

Re-Visioning School Facility Planning and Design for the 21st Century

Creating Optimal Learning Environments

Roundtable Discussion

October 15 and 16, 2008



hosted by the

California Department of Education
School Facilities Planning Division



Welcome



I would like to extend a warm welcome to all those attending *Re-Visioning School Facilities Planning and Design for the 21st Century: Creating Optimal Learning Environments* hosted by the California Department of Education. As the State Superintendent of Public Instruction, I value the ideas and contributions you will bring to this conversation on the design and development of school facilities that reflect the 21st century needs of students in California and around the nation.

One of the key purposes of the roundtable is to identify best practices that strengthen the relationship between schools and communities in an effort to close the achievement gap between segments of our students. The impact of the learning environment on student achievement is well documented, and the vision you have of school facilities and your leadership will help to bring about results that will benefit all students.

I am asking each of the participants over the next two days to speak out openly and courageously and to discuss how you can help the California Department of Education and the students of California by improving school design. It is time to examine our beliefs, reevaluate how we have been doing business, and commit ourselves to getting even better results.

Again, I welcome all of you and know that you will provide valuable insights for developing optimal learning environments for the 21st century. I am confident that you will leave this gathering with a renewed sense of importance of the work you do and motivation to use the new perspectives you will gain in the design of state-of-the-art facilities.

Sincerely,

A handwritten signature in black ink that reads "Jack O'Connell". The signature is written in a cursive, flowing style.

JACK O'CONNELL
State Superintendent of Public Instruction

Core Purpose of the California Department of Education



The core purpose of the California Department of Education is to lead and support the continuous improvement of student achievement, with a specific focus on closing the achievement gap.

School Facilities Planning Division

Mission

To provide the children of California with safe and educationally appropriate facilities and transportation services.

Values

The School Facilities Planning Division values:

- Responsive quality service for our clients
- Educational specifications and curricula that drive the design of school facilities
- Facility design that promotes the educational, physical, and personal development of students
- A safe and healthy school environment for all students and staff
- Teamwork and proactive planning
- The concept of local control
- Encouragement of the maximum community use of all schools

Guiding Principles

Facilities and Transportation

We work to ensure that all students are provided with safe, healthy, accessible, and educationally advantageous learning environments.

Service

We are readily available to provide to our clientele and colleagues authoritative and responsive service.

Interpersonal Relations

We appreciate our clients and peers, the diversity of experiences, the marketplace of ideas, and our unique perspectives.

Law and Regulation

We administer and champion the state standards outlined in the *California Education Code*, *Vehicle Code*, and *California Code of Regulations, Title 5* and *Title 13*, helping school districts through our comprehensive planning, analysis, and training.

Leadership

We actively bring new information, best practices, and cutting-edge ideas to our clients and partners.

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Agenda

WEDNESDAY, OCTOBER 15

Building a Foundation of Knowledge

8:30 **Breakfast**

9:00 **Welcome**, Jack O'Connell, State Superintendent of Public Instruction

Opening Remarks, William Ellerbee, Jr., Ed.D., Deputy Superintendent, School and District Operations Branch, California Department of Education

Roundtable Purpose, Kathleen Moore, Director, School Facilities Planning Division, California Department of Education

Roundtable Design, Deborah McKoy, Ph.D., Executive Director, Center for Cities & Schools, University of California, Berkeley

9:30 **Research Panel: Creating Powerful Learning Experiences**

Chair: William Ellerbee, Jr., Ed.D., Deputy Superintendent, School and District Operations Branch, California Department of Education

- *School Organization: Yesterday, Today, and Tomorrow*
Bruce Fuller, Ph.D., Professor, Education and Public Policy, University of California, Berkeley
- *Preparing Our Future Workforce and Citizenry*
David Stern, Ph.D., Professor, Graduate School of Education, University of California, Berkeley
- *Linking Learning and School Design: Responding to Emerging Ideas*
George Copa, Ph.D., Director, New Designs and Learning
- *Linking Learning and School Design: Strategies*
C. Kenneth Tanner, Ed.D., Professor, Educational Facilities, University of Georgia

10:45 **Break**

11:00 **Large Group Discussion**

Lead Discussants: Guy Mehula, Chief Facilities Executive, Los Angeles Unified School District; Laura Knauss, Architect, Lionakis Design Group; Rick Simpson, Deputy Chief of Staff, Assembly Member Bass

12:00 **Lunch**

Keynote: Equity, Demographic Change, and Education in California

Maria Blanco, Executive Director, The Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity, University of California, Berkeley Law School

1:30 **Small Group Discussions: Envisioning Optimal Learning Environments from Multiple Perspectives**

Facilitator: Jeff Vincent, Ph.D., Deputy Director, Center for Cities & Schools, University of California, Berkeley

- *A Framework for School Design Excellence*
Ronald E. Bogle, President and CEO, American Architectural Foundation
- Small group discussion goals are to identify (a) the importance and unique perspective of diverse stakeholders in the school design process; (b) the key components in designing optimal learning environments; and (c) how state policy can best support and inspire this work.

3:45 **Break**

4:00 **Small Group Reports**

4:30 **Closing Comments:** Kathleen Moore, Director, School Facilities Planning Division, California Department of Education

6:00 **Reception and Dinner:** Lucca Restaurant, 1615 J Street, Sacramento
Keynote: *Space for Change: Educational Transformation and Building Schools for the Future*
Andrew Harrison, Director, Learning and Research, DEGW

THURSDAY, OCTOBER 16

Identifying Policy Priorities

8:30 **Breakfast**

9:00 **Reflections and Looking Ahead**

- *School District Perspective*
Bill Savidge, Engineering Officer, West Contra Costa Unified School District
 - *State Perspective: California's Legal, Regulatory, and Policy Framework*
Fred Yeager, Assistant Director, School Facilities Planning Division, California Department of Education
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9:30 **Best Practices Panel: *Redefining Learning Spaces: Innovations from the Field***

Chair: Mary Filardo, Executive Director, 21st Century School Fund

- *Schools as Centers of Community: Concepts and Strategies*
Steven Binger, AIA, Founder and President, Concordia, LLC
 - *Sustainability, Design, and Education*
Panama Bartholomy, Adviser, California Energy Commission
 - *Technology in Schools*
Jeremy Roschelle, Ph.D., Director, Center for Technology in Learning, SRI International
 - *Learning Transformation in Action*
Larry Rosenstock, Chief Executive Officer, High Tech High
 - *Safe, Healthy, and Positive Environmental Design*
Tod Schneider, Consultant, Crime Prevention Through Environmental Design
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10:45 **Break**

11:00 **Large Group Discussion**

Lead Discussants: Steve Looper, Director, Elk Grove Unified School District; Tom Blurock, FAIA, Principal, IBI/Blurock; Kathleen Chavira, Consultant, Senate Education Committee

12:00 **Lunch**

12:45 **Action Team Discussions: *Crafting Recommendations for Optimal Learning Environments in California***

Facilitator: Shirl Buss, Ph.D., Design Consultant, Center for Cities & Schools

Small group discussion goals are to (a) review key priorities for re-visioning state policy generated on Oct. 15 and (b) develop three to five recommendations for the CDE to implement such priorities.

2:00 **Presentation of Recommendations by Action Teams**

3:00 **Concluding Remarks:** Kathleen Moore, Director, School Facilities Planning Division, California Department of Education

Purpose and Desired Outcomes

Develop and convene the California Department of Education roundtable on re-visioning school facility planning and design and produce a proceedings summary.

Purposes of Roundtable

- To gain insight into the design of 21st century learning environments
- To identify the best practices that strengthen the relationship between schools and communities in an effort to close the achievement gap
- To develop a report to assist with the review and update of standards for school design in the *California Code of Regulations, Title 5*

Desired Outcomes

- To enlighten school design practices to impact the learning environment for all students
- To inform our review of and revisions to school facility standards in *California Code of Regulations, Title 5*
- To inform policy decision makers
- To increase knowledge base and develop staff expertise
- To develop best practices
- To compile research on school design

Strategies to Achieve the Outcomes

- Facilitation by a third party: Center for Cities & Schools, University of California, Berkeley
- Two-day invitation-only roundtable
- Tightly structured discussions
- Working group contributions

School Construction/Modernization Design Standards in California

California has more than 1,000 school districts and county offices of education. Each local educational agency (LEA) has wide discretion in developing school designs that meet the needs of its educational program and community. Most school construction and modernization projects utilize state funds and therefore require approval from the following three key state agencies:

- The California Department of Education (CDE) operates under the direction of State Superintendent of Public Instruction Jack O’Connell, who is a statewide elected constitutional officer. The School Facility Planning Division reviews and approves school sites and plans for student safety and educational appropriateness based on standards contained in the *California Code of Regulations, Title 5* (Title 5). The CDE is charged with the development of the standards by *Education Code Section 17251*.
- The Division of the State Architect (DSA) is headed by the governor-appointed State Architect. The DSA is located in the Department of General Services. The DSA reviews seismic, fire and life safety, and accessibility of projects. DSA approval is required for all school projects regardless of funding status, with the exception of some charter schools.
- The Office of Public School Construction (OPSC) is also located in the Department of General Services and is charged with the administration of state bond funds. The OPSC serves as staff to the State Allocation Board, the ten-member body that allocates funds to eligible new construction and modernization projects.

