CONCEPTS AND ROLES

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

(cf. 9000 - Role of the Board)

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

1. Approve additions or major alterations to existing buildings

(cf. 7111 - Evaluating Existing Buildings)

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

3. Determine the method of financing that will be used

(cf. 7210 - Facilities Financing)

4. Select and purchase sites for future expansion

(cf. 7150 - Site Selection and Development)

5. Approve the selection of architects and structural engineers

(cf. 7140 - Architectural and Engineering Services)

6. Award contracts for design and construction

7. Name schools and individual buildings

(cf. 7310 - Naming of Facility)

8. Advocate school facility needs to the community

(cf. 7110 - Facilities Master Plan)
(cf. 7131 - Relations with Local Agencies)
CONCEPTS AND ROLES (continued)

The Santa Clara County Superintendent of Schools or designee shall:

1. Assess the SCCOE short- and long-term facility needs
2. Direct the preparation and updating of the facilities master plan
3. Oversee the preparation of bids and award of contracts
   (cf. 3311 - Bids)
4. Supervise the implementation of the SCCOE building program in accordance with the master plan, Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities
5. Represent the SCCOE in official governmental interactions related to the building program

Legal Reference:

EDUCATION CODE
17210-17224 General provisions (school sites)
17260-17268 Plans of schoolhouses
17280-17317 Approval of plans and supervision of construction
17340-17343 Building of schoolhouses
17350-17360 Factory-built school buildings
17365-17374 Fitness of buildings for occupancy; liability of board members
17400-17429 Leasing of school buildings

CODE OF REGULATIONS, TITLE 5
14001 Minimum standards
14010 Procedure for site acquisition
14030 Preliminary procedure, planning and approval of school facilities
14031-14032 Submissions to bureau of school facilities planning; approval
The Santa Clara County Board of Education recognizes the importance of long-range planning for Santa Clara County Office of Education facilities in order to help meet the changing needs of SCCOE students and to help ensure that resources are allocated in an efficient and effective manner. To that end, the County Board directs the Santa Clara County Superintendent of Schools or designee to develop and maintain a master plan for SCCOE facilities.

The plan shall describe the SCCOE anticipated short- and long-term facilities needs and priorities and shall be aligned with the SCCOE educational goals.

(cf. 0000 - Vision)
(cf. 7000 - Concepts and Roles)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7131 - Relations with Local Agencies)
(cf. 7210 - Facilities Financing)

The County Superintendent or designee shall ensure that staff, parents/guardians, students, and business and community representatives are kept informed of the need for construction and modernization of facilities and of the SCCOE plans for facilities. The County Superintendent or designee may also establish a facilities committee that shall meet at regular intervals in order to give community members opportunities to provide input into the planning process. The committee may consult local governmental and state planning agencies in order to ensure compliance with local and state standards.

(cf. 1220 - Citizen Advisory Committees)

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

Legal Reference:

EDUCATION CODE
16011 Long range comprehensive master plan
16322 Department of Education services
17017.5 Approval of applications for projects
17251 Powers and duties of CDE
17260-17268 Plans of schoolhouses
17280-17317 Field Act
17365-17374 Fitness for occupancy
17405 Relocatable structures; lease requirements
35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE
53090-53097.5 Regulation of local agencies by counties and cities
65352.2 Communicating and coordinating of school sites
65995.6 School facilities needs analysis

CODE OF REGULATIONS, TITLE 5
14001 Minimum standards
14030-14036 Standards, planning and approval of school facilities

UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act

Management Resources:

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

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

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

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

(cf. 7150 - Site Selection and Development)

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

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

Notifications to Other Local Agencies

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

(cf. 7110 - Facilities Master Plan)

Legal Reference: (see next page)
RELATIONS WITH LOCAL AGENCIES (continued)

Legal Reference:

EDUCATION CODE
17280-17316 Approval of plans and supervision of construction
35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE
53090-53097.5 Compliance with city or county regulations
65300-65307 Authority for and scope of general plans
65352.2 Communication between cities, counties and school districts
65850-65863.11 Adoption of regulations
65970-65981 School facilities
65995-65998 Developer fees

PUBLIC RESOURCES CODE
21000-21177 California Environmental Quality Act of 1970

CODE OF REGULATIONS, TITLE 5
14010 Procedure for site acquisition

CODE OF REGULATIONS, TITLE 14
15000-15285 Implementation of California Environmental Quality Act of 1970

Management Resources:

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

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

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

(cf. 3311 - Bids)

Legal Reference:

