

Sequoia Union High SD

Board Policy

BP 7000

Construction

Concepts And Roles

Providing proper educational facilities is a major responsibility of the Board of Trustees and the district administration. 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 Board of Trustees

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.
5. Decides the type and method of financing for school facilities.

The Superintendent or Designee:

1. Supervises the development of the District's 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 facility inspection program by authorized building inspectors.

Legal Reference:

EDUCATION CODE

17211-17114 General provisions (school sites)

17260-17268 Plans of schoolhouses

17280-17317 Approval of plans and supervision of construction

17340-17343 Building of schoolhouses

17350-17360 Factory-built school buildings

17365-17374 Fitness of buildings for occupancy; liability of board members

17400-17429 Leasing of school buildings

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14010 Procedure for site acquisition

14030 Preliminary procedure, planning and approval of school facilities

14031-14032 Submissions to bureau of school facilities planning; approval

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

adopted: March 25, 1998 Redwood City, California

Sequoia Union High SD

Board Policy

BP 7110
Construction

Facilities Master Plan

The Superintendent or designee shall develop and maintain a master plan for district facilities. This plan shall describe the District's anticipated school facilities needs and priorities. It shall also identify funding sources and timelines for building.

The plan shall be based on an assessment of the District's short- and long-term facility needs, giving consideration to:

1. Current and projected school enrollments for each grade level, based on residential housing growth patterns in accordance with city/county general plans and other demographic factors
2. The District's educational goals
(cf. 0200 - Goals for the School District)
3. Current and projected educational program requirements
4. Student safety and welfare
5. An evaluation of existing buildings and needs for modernization and renovation
(cf. 7111 - Evaluating Existing Buildings)
6. State planning standards and local zoning requirements
7. The community's social, economic and political characteristics
8. Estimated costs associated with meeting the District's facility needs
9. Creating an architectural design that encourages communication amongst staff and students and promotes a sense of community and is aesthetically pleasing

Legal Reference:

EDUCATION CODE

17017.5 Approval of applications for projects

17251 CDE standards and advice

17260-17268 Plans of schoolhouses, especially:

17264 Plan requiring accommodation for child care programs

17280-17316 Approval of plans and supervision of construction

17365-17374 Fitness for occupancy

17405 Relocatable structures; lease requirements

35275 New school planning; cooperation with recreation and park authorities

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14030-14037 Standards, planning and approval of school facilities

UNITED STATES CODE, TITLE 42

12101 et seq. Americans with Disabilities Act

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

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Sequoia Union High SD

Board Policy

BP 7140

Construction

Architectural And Engineering Services

In order to ensure safe construction and protect the investment of public funds, the Board of Trustees requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of district schools and other facilities. Instead of requiring bids for these services, the Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence.

(cf. 3311 - Bids)

The Superintendent or designee shall develop general criteria for the selection of architects and engineers on the basis of demonstrated competence and professional qualifications.

The Superintendent or designee shall ensure that:

1. Practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration are prohibited (Government Code 4526)
2. District employees are prohibited from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100 (Government Code 4526)

(cf. 9270 - Conflict of Interest)

3. Current statements of prospective contractors' qualifications and performance data are evaluated in detail

(cf. 3312.11 - State Allocation Board Contracts)

Legal Reference:

EDUCATION CODE

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision re school district property

17371 Limitation on liability of governing board

GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials; financial interest

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Sequoia Union High SD

Board Policy

BP 7150

Construction

Site Selection And Development

The Board of Trustees believes that an adequate school site should serve the District's educational needs in accordance with the District's master plan and also show potential for contributing to other community needs. The Board will solicit community input whenever a school site is to be selected.

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall establish a site selection process which includes all investigations required by law and ensures that the best possible sites are acquired and developed at the least expense.

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

Legal Reference:

EDUCATION CODE

- 17006 Definition of self-certifying district
- 17024 Prior written approval of CDE for selection of school site or construction of building
- 17211 Public hearing to evaluate site
- 17211-17218 General provisions (school sites), especially
- 17212-17212.5 Investigation of prospective site; geological and engineering studies
- 17213 Approval of site acquisition
- 17215 Investigation of site near airport
- 17251 Powers concerning buildings and building sites
- 17268 Compliance before construction
- 17565-17592 Board duties re management and control of school property
- 35271 Power to acquire and construct on adjacent property
- 35275 New school planning and design, re consultation with local recreation and park authorities

GOVERNMENT CODE

- 65402 Acquisition or disposition of property
- 66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

PUBLIC RESOURCES CODE

- 21000-211778. Implementation of Environmental Quality Act, especially
- 21081.6 Reporting and monitoring project changes implementing mitigation findings
- 21091 Draft impact reports and negative declarations
- 21092-21092.3 Public notice
- 21151.2 School site proposed acquisition or addition; planning commission notice
- 21151.4 Construction or alteration of facility within 1/4 mile of school
- 21151.8 Information re existence of hazardous or solid waste disposal site or pipelines containing hazardous substances
- 21153 Local lead agency; consultations prior to completion of impact report

CODE OF CIVIL PROCEDURE

1263.710-1263.770 Remediation of hazardous substances on property to be acquired by school districts.