LEAs have wide latitude in the design of their schools but must ensure that the design is consistent with Title 5 standards. The CDE originally established these standards recognizing the need for flexibility and local responsibility. Drawn from years of practice, common sense, and ideas from a variety of education and facility experts, the standards have evolved from what has worked historically and could be reasonably advocated or mandated as the minimum for ensuring student safety and educational appropriateness. The Title 5 standards were first adopted by the State Board of Education in 1993 and were last amended in 2000.

The Title 5 standards may be grouped into three main categories:

- Process – such as local hearings, environmental proceedings, and LEA board actions
- Quantifiable standards – such as site acreage and minimum classroom square footage
- Performance standards – such as acoustical and lighting issues, parking, and circulation

Some school components contained in Title 5 (e.g., gym, multipurpose room) are not mandated. Title 5 is structured to allow an LEA to vary from any standard if the LEA demonstrates to the CDE that student safety and educational appropriateness are not compromised.

As a result, schools look different throughout the state, and this wide variation has given rise to the state policy discussions on both fiscal realities and equity issues. From the fiscal perspective, what should a school that receives state construction funds look like? The equity perspective questions why some communities have large schools with amenities such as swimming pools and lighted stadia, while other communities' schools consist of rows of portables with students eating at uncovered picnic tables.

Title 5 must also be viewed with an understanding of the state's capital funding model. The School Facility Program has been described as a "one-size-fits-all" model, yet in an environment in which budgetary realities often supersede educational needs, how does a flexible Title 5 coexist with a rigid funding model?

It is in this setting that the CDE is conducting a review of the Title 5 standards to determine how they can be amended to aid LEAs in developing 21st century learning environments.

The California Department of Education looks forward to your participation in the *Re-Visioning School Facility Planning and Design for the 21st Century Roundtable*. Your ideas and contributions that you will bring to this conversation on the design and development of facilities will reflect the 21st century needs of students in California.

California Code of Regulations, Title 5

This is an excerpt of *California Code of Regulations, Title 5*, that relate to school facilities construction.

Division 1, Chapter 13, Subchapter 1 School Facilities Construction

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.

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

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:

- a. The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in Tables 1-6 of 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, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.
- 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.

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- 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.
 - 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.
 - 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 and available studies of traffic surrounding the site.
 - n. The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.
 - 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 Substance 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), 17251(f), and 25220, *Education Code*; Section 65402, *Government Code*; Section 25220, *Health and Safety Code*; sections 21372, 22350, 22352, 22358.4, and 22358.5, *Vehicle Code*; and sections 1859.74 and 1859.75(b), *Title 2, California Code of Regulations*.

§ 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.

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- 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 Resource Code* Section 21151.2 and *Government Code* Section 65402.
 - 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 propose 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*; sections 2621 et seq., 21000 et seq., 21151.2, 21151.8, and 21152.3, *Public Resources Code*; Section 65402, *Government Code*; and sections 1859.74, 1859.74.1, and 1859.75, *Title 2, California Code of Regulations*.

§ 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 17251(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 17072.3, 17251(a) and (b), and 17268, *Education Code*.

Article 4. Standards, Planning and Approval of School Facilities

§ 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.

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- b. **Site Layout.** Parent drop off, bus loading areas, and parking shall be separated 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:
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 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.
- 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)(I)(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 programs:
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/cablings 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.

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- 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 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.
5. Art Studios:
- A. Sufficient square feet per student should be allotted for movement and work around easels and project tables.
 - B. Location on the ground floor should be considered for easy movement of heavy supplies and projects.
 - C. Appropriate display space should be provided.
 - D. Adequate electrical outlets should be provided.
 - E. Adequate ventilation for dust and fumes should be provided.
 - F. Room should be able to be darkened for projectable imagery.
 - G. Sinks should be provided with traps for grease and clay.
 - H. Floor and all surfaces should be easily cleanable.
 - I. Sufficient and secure storage for supplies and projects should be provided.
 - J. Devices and spaces should be provided for drying projects.
 - K. Kiln should be located in a safe, properly wired and ventilated area.
6. Music Rooms:
- A. Size and height of instrumental and choral rehearsal rooms should be sufficient to allow for movement of students and instruments, various presentation arrangements, and acoustical quality.

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- B. Running water should be provided for instrument maintenance and clean up.
 - C. Rooms should be acoustically isolated from the rest of the school.
 - D. Sufficient, secure storage space should be provided for instruments, equipment, and instructional materials.
 - E. Music rooms should have convenient access to auditorium.
 - F. Small ensemble rehearsal rooms of 350 square feet should be considered.
 - G. Several practice rooms of at least 50 square feet should be considered.
7. Dance Studios:
- A. Dance studios should be free from distractions and uninvited spectators.
 - B. Dance studios should be convenient to school auditorium.
 - C. Adequate temperature and ventilation should be provided.
 - D. Sprung wooden floors should be considered.
 - E. Dance studio should have mirrors, ballet bars, and electrical outlets.
 - F. Storage area and locker rooms should be provided.
 - G. A minimum of 2000 square feet (or 3,500 square feet if performance space is needed) should be considered.
8. Theater/Auditorium:
- A. General design should have adequate seating capacity reflecting the needs of the instructional program.
 - B. Seating portion should be ramped for comfortable sight lines.
 - C. Doors should be able to open and shut quietly.
 - D. Adequate space and electrical service should be provided to accommodate necessary and innovative stage lighting and set design.
 - E. Adequate space should be allowed between front row seats and stage to accommodate an orchestra area.
 - F. Location should provide convenient public access and parking while considering the security of the rest of the school campus.
- 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 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 ada for middle or junior high (grades 6-8);
 - four square feet per unit of ada 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*; 1995 *Uniform Plumbing Code*, Appendix C, Part 2, Title 24, *California Code of Regulations*; and *California Electrical Code*, Part 3, Title 24, *California Code of Regulations*.

§ 14031. Plan Approval Procedures for State-Funded School Districts.

- 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.

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

§ 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*.

§ 14033. Applicability of Plan Standards to Locally-Funded School Districts.

- 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*.

§ 14034. Planning Guides.

The latest edition of The Guide for Planning Educational Facilities, published by the Council of Educational Facility Planners, 29 West Woodruff Avenue, Columbus, Ohio, 43210, may be used as a guide in developing school building plans.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: Section 17251(c), *Education Code*.

§ 14035. Abandonment of Inadequate Facilities.

Abandonment of inadequate facilities may be recommended by the California Department of Education to the State Allocation Board for approval when it appears from the estimated cost of structural rehabilitation plus the estimated cost of desirable modernization that the facility would meet the criteria for replacement established by the State Allocation Board.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 16044, 16047, 16104, and 16190 through 16207, *Education Code*.

§ 14036. Integrated Facilities.

In accordance with *Education Code* Section 17047.5, for school districts constructing classrooms for special education purposes, those classrooms shall be no more physically separated from classrooms constructed for their nonhandicapped peers than those classrooms are from each other; preferably the classrooms are under the same roof and adjacent to the classrooms of their nonhandicapped peers, specifically.

- a. A new school facility is considered integrated if it meets the following criteria:
 1. Classrooms for special education are located in proximity to regular education classrooms in such a way as to encourage age-appropriate interaction among all students.
 2. Whenever possible, if relocatable classrooms are used for special education classes, the ratio of special education relocatable classrooms to permanent special education classrooms is the same as the classroom ration between relocatable classrooms and permanent classrooms for regular education students.
 3. Side-by-side school sites are not considered integrated.

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- b. A waiver to acquire or newly construct a non-integrated facility is recommended the Advisory Commission on Special Education for approval only if it includes a plan to transition the individuals with exceptional needs to a regular campus setting. The waiver includes a capacity study of the existing special education classrooms in the special education local plan area (SELPA) to verify that no classrooms are available to house the population targeted in the waiver.
 - c. The waiver includes justification as to why the non-integrated facility is the only option available on a long-term basis and discusses the feasibility of a short-term lease as an option to new construction or acquisition.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 17047, 17047.5, 17251(c), and 56000 et seq., *Education Code*.

Education Code References

§ 17070.50. Condition for apportionment

The board shall not apportion funds to any school district, unless the applicant school district has certified to the board that the services of any architect, structural engineer, or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the *Government Code* and has obtained the written approval of the State Department of Education that the site selection, and the building plans and specifications, comply with the standards adopted by the department pursuant to subdivisions (b) and (c), respectively, of Section 17251. (Added by Stats 1998, c. 407 [S.B.50], § 4, eff. Aug. 27, 1998. Amended by Stats. 1999, c.992 [A.B. 387], § 1.)

§ 17070.55. Department of Education's assistance

Upon request of any school district, the State Department of Education shall provide assistance in the evaluation and utilization of existing school facilities and the justification of the need of schoolsites, new facilities, and the rehabilitation or replacement of existing facilities, in accordance with board regulations. (Added by Stats 1998, c. 407 [S.B.50], § 4, eff. Aug. 27, 1998.)