EDUCATION CODE
17070.50 Conditions for apportionment
17280-17316 Approvals, especially:
17302 Persons qualified to prepare plans, specifications and estimates and supervise construction
17316 Contract provision re school district property
17371 Limitation on liability of governing board

GOVERNMENT CODE
4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms
14837 Definition of small business
87100 Public officials; financial interest

PUBLIC CONTRACT CODE
20111 School district contracts
ARCHITECTURAL AND ENGINEERING SERVICES

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

(cf. 3312 - Contracts)

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

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

1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits Santa Clara County Office of Education employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

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

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
2. Discussion of alternative approaches for furnishing the services with at least three firms
3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the SCCOE. (Education Code 17316)
Upon request by a charter school operating within Santa Clara County, the Santa Clara County Board of Education shall provide facilities in accordance with law, Board policy, and administrative regulation.

(cf. 0420.4 - Charter Schools)
(cf. 7110 - Facilities Master Plan)

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

Legal Reference:
EDUCATION CODE
17070.10-17080 Leroy F. Greene School Facilities Act of 1998, including:
17078.52-17078.66 Charter schools facility funding; state bond proceeds
17280-17317 Field Act
46600 Interdistrict attendance agreements
47600-47616.5 Charter Schools Act of 1992, as amended
48204 Residency requirements for school attendance
GOVERNMENT CODE
53094 Authority to render zoning ordinance inapplicable
53097.3 Charter school ordinances
CODE OF REGULATIONS, TITLE 2
1859.2 Definitions
1859.31 Classroom inventory
1859.160-1859.171 Charter school facilities program, new construction
CODE OF REGULATIONS, TITLE 5
11969.1-11969.10 Charter school facilities
COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Charter Schools Office: http://www.cde.ca.gov/sp/cs
Coalition for Adequate School Housing: http://www.cashnet.org
Office of Public School Construction: http://www.opsc.dgs.ca.gov
When it is determined that school facilities must be built or expanded to accommodate an increased or projected increased enrollment, the Santa Clara County Board of Education 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 Santa Clara County Superintendent of Schools or designee shall research funding alternatives and recommend to the County Board the method that would best serve Santa Clara County Office of Education needs as identified in the master plan for SCCOE facilities.

(cf. 7110 - Facilities Master Plan)

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

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

(cf. 7211- Developer Fees)

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

(cf. 7212 - Mello-Roos Districts)

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

(cf. 7213 - School Facilities Improvement Districts)

4. Issuing voter-approved general obligation bonds

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

6. Using lease revenues for capital outlay purposes from surplus school property
FACILITIES FINANCING  (continued)

Legal Reference:

**EDUCATION CODE**
15100-17059.2 School bonds, especially:
15122.5 Ballot statement
15300-15327 School facilities improvement districts
17000-17059.2 State School Building Lease-Purchase Law of 1976
17060-17066 Joint venture school facilities construction projects
17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998
17085-17095 State Relocatable Classroom Law of 1979
17582 District deferred maintenance fund
17620-17626 Levies against development projects by school districts especially:
17621 Procedures for levying fees

**GOVERNMENT CODE**
6061 One time notice
6066 Two weeks' notice
50075-50077 Voter-approved special taxes
50079 School districts; qualified special taxes
53175-53187 Integrated Financing District Act
53311-53368.3 Mello-Roos Community Facilities Act of 1982
53753 Assessment notice and hearing requirements
53753.5 Exemptions
54954.1 Mailed notice to property owners
54954.6 New or increased tax or assessment; public meetings and hearings; notice
65864-65867 Development agreements
65970-65980.1 School facilities development project
65995-65998 Payment of fees against a development project
66000-66008 Fees for development projects
66016-66018.5 Development project fees
66020-66025 Protests and audits

**HEALTH AND SAFETY CODE**
33445.5 Overcrowding of schools resulting from redevelopment
33446 School construction by redevelopment agency

**CALIFORNIA CONSTITUTION**
Article 13D, Sections 1-6 Assessment and property related fee reform

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

**CODE OF REGULATIONS, TITLE 2**
1859-1859.106 School facility program

Legal Reference continued:  (see next page)
FACILITIES FINANCING (continued)

Legal Reference: (continued)

COURT DECISIONS
Ehrlich v. City of Culver City (1996) 12 Cal.4th 854
Dolan v. City of Tigard (1994) 114 S.Ct. 2309
Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897
ATTORNEY GENERAL OPINIONS

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

The Santa Clara County Board of Education 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

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

(cf. 1220 - Citizen Advisory Committees)

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

Memorials

Upon request, the County Board shall consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards