Room is provided for movement of students around fixed learning stations.

(B) Flexible stations with sufficient outlets and power source for industrial type equipment is provided.

(C) Space is provided for various simulations of job-related experiences and laboratory work stations.

(D) There is capability to utilize technology which complements the curriculum, such as computer-aided graphics, electronics and specialized tools.

(E) There is lecture area within each laboratory or near the laboratory area where appropriate.

(F) There are accommodations for necessary health and safety equipment, such as fire extinguisher and first aid kit.

(G) Secured storage areas for volatile, flammable and corrosive chemicals and cleaning agents are provided where appropriate.

(H) There are properly designated areas with appropriate ventilation for the use of hazardous material that emit noxious fumes or excessive dust particles.

(I) Proper storage and removal access for hazardous waste materials is provided in each laboratory using such materials.

(4) Computer Instructional Support Area:

(A) If a standard classroom is being designated as a computer laboratory, size is at least 960 square feet.

(B) Room is provided for movement of students around learning stations.

(C) Sufficient outlets, power sources, and network links for the amount of equipment are provided.

(D) Proper ventilation is provided.

(E) Room provides for security of equipment.

(F) Lighting minimizes screen glare and eye strain.

(j) Gymnasium, Shower/Locker shall be designed to accommodate multiple use activities in accordance with the planned enrollment:

(1) The gymnasium is secured from other parts of the campus for evening and weekend events or for public use purposes.

(2) The shower/locker area is of sufficient size to allow students enrolled in the physical education program to shower and dress each period.

(3) Toilets are available for the public in facilities intended for shared community use other than in shower/locker areas.

(4) Office space is provided for physical education teachers.

(5) Space is available for specialized age-appropriate physical education activities such as weight lifting, exercise equipment usage, aerobics.

(k) Auxiliary Areas.

(1) Multipurpose/cafeteria area (indoor or outdoor) shall be adequately sized and flexibly designed to protect students from the elements and to allow all students adequate eating time during each lunch period and to accommodate such uses as physical education activities, assemblies, and extracurricular activities:

(A) Tables and benches or seats are designed to maximize space and allow flexibility in the use of the space.

(B) The location is easily accessible for student and community use, but is close to street for delivery truck access.

(C) Stage/platform may have a dividing wall to be used for instructional purposes but is not intended as a classroom.

(D) Area for the cafeteria line is designed for the flow of traffic for each lunch period.

(E) Design of kitchen reflects its planned function; e.g., whether for food preparation or warming only.

(F) Space is available for refrigeration and preparation of foods to accommodate maximum number of students planned for the school.

(G) Office, changing, and restroom area for food preparation staff is available and shall comply with local department of health requirements.

(H) Ceiling height allows for clearance of light fixtures for physical education activities.

(2) Administrative Office.

The administrative office shall have sufficient square footage to accommodate the number of staff for the maximum enrollment planned for the school consistent with the master plan for the school district and shall be designed to efficiently conduct the administrative functions, specifically:

(A) Students have direct confidential access to pupil personnel area.

(B) Counter tops are accessible for an age-appropriate population both at a standing and wheelchair level.

(C) Clerical staff have a clear view of nurse's office.

(D) The nurse's office has a bathroom separate from staff bathroom(s) in administration area.

(E) Space for private conference and waiting area is available.

(F) Capability for such computer networking functions as attendance accounting and communicating to each classroom is considered.

(G) A faculty workroom is available for a staff size proportionate to the student population.

(3) Library/Media Center and Technology.

Library space shall be proportional to the maximum planned school enrollment. The size shall be no less than 960 square feet. However, to allow adaptation for changing technology and communication systems, the following is recommended:

-two square feet per unit of a.d.a. (average daily attendance) for elementary;

-three square feet per unit of a.d.a. for middle or junior high (grades 6-8);

-four square feet per unit of a.d.a. for high school. In addition:

(A) Provide security for technology and media equipment.

(B) Space and capability for computer terminals is considered for student use, research and report writing.

(C) Visual supervision from circulation desk is available to study areas, stack space, and student work centers.