§ 17072.12. Assistance in site development and acquisition

- a. In addition to the amount provided in Section 17072.10, the board may provide funding for assistance in site development and acquisition if all of the following are met:
 1. The amount of the site acquisition and development assistance does not exceed 50 percent of the cost of site development to the school district, plus the lesser of the following:
 - A. 50 percent of the site cost to the school district
 - B. 50 percent of the appraised value of the site within six months of the time the complete application is submitted
 2. The school district certifies that there is no alternative available site, or that the district plans to sell an available site in order to use the proceeds of the sale for the purchase of the new site.
- b. Notwithstanding subdivision (a), the board may provide funding for assistance in site development and acquisition to a school district that uses land previously acquired by the school district in an amount equal to 50 percent of the cost of the site development to the school district, plus 50 percent the site's appraised value at the time the application for site acquisition and development is submitted, provided all of the following are met:
 1. The site was acquired no less than five years prior to the date the application is submitted.
 2. The site had been productively used by the school district as other than a schoolsite for the five years immediately preceding the date the application is submitted.
 3. The board determines that the nonschool function currently taking place on the site must be discontinued or relocated in order to utilize the site as a schoolsite.
- c. A school district that receives assistance pursuant to subdivision (b) shall, within one year after the completion of the project, certify in writing to the board that the nonschool function was in fact relocated as set forth in paragraph (4) of subdivision (b).
- d. Pursuant to subdivision (b), an applicant school district shall include in its application to the board a cost-benefit analysis performed by the school district demonstrating how utilizing existing nonschool-site district property pursuant to this section would be a more effective method of solving the school district's pupil housing problems than any other method of funding under this chapter. The board shall review and approve the analysis if the board agrees with the findings and shall consider the analysis and findings in approving the project pursuant to this section. (Added by Stats 1998, c. 407 [S.B.50], § 4, eff. Aug. 27, 1998. Amended by Stats. 2001, c.647 [A.B. 401], § 1.)

§ 17072.13. Funding of Hazardous Site Assessments and Cleanup

In addition to the amounts provided pursuant to Sections 17072.10 and 17072.12, the board may provide site acquisition and hazardous materials evaluation and response action funding for proposed new schoolsites as follows:

- a. (1) For 50 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district and for 50 percent of the other response action costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action in connection with hazardous substances at that site. Except as provided in subdivision (b), the funding provided pursuant to this section may not exceed 50 percent of the total evaluation and response action costs, including, but not limited to, the costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action, as determined by the Department of Toxic Substances Control, in connection with hazardous substances at that site, pursuant to standards adopted by the board.
 - (2) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 50 percent of 1 1/2 times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.
- b. (1) The board may provide funding for up to 100 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district eligible for financial hardship assistance pursuant to Article 8 (commencing with Section 17075.10) and for up to 100 percent of the other response costs for the site. The funding provided pursuant to this subdivision may not exceed 100 percent of the total evaluation and response costs, including, but not limited to, the costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action, as determined by the Department of Toxic Substances Control, in connection with hazardous substances at that site, pursuant to standards adopted by the board.
 - (2) The board may provide funding pursuant to this subdivision only if the State Department of Education certifies that the site is the best available site considering all of the following factors in relation to other available sites:
 - A. The total costs of the project, including, but not limited to, costs of evaluation and response action.
 - B. The desirability of the site, considering its proximity to pupils and suitability for meeting the educational and safety needs of the school district.
 - C. The time required to fully complete the project in relation to the current and projected need for school facilities.
 - (3) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 100 percent of 1 1/2 times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.
- c. A school district with a proposed site that meets environmental hardship criteria set forth in paragraph (1) may apply to the board for site acquisition, including, but not limited to, evaluation and response action, funding for that site prior to having construction plans for that site approved by the Division of the State Architect and State Department of Education.
 - I. A project is eligible for environmental hardship site acquisition funding if both of the following apply:
 - A. The preparation and implementation of a response action for the site, to be approved by the Department of Toxic Substances Control pursuant to Section 17213, is estimated by the Department of Toxic Substances Control to take six months or more to complete.
 - B. The State Department of Education determines that the site is the best available alternative site.

2. The initial site-specific reservation pursuant to this subdivision shall be for a period of one year. Extension may be approved in one-year intervals upon demonstration to the State Allocation Board of progress toward acquisition, including, but not limited to, evaluation or response, as the case may be. In the event there is not demonstrable progress, the State Allocation Board shall have the option of rescinding the reservation.
 3. Environmental hardship site acquisition funds approved by the State Allocation Board can be used only for the site identified in the response action approved by the Department of Toxic Substances Control.
 4. The date that the State Allocation Board approves the environmental hardship site acquisition funding will become the State Allocation Board approval date for the project's construction funding for that site.
 5. A school district may apply to the State Allocation Board for construction funding for the environmental hardship site when the project has received final Division of the State Architect plan approval and final State Department of Education site and plan approval.
- d. The cost incurred by the school districts when complying with any requirement identified in this section are allowable costs for purposes of an applicant under this chapter and may be reimbursed in accordance with this section.
 - e. The State Allocation Board shall develop regulations that allow school districts with financial hardship site acquisition, including, but not limited to, evaluation and response action, funding prior to ownership of the site or evidence that the site is in escrow.

§ 17072.14. Adjustments to new construction grants for hazardous materials evaluation and removal.

Notwithstanding Section 17070.63, the board may allow adjustments to a new construction grant if, as a result of additional requirements imposed by the Department of Toxic Substances Control, the actual amount paid by a school district for allowable costs of hazardous materials evaluation and removal, including associated fees, exceeds the amount of the grant apportionment for those purposes. The combined amount of the initial apportionment for these purposes and the adjustment pursuant to this section may not exceed the amount permitted pursuant to Section 17072.13.

§ 17072.18. Funding of Hazardous Site Assessments and Cleanup

- a. (1) The board may provide evaluation and response action funding for response action funding for response costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action in connection with hazardous substances at an existing schoolsite, in the same manner as provided in Section 17072.13.
- (2) Funding as set forth in paragraph (1) may be provided to a school district that has applied for, or received, funds from the board for the acquisition of a new schoolsite, but which has incurred, or will incur, response costs necessary for the development of the existing schoolsite, if the school district is otherwise eligible for funding under this chapter.
- b. A school district may apply for funding pursuant to this section prior to having construction plans for that site approved by the Division of the State Architect or by the State Department of Education if the school district is otherwise eligible for funding under this chapter.

§ 17210. Environmental Assessment of School Sites

As used in this article, the following terms have the following meanings:

- a. "Administering agency" means any agency designated pursuant to Section 25502 of the *Health and Safety Code*.
- b. "Environmental assessor" means a class II environmental assessor registered by the Office of Environmental Health Hazard Assessment pursuant to Chapter 6.98 (commencing with Section 25570) of Division 20 of the *Health and Safety Code*, a professional engineer registered in this state, a geologist

- registered in this state, a certified engineering geologist registered in this state, or a licensed hazardous substance contractor certified pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the *Business and Professions Code*. A licensed hazardous substance contractor shall hold the equivalent of a degree from an accredited public or private college or university or from a private postsecondary educational institution approved by the Bureau for Private Postsecondary and Vocational Education with at least 60 units in environmental, biological, chemical, physical, or soil science; engineering; geology; environmental or public health; or a directly related science field. In addition, any person who conducts Phase I environmental assessments shall have at least two years' experience in the preparation of those assessments and any person who conducts a preliminary endangerment assessment shall have at least three years' experience in conducting those assessments.
- c. "Handle" has the meaning the term is given in Article I(commencing with Section 25500) of Chapter 6.95 of Division 20 of the *Health and Safety Code*.
 - d. "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the *Health and Safety Code*.
 - e. "Hazardous material" has the meaning the term is given in subdivision (d) of Section 25260 of the *Health and Safety Code*.
 - f. "Operation and maintenance," removal action work plan," "respond," "response," "response action" and "site" have the meanings those terms are given in Article 2 (commencing with Section 25310) of the state act.
 - g. "Phase I environmental assessment" means a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity. A Phase I environmental assessment may include, but is not limited to, a review of public and private records of current and historical land uses, prior releases of a hazardous material, data base searches, review of relevant files of federal, state, and local agencies, visual and other surveys of the property, review of historical aerial photographs of the property and the area in its vicinity, interviews with current and previous owners and operators, and review of regulatory correspondence and environmental reports. Sampling or testing is not required as part of the Phase I environmental assessment. A Phase I environmental assessment conducted pursuant to the requirements adopted by the American Society for Testing and Materials for due diligence for commercial real estate transactions and that includes a review of all reasonably available records and data bases regarding current and prior gas or oil wells and naturally occurring hazardous materials located on the site or located where they could potentially effect the site, satisfies the requirements of this article for conducting a Phase I environmental assessment unless and until the Department of Toxic Substances Control adopts final regulations that establish guidelines for a Phase I environmental assessment for purposes of schoolsites that impose different requirements from those imposed by the American Society for Testing and Materials.
 - h. "Preliminary endangerment assessment" means an activity that is performed to determine whether current or past hazardous material management practices or waste management practices have resulted in a release or threatened release of hazardous materials, or whether naturally occurring hazardous materials are present, which pose a threat to children's health, children's learning abilities, public health or the environment. A preliminary endangerment assessment requires sampling and analysis of a site, a preliminary determination of the type and extent of hazardous material contamination of the site, and a preliminary evaluation of the risks that the hazardous material contamination of a site, may pose to children's health, public health, or the environment, and shall be conducted in a manner that complies with the guidelines published by the Department of Toxic Substances Control entitled "Preliminary Endangerment Assessment: Guidance Manual," including any amendments that are determined by the Department of Toxic Substances Control to be appropriate to address issues that are unique to schoolsites.