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14010 Standards for school site selection

14011 Procedures for site acquisition, non-self-certified districts

14012 Procedures for site acquisition, self-certified districts

14013 Procedures for site acquisition, locally-funded districts

CODE OF REGULATIONS, TITLE 14

15000-15209 Review and evaluation of EIRs and negative declarations

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

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Sequoia Union High SD

Administrative Regulation

AR 7210

Construction

Methods Of Financing

Developer Fees

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 issuing building permits.

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)

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

For each separate account so established, the Superintendent or designee shall, within 60 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; the amount of refunds made pursuant to Government Code 66001; and any allocations made with revenues not refunded because of related administrative costs. 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. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006.

The Board 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 shall take action based on its findings in accordance with law. (Government Code 66001)

Regulation SEQUOIA UNION HIGH SCHOOL DISTRICT
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Sequoia Union High SD

Board Policy

BP 7210

Construction

Methods Of Financing

When it is determined that school facilities must be built or expanded to accommodate a growing number of students, the Board of Trustees shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities. The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the District's master plan for school facilities.

(cf. 7110 - Facilities Master Plan)

Developer Fees

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

(Government Code 53080, 65995, 65996)

Before levying developer fees, the Board shall make a finding showing a reasonable relationship between the construction or reconstruction on which the fee is imposed and the need for school facilities.

The Superintendent or designee shall establish an appeals process for the handling of protests by developers.
(Government Code 53080.1)

Legal Reference:

EDUCATION CODE

15100-17759.2 School bonds, especially:

15300-15425 School facilities improvement districts

17000-17059.2 State School Building Lease-Purchase Law of 1976

17060-17066 Joint venture school facilities construction projects

17085-17095 State Relocatable Classroom Law of 1979

17582 District deferred maintenance fund

GOVERNMENT CODE

50075-50077 Voter-approved special taxes

50079 School districts; qualified special taxes

53080 Levies against development projects by school districts

53080.1 Procedures for levying fees

53080.15 School districts; levies on enclosed agricultural space

53080.2 Agreements between districts

53080.3 Refund of fee or charge

53080.4 Levies against manufactured home or mobile home

53080.6 Fee not allowable for reconstruction of structure

damaged by disaster

53081 School districts; use of fees on construction

53175-53179.5 Integrated Financing District Act

53311-53368.3 Mello-Roos Community Facilities Act of 1982

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

65864-65867 Development agreements

65970-65980.1 School facilities

65995-65996 Payment of fees, charges, dedications or other requirements against a development project

66000-66007 Fees for development projects

66016-66017 Development project fees

HEALTH AND SAFETY CODE

33000-33071 Community redevelopment law

33100-33142 Redevelopment agencies

33445.5 Overcrowding of schools resulting from redevelopment

33446 School construction by redevelopment agency

33492.15 Redevelopment agency apportionments to school districts

33607.5 Redevelopment plans; payments to affected taxing entities

33607.7 Plans adopted before 1994; payments to affected taxing entities

STREETS AND HIGHWAYS CODE

22500-22679 Landscaping and Lighting Act of 1972

UNCODIFIED STATUTES

17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986

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

Mira Development Corporation v. City of San Diego (1988) 205 Cal.App.4d 1201, 252 Cal.Rptr.825

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

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

Management Resources:

CDE MANAGEMENT ADVISORIES

0215.90 Developer Fees for School Construction, 90-02

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

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Sequoia Union High SD

Board Policy

BP 7310

Construction

Naming Of Facility

The Board of Trustees shall name schools or individual buildings in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the county or community
2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
3. The geographic area in which the school or building is located
4. Any other appropriate designation as established by the Board.

The Board encourages community participation in the process of selecting names.

The renaming of existing schools or major facilities shall occur only under extraordinary circumstances and after thorough study.

Legal Reference:

EDUCATION CODE

35160 Authority of Governing Board

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT
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