(D) Design for open and closed-circuit television, dedicated phone line, electrical outlets for stand-alone computers, and conduit connecting all instructional areas is considered.

(l) Lighting.

Light design shall generate an illumination level that provides comfortable and adequate visual conditions in each educational space, specifically:

(1) Ceilings and walls are white or light colored for high reflectance unless function of space dictates otherwise.

(2) Lights do not produce glare or block the line of sight.

(3) Window treatment allows entrance of daylight but does not cause excessive glare or heat gain.

(4) Fixtures provide an even light distribution throughout the learning area.

(5) Light design follows the California Electrical Code found in Part 3 of Title 24 of the California Code of Regulations.

(m) Acoustical.

Hearing conditions shall complement the educational function by good sound control in school buildings, specifically:

(1) The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place in this classroom.

(2) Sound is transmitted without interfering with adjoining instructional spaces; e.g., room partitions are acoustically designed to minimize noise.

(3) The ventilation system does not transmit an inordinate sound level to the instructional program.

(n) Plumbing.

Restroom stalls shall be sufficient to accommodate the maximum planned enrollment and shall be located on campus to allow for supervision.

(1) Refer to Part 5, Title 24, of the California Code of Regulations.

(2) Outdoor restrooms having direct outside access are located in areas that are visible from playground and are easily supervised.

(o) Year-Round Education.

If a school is being planned for multitrack year-round operation, additional space shall be provided for associated needs:

(1) Additional space is available for storage of records for staff for all tracks. Additional storage space for the supplies and projects of off-track students is considered.

(2) Storage and planning space is available for off-track teachers or teachers not assigned to a classroom.

(p) American Disabilities Act.

Schools shall comply with standards established by the American Disabilities Act (Public Law 101-336, Title II).

(q) Child Care Programs.

Schools shall comply with the requirements set forth in Education Code Section 39113.5 regarding plans and specifications for new schools being designed to provide appropriate space to accommodate before-school and after-school child care programs.

(r) Exemptions.

At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that the educational appropriateness and safety of a school design would not be compromised by an alternative to that standard.

Note: Authority cited: Sections 17251(c) and 33031, Education Code. Reference: Sections 17047(a), 17251(c), 17310, 51210(g), 51220(d) and 51225.3, Education Code.

HISTORY

1. Amendment of section and NOTE filed 9-23-77; effective thirtieth day thereafter (Register 77, No. 39).

2. Amendment of article heading, repealer and adoption of section heading and text, and amendment of Note filed 11-12-93; operative 12-13-93 (Register 93, No. 46).

3. Amendment of subsections (a), (b)-(b)(1), (g)(1)(A), (i)(1)(B), (n)-(n)(1) and (p)-(r), new subsection (i)(4)-(i)(4)(F), and amendment of Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14030, 5 CA ADC § 14030

(a) Each state-funded school district shall submit preliminary plans following the standards in Section 14030 including site utilization, elevations and floor plan drawings that describe the spaces and give the square footage and educational specifications to the California Department of Education for approval. Prior to preparation of final plans, the school district shall obtain approval of the preliminary plans from the California Department of Education.

(b) Each state-funded school district shall submit final plans including grading, site utilization, elevation, floor, lighting, and mechanical working drawings and any alterations to the educational specifications to the California Department of Education for approval.

(c) Each state-funded school district shall submit the request for exemption from a standard in Section 14030 of this article, with a description of how the educational appropriateness and safety of a school design would not be compromised by deviation from the standard, to the California Department of Education.

(e) Each state-funded school district shall submit a multi-modal circulation and safety plan spanning the entire attendance boundary approved by a traffic engineer representing the Department of Transportation. [comment references the "Ensure Complete Streets Consistency" comments in the County's 3-28-17 letter. Letter is also available here:]

Note: Authority cited: Sections 17251(c) and 33031, Education Code. Reference: Sections 17017.5(c) and 17251(c), Education Code.

HISTORY

1. Amendment filed 9-23-77; effective thirtieth day thereafter (Register 77, No. 39).

2. Repealer and adoption of section heading and text, and adoption of Note filed 11-2-93; operative 12-13-93 (Register 93, No. 46).