- i. “Proposed schoolsite” means real property acquired or to be acquired or proposed for use as a school-site, prior to its occupancy as a school.
- j. “Regulated substance” means any material defined in subdivision (g) of Section 25532 of the *Health and Safety Code*.
- k. “Release” has the same meaning the term is given in Article 2 (commencing with Section 25310) of Chapter 6.8 of Division 20 of the *Health and Safety Code*, and includes a release described in subdivision (d) of Section 25321 of the *Health and Safety Code*.
- l. “Remedial action plan” means a plan approved by the Department of Toxic Substances Control pursuant to Section 25356.1 of the *Health and Safety Code*.
- m. “State act” means the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 [commencing with Section 25300] of Division 20 of the *Health and Safety Code*). *Added by Stats. 1999, c. 1002 [S.B. 162], § 1. Amended by Stats. 2000, c. 135 [A.B. 2539], § 31; Stats 2000, c. 443 [A.B. 2644], § 2, eff. Sept. 14, 2000; Stats 2001, c. 159 [S.B. 662], § 56.*

§ 17210.1. Application of state act; hazardous materials; risk assessments; compliance with other laws

- a. Notwithstanding any other provision of law:
 - 1. For sites addressed by this article for which school districts elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10), the state act applies to schoolsites where naturally occurring hazardous materials are present, regardless of whether there has been a release or there is a threatened release of a hazardous material.
 - 2. For sites addressed by this article for which school districts elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10, all references in the state act to hazardous substances shall be deemed to include hazardous materials and all references in the state act to public health shall be deemed to include children’s health.
 - 3. All risk assessments conducted by school districts that elect to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) at sites addressed by this article shall include a focus on the risks to children’s health posed by a hazardous materials release or threatened release, or the presence of naturally occurring hazardous materials, on the schoolsite.
 - 4. The response actions selected under this article shall, at a minimum, be protective of children’s health, with an ample margin of safety.
- b. In implementing this article, a school district shall provide a notice to residents in the immediate area, prior to the commencement of work on a preliminary endangerment assessment utilizing a format developed by the Department of Toxic Substances Control.
- c. Nothing in this article shall be construed to limit the authority of the Department of Toxic Substances Control or the State Department of Education to take any action otherwise authorized under any other provision of law.
- d. Unless the Legislature otherwise funds its costs for overseeing actions taken pursuant to this article, the Department of Toxic Substances Control shall comply with Chapter 6.66 (commencing with Section 25269) of Division 20 of the *Health and Safety Code* when recovering its costs incurred in carrying out its duties pursuant to this article.
- e. Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the *Health and Safety Code* does not apply to schoolsites at which all necessary response actions have been completed. *(Added by Stats. 1999, c. 1002 [S.B. 162], § 2. Amended by Stats. 2000, c. 443 [A.B. 2644], § 3, eff. Sept. 14, 2000, Stats. 2001, c. 865 [A.B. 972], § 1, eff. Oct. 14, 2001.)*

§ 17211. Public hearing for evaluation prior to acquisition in accordance with site selection standards

Prior to commencing the acquisition of real property for a new schoolsite or an addition to an existing schoolsite, the governing board of a school district shall evaluate the property at a public hearing using the

site selection standards established by the State Department of Education pursuant to subdivision (b) of Section 17251. The governing board may direct the district's advisory committee established pursuant to Section 17388 to evaluate the property pursuant to those site selection standards and to report its findings to the governing board at the public hearing. *(Added by Stats. 1996, c. 277 [S.B. 1562], § 3, operative Jan. 1, 1998.)*

§ 17212. Investigation of prospective school site; inclusion of geological and engineering studies

The governing board of a school district, prior to acquiring any site on which is proposes to construct any school building as defined in Section 17283 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective school site is located within boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the *Government Code*, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area which is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the *Public Resources Code*. *(Added by Stats. 1996, c. 277 [S.B. 1562], § 3, operative Jan. 1, 1998.)*

§ 17212.1. Legislative intent; safety assessment

It is the intent of the Legislature that corporations, public utilities, local publicly owned utilities, governmental agencies, and school districts work collaboratively in assessing the safety of a proposed schoolsite or addition to an existing schoolsite.

§ 17212.2. Written requests for safety information; scope of information sought; resolution of disputes

- a. The governing board of a school district may make a written request upon a person, corporation, public utility, local publicly owned utility, or governmental agency for information necessary or useful to assess and determine the safety of a proposed schoolsite or an addition to an existing schoolsite, pursuant to Section 17251 and this chapter, including pipelines, electric transmission and distribution lines, railroads, and storage tanks. The written request shall identify the physical location of the schoolsite for which information is being sought, describe the information sought, and contain a statement as to why the information is needed or useful. Information requested may include all of the following:
 1. Railroad operations involving hazardous or toxic materials, as reported to a governmental agency; frequency, speed, and schedule of railroad traffic; grade, curves, and condition of railroad tracks; and railroad accident occurrence.
 2. Whether there are existing pipelines, planned pipelines, or easements for pipelines on, or in proximity to, as specified pursuant to regulations adopted pursuant to Section 17251, the schoolsite, including the location of the pipeline, the age of the pipeline, the pipeline material, the class of pipeline, the diameter of the pipeline, the depth at which the pipeline is buried, the wall thickness of the pipeline, the product or products transported by the pipeline, the operating pressure of the pipeline, the history of spills or leaks of material being transported by the pipeline, as reported to a governmental

agency, and the location of the shutoff valves for the pipeline that are capable of preventing or halting the transport of product or products to the schoolsite.

3. Whether there are easements for planned or existing lines for the transmission of distribution of electricity, electrical transformers, or electrical substations on or in proximity to, as specified pursuant to regulations adopted pursuant to Section 17251, the schoolsite, the location of easements for, planned, or existing lines, transformers, or substations, the voltages currently handled or planned to be handled by the line, transformer, or substation, the ground clearance, if applicable, of a line, transformer, or substation, and the depth of burial, if applicable, of the line, transformer, or substation as specified by the Public Utilities Commission.
 4. The location, age, construction type, safety record, and product stored in a storage tank.
- b. A person, corporation, public utility, local publicly owned utility, or governmental agency receiving a written request for information pursuant to this section shall provide a written response within 30 calendar days of receipt of the request, that provides the requested information, identifies available public information or an available report to a governmental agency, or provides written justification why the requested information is not being provided. A claim that the requested information is proprietary or confidential is a legitimate justification for the requested information to not be provided. The governing board of a school district may grant additional time to respond to a request for information pursuant to this section.
 - c. A school district may file a complaint with the appropriate regulatory agency or legislative body for a violation of the requirements of this section. The regulatory agency or legislative body may appoint a representative to work toward informally resolving the complaint. *(Added by Stats 2004, c. 578 [A.B.2485], § 2. Amended by Stats.2005, c. 22 [S.B. 1108], § 27.)*

§ 17212.5. Geological and soils engineering studies

Geological and soil engineering studies as described in Section 17212 shall be made, with the boundaries of any special studies zone, for the construction of any school building as defined in Section 17283, or if the estimated cost exceeds twenty-five thousand dollars (\$25,000), for the reconstruction or alteration of or addition to any such school building for work which alters structural elements. The Department of General Services may require similar geological and soil engineering studies for the construction or alteration of any school building on a site located outside of the boundaries of any special studies zone. No such studies need be made if the site under construction has been the subject of adequate prior studies.

No school building shall be constructed, reconstructed, or relocated on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services pursuant to Article 3 (commencing with Section 17280) of this chapter and to the Department of Education. The cost of geological and soil engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure. The dollar amount set forth in this section shall be increased on an annual basis, according to a construction costs inflation index recognized and selected by the department. *(Added by Stats, 1996, c. 277 [S.B. 1562], § 3, operative Jan. 1, 1998. Amended by Stats, 2001, c. 422 [A.B. 1478], § 1.)*

§ 17213. Approval of site acquisition; hazardous or solid waste disposal sites or hazardous substance release site; hazardous air emissions; findings

The governing board of a school district may not approve a project involving the acquisition of a schoolsite by a school district, unless all of the following occur:

- a. The school district, as the lead agency, as defined in Section 21067 of the *Public Resource Code*, determines that the property purchased or to be built upon is not any of the following:

1. The site of a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the governing board of the school district concludes that the wastes have been removed.
 2. A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the *Health and Safety Code* for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the *Health and Safety Code*.
 3. A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.
- b. The school district, as the lead agency, as defined in Section 21067 of the *Public Resources Code*, in preparing the environmental impact report or negative declaration has consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the *California Code of Regulations*, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might be reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or extremely hazardous materials, substances, or waste. The school district, as the lead agency, shall include a list of the locations for which information is sought.
- c. The governing board of the school district makes one of the following written findings:
1. Consultation identified none of the facilities or significant pollution sources specified in subdivision (b).
 2. The facilities or other pollution sources specified in subdivision (b) exist, but one of the following conditions applies:
 - A. The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.
 - B. The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.
 - C. For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the *Health and Safety Code*, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.
 - D. The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the *California Code of Regulations*.
- d. As used in this section:
1. "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control

- officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the *Health and Safety Code*.
2. "Hazardous substance" means any substance defined in Section 25316 of the *Health and Safety Code*.
 3. "Extremely hazardous material" means any material defined pursuant to paragraph (2) of subdivision (g) of Section 25532 of the *Health and Safety Code*.
 4. "Hazardous waste" means any waste defined in Section 25117 of the *Health and Safety Code*.
 5. "Hazardous waste disposal site" means any site defined in Section 25114 of the *Health and Safety Code*.
 6. "Administering agency": means any agency designated pursuant to Section 25502 of the *Health and Safety Code*.
 7. "Handle" means handle as defined in Article I (commencing with Section 25500) of Chapter 6.95 of Division 20 of the *Health and Safety Code*.
 8. "Facilities" means any source with a potential to use, generate, emit or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the California Air Resources Board.
 9. "Freeway or other busy traffic corridors" means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area as defined in Section 50101 of the *Health and Safety Code*, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the *Health and Safety Code*.

§ 17213.1. Environmental assessment of proposed school site; preliminary endangerment assessment; costs; liability

As a condition of receiving state funding pursuant to Chapter 12.5 (commencing with Section 17070.10), the governing board of a school district shall comply with subdivision (a), and is not required to comply with subdivision (a) of Section 17213, prior to the acquisition of a schoolsite, or if the school district owns or leases a schoolsite, prior to the construction of a project.

- a. Prior to acquiring a schoolsite, the governing board shall contract with an environmental assessor to supervise the preparation of, and sign, a Phase I environmental assessment of the proposed schoolsite unless the governing board decides to proceed directly to a preliminary endangerment assessment, in which case it shall comply with paragraph (4).
 1. The Phase I environmental assessment shall contain one of the following recommendations:
 - A. A further investigation of the site is not required.
 - B. A preliminary endangerment assessment is needed, including sampling or testing, to determine the following:
 - i. If a release of hazardous material has occurred and, if so, the extent of the release.
 - ii. If there is the threat of a release of hazardous materials.
 - iii. If a naturally occurring hazardous material is present.
 2. If the Phase I environmental assessment concludes that further investigation of the site is not required, the signed assessment, proof that the environmental assessor meets the qualifications specified in subdivision (b) of Section 17210, and the renewal fee shall be submitted to the Department of Toxic Substances Control. The Department of Toxic Substances Control shall conduct its review and approval, within 30 calendar days of its receipt of that assessment, proof of qualifications, and the renewal fee. In those instances in which the Department of Toxic Substances Control requests additional information after receipt of the Phase I environmental assessment pursuant to paragraph (3), the Department of Toxic Substances Control shall conduct its review and approval within 30 calendar days of its receipt of the requested additional information. If the Department of Toxic Substances Control concurs with the conclusion of the Phase I environmental assessment that a further investigation of the site is not required, the Department of Toxic Substances Control shall

- approve the Phase I environmental assessment and shall notify, in writing, the State Department of Education and the governing of the school district of the approval.
3. If the Department of Toxic Substances Control determines that the Phase I environmental assessment is not complete or disapproves the Phase I environmental assessment, the department shall inform the school district of the decision, the basis for the decision, and actions necessary to secure department approval of the Phase I environmental assessment. The school district shall take actions necessary to secure the approval of the Phase I environmental assessment, elect to conduct a preliminary endangerment assessment, or elect not to pursue the acquisition or the construction project. To facilitate completion of the Phase I environmental assessment, the information required by this paragraph may be provided by telephonic or electronic means.
 4. (A) If the Department of Toxic Substances Control concludes after its review of a Phase I environmental assessment pursuant to this section that a preliminary endangerment assessment is needed, the Department of Toxic Substances Control shall notify, in writing, the State Department of Education and the governing board of the school district of that decision and the basis for that decision. The school district shall submit to the State Department of Education the Phase I environmental assessment and requested additional information, if any, that was reviewed by the Department of Toxic Substances Control pursuant to that subparagraph. Submittal of the Phase I assessment and additional information, if any, to the State Department of Education shall be prior to the State Department of Education issuance of final site or plan approvals affected by that Phase I assessment.
 - B. If the Phase I environmental assessment concludes that a preliminary endangerment assessment is needed, or if the Department of Toxic Substances Control concludes after it reviews a Phase I environmental assessment pursuant to this section that a preliminary endangerment assessment is needed, the school district shall either contract with an environmental assessor to supervise the preparation of, and sign, a preliminary endangerment assessment of the proposed schoolsite and enter into an agreement with the Department of Toxic Substances Control to oversee the preparation of the preliminary endangerment assessment or elect not to pursue the acquisition or construction project. The agreement entered into with the Department of Toxic Substances Control may be entitled an "Environmental Oversight Agreement" and shall reference this paragraph. A school district may, with the concurrence of the Department of Toxic Substances Control, enter into an agreement with the Department of Toxic Substances Control to oversee the preparation of a preliminary endangerment assessment without first having prepared a Phase I environmental assessment. Upon request from the school district, the Director of the Department of Toxic Substances Control shall exercise its authority to designate a person to enter the site and inspect and obtain samples pursuant to Section 25358.1 of the *Health and Safety Code*, if the director determines that the exercise of that authority will assist in expeditiously completing the preliminary endangerment assessment. The preliminary endangerment assessment shall contain one of the following conclusions:
 - i. A further investigation of the site is not required.
 - ii. A release of hazardous materials has occurred, and if so, the extent of the release, that there is the threat of a release of hazardous materials, or that a naturally occurring hazardous material is present, or any combination thereof.
 5. The school district shall submit the preliminary endangerment assessment to the Department of Toxic Substances Control for its review and approval and to the State Department of Education for its files. The school district may entitle a document that is meant to fulfill the requirements of a preliminary endangerment assessment a "preliminary environmental assessment" and that document shall be deemed to be a preliminary endangerment assessment if it specifically refers to the statutory provisions whose requirements it intends to meet and the document meets the requirements of a preliminary endangerment assessment.
 6. At the same time a school district submits a preliminary endangerment assessment to the Department of Toxic Substances Control pursuant to paragraph (5), the school district shall publish a notice

that the assessment has been submitted to the department in a local newspaper of general circulation, and shall post the notice in a prominent manner at the proposed schoolsite that is the subject of that notice. The notice shall state the school district's determination to make the preliminary endangerment assessment available for public review and comment pursuant to subparagraph (A) or (B):

- A. If the school district chooses to make the assessment available for public review and comment pursuant to this subparagraph, it shall offer to receive written comments for a period of at least 30 calendar days after the assessment is submitted to the Department of Toxic Substances Control, commencing on the date the notice is originally published, and shall hold a public hearing to receive further comments. The school district shall make all of the following documents available to the public upon request through the time of the public hearing:
- i. The preliminary endangerment assessment.
 - ii. The changes requested by the Department of Toxic Substances Control for the preliminary endangerment assessment, if any.
 - iii. Any correspondence between the school district and the Department of Toxic Substances Control that relates to the preliminary endangerment assessment.

For the purposes of this subparagraph, the notice of the public hearing shall include the date and location of the public hearing, and the location where the public may review the documents described in clauses (i) to (iii), inclusive. If the preliminary endangerment assessment is revised or altered following the public hearing, the school district shall make those revisions or alterations available to the public. The school district shall transmit a copy of all public comments received by the school district on the preliminary endangerment assessment to the Department of Toxic Substances Control. The Department of Toxic Substances Control shall complete its review of the preliminary endangerment assessment and public comments received thereon and shall either approve or disapprove the assessment within 30 calendar days of the close of the public review period. If the Department of Toxic Substances Control determines that it is likely to disapprove the assessment prior to its receipt of the public comments, it shall inform the school district of that determination and of any action that the school district is required to take for the Department of Toxic Substances Control to approve the assessment.

- B. If the school district chooses to make the preliminary endangerment assessment available for public review and comment pursuant to this subparagraph, the Department of Toxic Substances Control shall complete its review of the assessment within 60 calendar days of receipt of the assessment and shall either return the assessment to the school district with comments and requested modifications or requested further assessment or concur with the adequacy of the assessment pending review of public comment. If the Department of Toxic Substances Control concurs with the adequacy of the assessment, and the school district proposes to proceed with site acquisition or a construction project, the school district shall make the assessment available to the public on the same basis and at the same time it makes available the draft environmental impact report or negative declaration pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the *Public Resources Code*) for the site, unless the document developed pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the *Public Resources Code*) will not be made available until more than 90 days after the assessment is approved, in which case the school district shall, within 60 days of the approval of the assessment, separately publish a notice of the availability of the assessment of public review in a local newspaper of general circulation. The school district shall hold a public hearing on the preliminary endangerment assessment and the draft environmental impact report or negative declaration at the same time, pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the *Public Resources Code*). All public comments pertaining to the preliminary endangerment assessment shall be forwarded to the Department of Toxic Substances Control immediately. The Department of Toxic Substances Control shall review the public comments

forwarded by the school district and shall approve or disapprove the preliminary endangerment assessment within 30 days of the district's approval action of the environmental impact report or the negative declaration.