3. Amendment of section heading, section and Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).


5 CCR § 14031, 5 CA ADC § 14031


Title 5. Education

Division 1. California Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 1. School Housing

 [Article 4.](#) Standards, Planning and Approval of School Facilities

 **§ 14032. Plan Approval for State-Funded School Districts.**

The California Department of Education shall notify the district, the district's architect and the Department of General Services that the preliminary and final plans comply with the standards set forth in Section 14030. Approvals for either preliminary or final plans are in effect for a maximum of two years from the date of signed approval. School districts may request an extension of preliminary or final plan approvals if the time line exceeds one year.

Note: Authority cited: Sections 17251(c) and 33031, Education Code. Reference: Sections 17024, 17070.50 and 17251(c), Education Code.

HISTORY

1. Amendment filed 9-23-77; effective thirtieth day thereafter (Register 77, No. 39).
2. Amendment of section heading and text, and adoption of Note filed 11-12-93; operative 12-13-93 (Register 93, No. 46).
3. Amendment of section heading, section and Note filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14032, 5 CA ADC § 14032

(a) Locally-funded districts shall use the plan standards set forth in Section 14030.

(b) Locally-funded districts may request assistance from the California Department of Education to review plans and specifications for any new school construction or rehabilitation project.

(c) Locally-funded districts need not submit preliminary and final plans to the California Department of Education.

(d) Locally-funded districts shall prepare documentation of and retain for purposes of a complaint investigation the exemption from the standard in Section 14030 of this article, with a description of how the educational appropriateness and safety of a school design would not be compromised by deviation from the standard. Locally-funded districts may request from the California Department of Education a review of the adequacy of the mitigation measure.

(e) Locally-funded districts shall continue to comply fully with the requirements of Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365) of Chapter 2, Part 23 of the Education Code (The Field Act) and submit all plans and specifications to the Department of General Services, Office of the State Architect for review and approval prior to executing a contract for the construction or alteration of a public school building or expending any public funds for such a project.

Note: Authority cited: Sections 17251(c) and (d) and 33031, Education Code. Reference: Sections 17251(d), 17280 and 17365, Education Code.

HISTORY

1. Renumbering of former section 10433 to section 14035 and new section filed 11-12-93; operative 12-13-93 (Register 93, No. 46).

2. Repealer of former section 14033 and renumbering of former section 14034 to new section 14033, including amendment of section heading, section and Note, filed 10-30-2000; operative 10-30-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 44).

5 CCR § 14033, 5 CA ADC § 14033

When a school district is planning to acquire a site for a school, it must take various factors into consideration. The School Facilities Planning Division has developed three work sheets to assist the district in assessing potential sites and making preliminary selections. The work sheets, which are included in this appendix, outline a set of 12 primary criteria governing school site selection and consists of three components: Site Selection Criteria, Site Selection Evaluation, and a Comparative Evaluation of Candidate Sites. These components allow for a comprehensive examination of sites to determine strengths and weaknesses (Site Selection Criteria); a ranking of each site (Site Selection Evaluation); and finally, a comparison of sites by the rating factors and total scoring (Comparative Evaluation of Candidate Sites). The criteria are consistent with the California *Education Code*, *California Code of Regulations, Title 5*, *California Public Resources Code*, and the California Department of Education policies and guidelines.

Although these standards are not the sole criteria to be considered by a school district's site selection committee, the committee may find them useful in evaluating various sites, identifying at least three acceptable sites from which a final choice can be made, and, eventually, explaining the site selection process to interested entities.

Each primary element listed on the Site Selection Criteria work sheet contains secondary measures that provide the committee the opportunity to apply a specific set of guidelines to each potential site and aid in the analysis of a site. The secondary criteria may also be used by the committee to understand better the types of data needed in identifications, selection, and final acquisition of a school site. After considering both primary and secondary standards on the work sheet, the committee should rank the sites in order of acceptability by completing the second and third work sheets.