7. The school district shall comply with the public participation requirements of Sections 25358.7 and 25358.7.1 of the *Health and Safety Code* and other applicable provisions of the state act with respect to those response actions only if further response actions beyond a preliminary endangerment assessment are required and the district determines that it will proceed with the acquisition or construction project.
8. If the Department of Toxic Substances Control disapproves the preliminary endangerment assessment, it shall inform the district of the decision, the basis for the decision, and actions necessary to secure the Department of Toxic Substances Control approval of the assessment. The school district shall take actions necessary to secure the approval of the Department of Toxic Substances Control of the preliminary endangerment assessment or elect not to pursue the acquisition or construction project.
9. If the preliminary endangerment assessment determines that a further investigation of the site is not required and the Department of Toxic Substances Control approves this determination, it shall notify the State Department of Education and the school district of its approval. The school district may then proceed with the acquisition or construction project.
10. If the preliminary endangerment assessment determines that a release of hazardous material has occurred, that there is the threat of a release of hazardous materials, that a naturally occurring hazardous material is present, or any combination thereof, that requires further investigation, and the Department of Toxic Substances Control approves this determination, the school district may elect not to pursue the acquisition or construction project. If the school district elects to pursue the acquisition or construction project, it shall do all of the following:
 - A. Prepare a financial analysis that estimates the cost response action that will be required at the proposed schoolsite.
 - B. Assess the benefits that accrue from using the proposed schoolsite when compared to the use of alternative schoolsites, if any.
 - C. Obtain the approval of the State Department of Education that the proposed schoolsite meets the schoolsite selection standards adopted by the State Department of Education pursuant to subdivision (b) of Section 17251.
 - D. Evaluate the suitability of the proposed schoolsite in light of the recommended alternative schoolsite locations in order of merit if the school district has requested the assistance of the State Department of Education, based upon the standards of the State Department of Education, pursuant to subdivision (a) of Section 17251.
11. The school district shall reimburse the Department of Toxic Substances Control for all of the department's response costs.
 - b. The costs incurred by the school districts when complying with this section are allowable costs for purposes of an applicant under Chapter 12.5 (commencing with Section 17070.10) of Part 10 and may be reimbursed in accordance with Section 17072.13.
 - c. A school district that releases a Phase I environmental assessment, a preliminary endangerment assessment, or information concerning either of these assessments, any of which is required by this section, may not be held liable in any action filed against the school district for making either of these assessments available for public review.
 - d. The changes made to this section by the act amending this section during the 2001 portion of the 2001-02 Regular Session do not apply to a schoolsite acquisition project or a school construction project, if either of the following occurred on or before the effective date of the act amending this section during the 2001 portion of the 2001-02 Regular Session:

1. The final preliminary endangerment assessment for the project was approved by the Department of Toxic Substances Control pursuant to this section as this section read on the date of the approval .
2. The school district seeking state funding for the project completed a public hearing for the project pursuant to this section, as this section read on the date of the hearing.

Added by Stats. 1999, c. 1002 [S.B. 162], § 3. Amended by Stats. 2000, c. 443 [A.B. 2644], § 4, eff. Sept. 14, 2000, Stats. 2001, c. 865 [A.B. 972], § 2, eff. Oct. 14, 2001.)

§ 17213.2. Conditions of State Funding

As a condition of receiving state funds pursuant to Chapter 12.5 (commencing with Section 17070.10), all of the following apply:

- a. If a preliminary endangerment assessment prepared pursuant to Section 17213.1 discloses the presence of a hazardous materials release, or threatened release, or the presence of naturally occurring hazardous materials, at a proposed schoolsite at concentrations that could pose a significant risk to children or adults, and the school district owns the proposed schoolsite, the school district shall enter into an agreement with the Department of Toxic Substances Control to oversee response action at the site and shall take response action pursuant to the requirements of the state act as may be required by the Department of Toxic Substances Control.
- b. Notwithstanding subdivision (a), a school district need not take action in response to a release of hazardous material to groundwater underlying the schoolsite if the release occurred at a site other than the schoolsite and if the following conditions apply:
 1. The school district did not cause or contribute to the release of a hazardous material to the groundwater.
 2. Upon the request of the Department of Toxic Substances Control or its authorized representative the school district provides the Department of Toxic Substances Control or its authorized representative with access to the schoolsite.
 3. The school district does not interfere with the response action activities.
- c. If at anytime during the response action the school district determines that there has been a significant increase in the estimated cost of the response action, the school district shall notify the State Department of Education.
- d. A school district that is required by the Department of Toxic Substances Control to take response action at a proposed schoolsite is subject to both of the following prohibitions:
 1. The school district may not begin construction of a school building until the Department of Toxic Substances Control determines all of the following:
 - A. That the construction will not interfere with the response action.
 - B. That site conditions will not pose a significant threat to the health and safety of workers involved in the construction of the school building.
 - C. That the nature and extent of any release or threatened release of hazardous materials or the presence of any naturally occurring hazardous materials have been fully characterized.
 2. The school district may not occupy a school building following construction until it obtains from the Department of Toxic Substances Control a certification that all response actions, except for operation and maintenance activities, necessary to ensure that hazardous materials at the schoolsite no longer pose a significant risk to children and adults at the schoolsite have been completed and that the response action standards and objectives established in the final removal action work plan or remedial action plan have been met and are being maintained. After a school building is constructed and occupied, a school district may continue with ongoing operation and maintenance activities if the Department of Toxic Substances Control certifies before occupancy that neither site conditions nor the ongoing operation and maintenance activities pose a significant risk to children or adults at the schoolsite.

- e. If, at any time during construction at a schoolsite, a previously unidentified release or threatened release of a hazardous material or the presence of a naturally occurring hazardous material is discovered, the school district shall cease all construction activities at the sites notify the Department of Toxic Substances Control, and take actions required by subdivision (a) that are necessary to address the release or threatened release or the presence of any naturally occurring hazardous materials. Construction may be resumed if the Department of Toxic Substances Control determines that the construction will not interfere with any response action necessary to address the hazardous material release or threatened release or the presence of a naturally occurring hazardous material, determines that the site conditions will not pose a significant threat to the health and safety of workers involved in the construction of the schoolsite, and certifies that the nature and extent of the release, threatened release, or presence of a naturally occurring hazardous material have been fully characterized.
- f. Construction may proceed at any portions of the site that the Department of Toxic Substances Control determines are not affected by the release or threatened release of hazardous materials, or presence of any naturally occurring hazardous materials, provided that all of the following apply:
 1. Those portions of the site have been fully characterized.
 2. The Department of Toxic Substances Control determines that the construction will not interfere with any response action necessary to address the release or threatened release of hazardous materials, or presence of any naturally occurring hazardous materials.
 3. The site conditions will not pose a significant threat to the health and safety of workers involved with construction.
- g. The Department of Toxic Substances Control shall notify the State Department of Education, the Division of the State Architect, and the Office of Public School Construction when the Department of Toxic Substances Control certifies that all necessary response actions have been completed at a schoolsite. The Department of Toxic Substances Control shall also notify the Division of the State Architect whenever a response action has an impact on the design of a school facility and shall specify the conditions that must be met in the design of the school facility in order to protect the integrity of the response action.
- h. The school district shall reimburse the Department of Toxic Substances Control for all response costs incurred by the department.
- i. The costs incurred by the school districts when complying with this section are allowable costs for purposes of an applicant under Chapter 12.5 (commencing with Section 17070.10) of Part 10 and may be reimbursed in accordance with Section 17072.13. *(Added by Stats. 1999, C. [A.B. 387], § 3. Amended by Stats. 2000, c. 443 [A.B. 2644], § 5, eff. Sept. 14, 2000.)*

§ 17215. Site near airport; requirements

- a. In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of schoolsites, before acquiring title to or leasing property for a new schoolsite, the governing board of each school district, including any district governed by a city board of education, or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- b. Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition or lease for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- c. The Department of Transportation shall investigate the site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including

recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.

- d. The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.
- e. If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition or lease of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.
- f. This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites. *(Added by Stats. 1997, c. 893 [S.B. 161], § 96. Amended by Stats. 1999, c. 837 [A.B. 747], § 1; Stats. 2005, c. 229 [A.B. 1358], § 1.)*

§ 17215.5. Acquisition of agricultural land; findings required; application of subdivision

- a. Prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of a school district shall make all of the following findings:
 1. The school district has notified and consulted with the city, county, or city and county within which the prospective schoolsite is to be located.
 2. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
 3. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the schoolsite.
- b. Subdivision (a) shall not apply to any schoolsite approved by the State Department of Education prior to January 1, 1997. *(Formerly § 39006, added by Stats. 1996, c. 509 [A.B. 1724], § 1. Renumbered § 17215.5 and amended by Stats. 2000, c. 135 [A.B. 2539], § 39.)*

§ 17251. Powers and duties concerning buildings and sites

The State Department of Education shall:

- a. Upon the request of the governing board of any school district, advise the governing board on the acquisition of new school sites and, after a review of available plots, give the governing board in writing a list of the recommended locations in the order of their merit, considering especially the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of the city, county, or city or county having jurisdiction. The governing board may purchase a site deemed unsuitable for school purposes, by the State Department of Education only after reviewing the department's report on proposed sites at a public hearing. The department shall charge the school district a reasonable fee for each school site reviewed not to exceed the actual administrative costs incurred for that purpose.
- b. Develop standards for use by a school district in the selection of school sites, in accordance with the objectives set forth in subdivision (a). The department shall investigate complaints of noncompliance with site selection standards and shall notify the governing board of the results of the investigation. If that notification is received prior to the acquisition of the site, the governing board shall discuss the findings of the investigation in a public hearing.

- c. Establish standards for use by school district to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.
- d. Upon the request of the governing board of any school district, review plans and specifications for school buildings in the district. The department shall charge governing boards of school district, for the review of plans and specifications, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.
- e. Upon the request of the governing board of any school district, make a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet these needs. The department shall charge the district, for the costs of the survey, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.
- f. Provide information relating to the impact or potential impact upon any school site of hazardous substances, solid waste, safety, hazardous air emissions, and other information as the department may deem appropriate. *(Added by Stats. 1996, c. 277 [S.B. 1562], § 3, operative Jan. 1, 1998.)*

§ 17251.5. Acquisition of potential schoolsite; use of local funds and need for approval of site by State Board of Education

Notwithstanding any law, when using exclusively local funds for acquisition of a potential schoolsite a school district is not required to receive final approval of a site by the State Department of Education prior to adopting a resolution of necessity in an eminent domain proceeding or prior to closing escrow on a site purchase through voluntary sale. *(Added by Stats 2002, c. 33 [A.B.16], § 26, eff. April 29, 2002.)*

§ 17268. Construction of new school building; requirements for approval

- a. The governing board of a school district that elects not to receive state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) may not approve a project for the construction of a new school building, as defined in Section 17283, unless the project and its lead agency comply with the same requirements specified in subdivision (a) of Section 17213 for schoolsite acquisition.
- b. As a condition to receiving state funds pursuant to Chapter 12.5 (commencing with Section 17070.10) the governing board of a school district may not approve a project for the construction of a new school building or schoolsite on leased or acquired land unless the project and the school district comply with the requirements specified in Sections 17213.1 and 17213.2.
- c. The project shall not be subject to subdivision (b) for a minor addition to a school if the project is eligible for a categorical or statutory exemption under guidelines issued pursuant to Section 21083 of the *Public Resources Code*, as set forth in the California Environmental Quality Act.
- d. "School building," as used in this section, means any building designed and constructed to be used for elementary or secondary school purposes by a school district.
- e. The requirements of Sections 17213, 17213.1 and 17213.2 shall not apply to a schoolsite if the acquisition occurred prior to January 1, 2000, to the extent a school district is subject to the requirements set forth in those sections pursuant to a judicial order or an order issued by, or an agreement with the Department of Toxic Substances Control regarding that site, and the school district is in full compliance with that order or agreement.
- f. For purposes of this section, the acceptance of construction bids shall constitute approval of the project.

§ 35275. New school planning and design

The governing board of any school district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. *(Amended by Stats. 1994, c.940 [AB 3562])*

California P–16 Council Executive Summary

A Framework for Closing California’s Academic Achievement Gap

Access to high-quality educational experiences is the right of every student and the responsibility of the state. Today, the State of California has not lived up to this commitment for all students, particularly poor, racial/ethnic minority students; English learners; and students with disabilities. This need not be.

For many years, there has been a cry for a public education system that gives *all* students a chance at a more hopeful and more desirable future than the present. This report is dedicated to ensuring that all students are able to learn to their highest potential and sets forth an initiative to close the achievement gap. The initiative directly focuses on California’s students and their entitlement to an equitable and rigorous education no matter their ethnic, social, or economic background.

The report highlights the work completed to date by the California P–16 (Prekindergarten through Higher Education) Council convened by State Superintendent of Public Instruction Jack O’Connell “*to develop, implement, and sustain a specific, ambitious plan that holds the State of California accountable for creating the conditions necessary for closing the achievement gap.*” Development of the plan is appropriately the work of the Council because closing California’s pernicious achievement gap will take the efforts of everyone—the prekindergarten community, the school community from kindergarten to grade twelve, higher education, business, government, and philanthropy—working together toward a shared goal.

That mission, at its core, is about *doing what is right, not what is easy*. And although the challenge of educating *all* students to high standards is daunting, the means for facing that challenge are within our reach ... if we have the will, if we maintain a firm resolve.

Why This Matters

Making schools work for all students, regardless of their background, condition, or circumstances, is an imperative for the State of California. The reasons are simple and straightforward. A strong education system ensures:

- Quality of life for Californians
- Economic growth and a competitive advantage for California
- Viability of a diverse, pluralistic, and democratic society to power California’s prosperity

Each of these benefits depends on one condition: well-educated citizens. Strong public schools, where all students learn at high levels, remains society’s best investment for producing well-educated citizens. California still has a long way to go in this regard.

Today, huge disparities in achievement exist among California's student subgroups. For instance:

- About 12 of every 20 white students in grades two through eleven were proficient in English–language arts on the 2006 statewide test compared with fewer than 6 of every 20 African American students, Hispanic/Latino students, or economically disadvantaged students.
- Although nearly two-thirds of Asian students and more than half of white students were proficient in mathematics in 2006, only about 5 of every 20 African American students, 6 of every 20 Hispanic/Latino students, and about 3 of every 20 special education students met that performance standard
- The 2006 Academic Performance Index (API) of African American, American Indian, Hispanic/Latino, and Pacific Islander students is significantly lower than the API for white and Asian students at every level: elementary, middle, and high school. Latino/Hispanic elementary students had an API 147 points *lower* than their white counterparts. At the middle school level, the API for African American students was 180 points *lower* than for white students. And at the high school level, American Indian and Pacific Islander students each had an API about 100 points *lower* than white students.

Although California maintains some of the highest standards in the nation for what students are expected to know and be able to do, its schools are significantly underfunded. For instance, *Education Week's "Quality Counts 2008"* reports the following statistics:

- Although California has the most challenging student population in the nation, per pupil spending is a full \$1,892 below the national average when adjusted for regional cost of living.
- California spends \$5,137 below New York and \$5,171 below New Jersey. A mere 3 percent of the state's students attend schools in districts where per pupil expenditures are at or above the national average, compared with 37 percent in Louisiana, 16 percent in Florida, and an extraordinary 95 percent in Maryland.

The state can no longer ignore the fact that major segments of the next generation continue to fall short of their potential. Quite simply, the achievement gap among student subgroups is a threat to their future and to the future economic health and security of California and of this nation. This need not be.

That is why the call to action by State Superintendent of Public Instruction Jack O'Connell matters. It challenges and mobilizes California to live up to its obligation: **ensuring that every student is given an equal opportunity to live up to his or her potential.**

Underlying Causes and Proposed Solutions

The State Superintendent of Public Instruction and the Council started with the premise that the major factors inhibiting successful learning for all students can be grouped into four main themes.

1. **Access**, or the extent to which all students have equitable access to basic conditions, such as qualified, effective teachers; rigorous, curriculum based on the state academic content standards; “safety nets” and accelerated interventions.
2. **Culture and Climate**, or the extent to which the learning environment is safe, promotes a sense of belonging, and fosters strong, positive relationships among students, among school staff and between the school and home/community.
3. **Expectations**, or the extent to which a *culture of excellence* exists for students and adults alike, so that a common, high standard is the norm for all students, and getting all of them to meet those high standards is a responsibility embraced by the school community.
4. **Strategies**, or the extent to which evidence-based or promising teaching, leadership, and organizational practices are employed by practitioners at all levels in areas such as delivery of standards-aligned instructional programs, standards of professional practice, needs-based allocation of resources, collegial accountability and collaboration, articulation across grade spans, and leadership development.

Based on research conducted by the Council and other partners involved in this project, the following recommendations have been proposed to address the achievement gap among student subgroups.

ACCESS

Recommendation 1

Provide High-Quality Prekindergarten Programs

An educational head start in the early years yields huge payoffs in academic success in future years for all students, especially for those from economically disadvantaged backgrounds. Educators continually comment that too many students enter kindergarten poorly prepared to start formal school.

Across many California communities, there is a lack of access to quality pre-kindergarten learning experiences for students from low-income communities, students of color, English learners, students with disabilities, and other under-represented students. Building quality programs and then expanding access to those programs is critical to narrowing the achievement gap for all students.

Recommendation 2

Better Align Educational Systems from Prekindergarten to College

Graduation from high school ought to be viewed as preparation for success at the postsecondary level. Access to learning that is enriching and academically challenging is critical to all students, but it is particularly imperative for poor students and students of color. For large numbers of students, however, our

kindergarten through grade twelve system does not provide adequate preparation for success at the next level; many of them require remediation prior to full entry into college-level course work or are underprepared to immediately enter the world of work. The misalignment of expectations for a high school graduate and the needs of the workforce and higher education institutions make the transition difficult for many students and nearly impossible for others. California can do better.

Closing the gap is going to take unprecedented collaboration between all segments of the business community, higher education and the K–12 system. The Council, therefore, recommends that the state align the K–12 system with higher education systems and the current needs of the workforce to promote better articulation amongst all stakeholders.

Recommendation 3

Develop Partnerships to Close the Achievement Gap

Connecting schools with educational organizations, city and county agencies, faith-based organizations, parent groups, and businesses is necessary to foster partnerships that will support a well-defined student support system. Such partnerships recognize that students have needs outside the classroom that, if unmet, can significantly and adversely affect their ability to learn. Breaking down barriers and creating partnerships throughout California is an important step toward implementing a consistent approach to a high-quality and inclusive educational program.