June 1998

California Department of Education Site Selection Criteria

Part 1

Site Identification		Grade Level
Location	Gross Acres	Estimated Value

Safety <i>(These factors must be avoided.)</i>	OK	Potential Problem
Adjacent to or near roadways with a high <u>speed or volume</u> [<u>Speed is a greater threat to student safety than volume. School sites are inherently subject to substantial volumes of traffic. It is the speed of that traffic that must be addressed. (as reflected in the establishment of school zones in the statutes) of traffic with no separated, non-motorized facilities.</u>		
Within 1,500 feet of railroad tracks		
Within two miles of an airport runway		
Close to high-voltage power lines		
Close to high-pressure lines, for example natural gas, gasoline sewer or water lines		
Contaminants/toxics in the soil or groundwater, such as from landfills, dumps, chemical plants, refineries, fuel tanks, nuclear plants, or agricultural use of pesticides or fertilizer, etc.*		
Close to high decibel noise sources		
Close to open-pit mining		
On or near a fault zone or active fault		

<p>Location</p> <p><u>Safe walking areas Adequate infrastructure, consistent with state and local complete streets policies, ensuring non-motorized access throughout the school attendance boundary.</u> <u>Centrally located to avoid extensive transporting and Closely integrated with the transportation network of the attendance boundary of the school</u> to minimize <u>and increase the safety of</u> student travel distanee</p> <p>Compatible with current and probable future zoning regulations <u>including Urban Limit Lines/Urban Growth Boundaries.</u></p> <p>Close to, <u>and integrated with</u> libraries, parks, museums, and other community services</p> <p>-Favorable orientation to wind and natural light</p>		
<p>Environment</p> <p><u>Located so as to make active transportation/school access attractive and possible.</u></p> <p>Free from sources of noise that may impede the instructional process</p> <p>Free from air, water and soil pollution</p> <p>Free from smoke, dust, odors, and pesticide spray</p> <p>Provides aesthetic view from and of the site</p> <p>Compatible with the educational program</p>		
<p>Soils</p> <p>Proximity to faults or fault traces Stable subsurface and bearing capacity Danger of slides or liquefaction Percolation for septic system and drainage Adequate water table level</p> <p>Existing land fill is reasonably well compacted</p> <p><i>Note: A geological hazard report must be conducted to determine soil and seismic conditions.</i></p>		

Topography	OK	Potential Problem
Feasibility of mitigating steep grades Rock ledges or outcroppings Surface and subsurface drainage Level area for playfields		
Size and Shape Net acreage consistent with standards of California Department of Education as noted in "School Site Analysis and Development" Length-to-width ratio does not exceed 2:1 Sufficient open play area and open space Potential for expansion for future needs Area for adequate and separate bus loading and parking <u>Safe, adequate, bicycle parking proximate/convenient to classrooms.</u>		
Accessibility Obstacles such as crossings on major streets and intersections, narrow or winding streets, heavy traffic patterns Access and dispersal roads Natural obstacles such as grades or gullies Freeway access for bus transportation Routing patterns for foot <u>non-motorized</u> traffic Remote areas (with no sidewalks) where students walk to and from school Easily reachable by emergency response vehicles <u>Non-motorized infrastructure throughout the attendance boundary consistent with state and local Complete Streets policies.</u>		
Public Services Fire and police protection, including firelines Available public transportation Trash and garbage disposal		
Utilities Availability of water, electricity, gas, sewer Feasibility of bringing utilities to site at reasonable cost Restrictions on right of way		
Cost <u>Full-cost accounting identifies capital, operating/maintenance costs for outside agencies.</u> Reasonable costs for purchase of property, severance damages, relocation of residents and businesses, and legal fees Reasonable costs for site preparation including, but not limited to, drainage, parking, driveways, removal of existing buildings, and grading		

Availability	OK	Potentia l
On the market for sale		
Title clearance		
Condemnation of buildings and relocation of residents		
Public Acceptance		
Public acceptance of the proposed site		
Receptivity of city or county planning		
commission Zoned for prime		
agriculture or industrial use Negative		
environmental impact report		
Coordination <u>and consistency</u> of proposed school with future community plans		
Comments:		