CULTURE AND CLIMATE

Recommendation 4

Provide Culturally Relevant Professional Development for All School Personnel

Learning occurs within the context of the values, beliefs, and rituals of the school community and the larger society. This is a necessary and potentially beneficial factor in creating strong schools—provided the school culture and climate reflect and are responsive to the diverse racial, cultural backgrounds, and needs of its student populations. This is not always the case; students of color often feel alienated from the norms and behaviors of the school culture or put off by educational practices that “do not reflect my background and where I come from.” To communicate and do an effective job of teaching, California’s educators need to have a cultural understanding of themselves, the students they teach, and the communities that house them.

Culturally responsive pedagogy is a key step in addressing the lack of connection between scholars and educators. California needs to develop a comprehensive, culturally relevant and responsive strategy for educators that will help them to become the kind of educator who can teach any student effectively.

Recommendation 5

Conduct a Climate Survey

Data, when used wisely, inform continuous improvement of teaching, leadership, and organizational practices. A climate survey is a powerful tool for assessing the “organizational health” of a school and can be used to extend policies and practices that work for all students or to eliminate those that disaffect certain groups of students and parents. The survey will provide impartial judgments regarding the quality of a school’s climate and culture. Insights from the survey can be used to expand awareness and to initiate future actions.

Conducting a climate survey should not be a burden for schools and districts. An effort should be made to build on two complementary surveys currently in use: the California Healthy Kids Survey (CHKS) for students and the California School Climate Survey (CSCS) for school staff. Both surveys may be used as a means of understanding the educational experience of underperforming students of color.

EXPECTATIONS

Recommendation 6

Augment Accountability System

Accountability and incentives motivate performance and strengthen a focus on positive results for students. California’s current accountability system, the Academic Performance Index (API), is an outcome-based system that uses assessment results to measure the success of schools. The API, which includes annual schoolwide and subgroup growth targets, has focused attention on the needs of underperforming student populations. Now is the time to extend the measure to ensure the state is offering incentives and rewarding schools and districts for implementing strategies to close the achievement gap.

A key component of augmenting the accountability system would be the development of an Achievement Gap Intervention Index. Such an index, separate and distinct from the current API, would provide for recognition of schools and districts that are working to close the achievement gap. They may be using strategies such as the distribution of highly effective teachers, strong professional development, leadership enhancement, parental involvement, and community and business partnerships. The Achievement Gap Intervention Index would allow for a more immediate measure of progress made by schools and districts in educating all students to high standards.

Recommendation 7

Model Rigor

The expectations for student learning and achievement and the standards for rigor vary widely in spite of the statewide content standards for most academic subjects. Sometimes, the expectations are based on the student population or

community demographics; at other times, inconsistencies in oversight at the local level or in resource allocation result in *de facto* inequities.

The state needs to define more clearly what constitutes a rigorous program for students. Specific suggestions include development of an online “anchor” bank to serve as a resource for every educator in the state. This depository of standards-aligned assignments would provide examples of relevant curricular breadth and depth. It also would provide best practices and refer users to professional development opportunities on how to incorporate rigor into all curricular areas, including career technical education programs.

Recommendation 8 **Focus on Academic Rigor**

Many school districts have begun to increase the number of courses that meet the state’s a–g requirements. Such courses help prepare students for successful entry into college. However, enrollment and completion rates in the a–g courses for underperforming student subgroups are significantly lower than the rates for their white and Asian counterparts. There are legitimate debates on whether a–g requirements, in particular, are appropriate only for college-bound students or whether they can equally serve those students who are taking career or technical classes. California needs a more consistent way of recognizing rigorous courses regardless of whether one uses the a–g framework or not.

California can improve these conditions by defining consistent and ubiquitous academic rigor to ensure that the state’s high school graduates receive an education that prepares them for success at the next level, whether it is higher education or the workforce.

Recommendation 9 **Improve the Awards System**

California should align its recognition programs to address the focus on improving academic achievement for all students. Current recognition programs do not incorporate criteria on how schools and districts have performed in regard to closing the achievement gap. This practice leads to confusion in the school and in the community when schools are recognized for their “success” and then designated a “needs improvement” status for lack of academic progress.

STRATEGIES

Recommendation 10 **Create a Robust Information System**

If schools are to be responsive to the learning needs of every student, then an information system is needed that will enable educators and their partners to track the progress of each student.

California must design, develop, and implement a system that collects rich, robust, high-quality information that meets the needs of educators, districts,

and state-level policymakers. Such a system will enhance efforts to create a culture of data examination for the improvement of academic achievement. This type of system is vital in determining the services, programs, and interventions that students need. Specifically, California should supplement the existing CALPADS and CALTIDES data-collection systems.

Recommendation 11

Provide Professional Development on the Use of Data

Although the state collects a multitude of data reports, no purpose is served if those who need the information to develop appropriate instructional strategies are unprepared to use the data. Developing a robust information system, as noted in the previous recommendation, does not guarantee any measure of success without focused professional development.

California must design, develop, and implement coherent and relevant professional development in the areas of data collection, analysis, and interpretation for all educators that addresses the needs of students. The state must make significant investments in human capital and capacity-building at all levels of the educational system. The California Department of Education, in collaboration with higher education, the research community, and representative organizations, should develop a comprehensive training model, complete with themes, strands, and syllabi for local implementation.

Recommendation 12

Share Successful Practices

Educators need reliable and vetted resources proven to be effective with the students in their classrooms. Furthermore, these resources need to be readily available, understandable, and applicable to the classroom.

California must collect and disseminate a high-quality, comprehensive body of knowledge, expertise, resources, and research on effective and successful practices that are proven or are promising in closing the achievement gap. California must develop a system in which sound educational solutions to common issues can be shared by educators in a collaborative format. This system should not only share this knowledge with educators but should also model *how* to apply the expertise, resources, and research in their classrooms. California must create a well-articulated and coherent statewide information-sharing system to address the achievement gap.

Recommendation 13

Fully Implement the California K–12 High-Speed Network

California must fully fund the High-Speed Network (HSN) to ensure that every school, district, and county office of education has access to the level of technology necessary to assist students in academic need. The HSN, a state funded program, provides Internet connectivity that gives educators, students, and staff access to a reliable high-speed network with high-quality online resources.

Currently, 87 percent of school districts and 81 percent of all schools are connected to the HSN. Now is the time to connect the remaining schools and districts, particularly because a significant percentage of the not-yet-connected schools and districts are in Program Improvement. This goal of 100 percent connectivity can be accomplished through a fully funded HSN project.

Recommendation 14

Create Opportunities for School District Flexibility

Closing the achievement gap at the local level often requires creativity in developing the right mix of conditions and supports for students, teachers, and school administrators. A “one-size-fits-all” funding structure is not conducive to the needs of all schools and districts or to the goal of closing the achievement gap. California needs to provide flexibility in the use of education funds based on the academic improvement of students and the professional development of staff. Greater flexibility in the use of categorical funds, in particular, will substantially help with closing the achievement gap.

Closing the achievement gap will be a long-term effort by all involved. This report and its recommendations are only the beginning of that journey. The state must make a long-term commitment to achieve success in this endeavor. Clearly, there is no “silver bullet” that holds a single solution, and the proposed recommendations are just part of the overall solution. However, the work must begin now in order for that dream to become a reality.

This initiative, championed by State Superintendent of Public Instruction Jack O’Connell, represents a new focus placed squarely on what the *state* can do better to close the gap. The California Department of Education cannot—and must not—do this alone. It must mobilize other state agencies, schools, districts, county offices of education, business, higher education institutions, parents, and communities **in creating the conditions necessary for success of these recommendations and, consequently, for closing the achievement gap.** All of California’s students deserve to graduate from high school ready for college, career, and life.

Noted philosopher Teilhard de Chardin once said that a most powerful force for moving a society forward as one is “a great hope held in common.” The hope that this initiative articulates—for students, for citizens, for the state—holds within it the potential to propel the State of California to heights never before attained.

Closing the achievement gap will not be easy, but doing so is critical for California’s future.

Web Links

Building Schools, Building Communities: The Role of State Policy in California. Center for Cities & Schools and American Architectural Foundation.
<http://citiesandschools.berkeley.edu/reports/Building-Schools-Building-Communities-CA.pdf>

California Code of Regulations, Title 5, sections 14001–14036 on school facilities construction. <http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>

Closing the Achievement Gap: The Report of Superintendent Jack O’Connell’s California P-16 Council.
<http://www.cde.ca.gov/eo/in/pc/documents/yr08ctagrpt0122.pdf>

Design for Learning Forum: School Design and Student Learning in the 21st Century, A Report of Findings. American Architectural Foundation, Washington, DC.
<http://greatschoolsbydesign.com/aaf/documents/report.designforlearning.pdf>

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Lackney, Jeffery. *33 Principles of Educational Design.*
<http://schoolstudio.engr.wisc.edu/33principles.html>

Map of Future Forces Affecting Education: 2006-2016. KnowledgeWorks Foundation and The Institute for the Future.
<http://www.kwfdn.org/map/>

Model Policies in Support of High Performance School Buildings for All Children. October 2006, Building Educational Success Together (BEST).
http://www.21csf.org/csf-home/publications/BESTModelPolicies5_7_07.pdf

Report from the National Summit on School Design: A Resource for Educators and Designers. Convened by the American Architectural Foundation and KnowledgeWorks Foundation.
<http://www.edfacilities.org/pubs/nationalsummit.pdf>

Stevenson, Kenneth R. *Educational Facilities within the Context of a Changing 21st Century America.* 2006. National Clearinghouse for Educational Facilities.
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Notes