

TESTIMONY OF

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BEFORE THE

JOINT INFORMATIONAL HEARING  
SENATE COMMITTEE ON HOUSING AND TRANSPORTATION  
SENATE SELECT COMMITTEE ON STATE SCHOOL FACILITIES  
SENATOR ALAN LOWENTHAL, CHAIR

*SCHOOLS AS CENTERS OF SUSTAINABLE COMMUNITIES: A VISION FOR FUTURE SCHOOL  
FACILITY CONSTRUCTION*  
TUESDAY, DECEMBER 15, 2009

**School Construction Policies to Support Sustainable Communities:  
California's Golden Opportunity**

**A. Introduction**

Good morning. It is my pleasure to address this Joint Hearing of the Senate Committee on Housing and Transportation and the Senate Select Committee on School Facilities on the topic of linking school construction investment to the creation of sustainable communities in California. My name is Jeff Vincent. I am the deputy director of the Center for Cities & Schools at the University of California-Berkeley.

My testimony will focus on how California can leverage and align its school construction investment to ensure high quality learning environments, close the achievement gap AND contribute to the state's goals on infrastructure coordination, climate change, and the creation of sustainable communities. These goals should be seen as highly interrelated and mutually-reinforcing.

Berkeley's Center for Cities & Schools (CC&S) has been working on precisely this issue for nearly six years. CC&S is an interdisciplinary research center at UC, promoting high quality education as an essential component of urban and metropolitan vitality to create equitable, healthy, and sustainable cities and schools for all. We conduct research, provide education through forums and convenings, and facilitate collaborative policy making between local governments and school districts. Additionally, we investigate the ways in which state policies can support local initiatives looking to leverage school and community improvement. School facilities issues are a major focus of our work because a growing body of empirical research shows how important

school environments are to supporting positive student outcomes and the impacts schools can have on neighborhoods, cities, and regions.

My comments today draw from our extensive research findings investigating California school facilities. These include:

- “Re-Visioning School Facility Planning and Design for the 21st Century: Creating Optimal Learning Environments.” Roundtable Proceedings Report prepared for the California Department of Education (2009) from a two-day roundtable, convening 75 national and state education and design leaders to explore the relationship between school design and learning and to generate recommendations for improved state policy on school design.
- “Integrating Infrastructure Planning: The Role of Schools.” ACCESS (UC Transportation Journal), 2009.
- “Smart Schools, Smart Growth: Investing in Education Facilities and Stronger Communities.” CC&S and PACE (Policy Analysis for California Education) Working Paper, 2009.
- “Joint Use School Partnerships in California: Strategies to Enhance Schools and Communities.” CC&S and Public Health Law and Policy Joint Report, 2008.
- “The Complex and Multi-Faceted Nature of School Construction Costs: Factors Affecting California.” CC&S Research Report, 2008.
- “Building Schools, Building Communities: A Forum on the Role of State Policy in California.” CC&S Proceedings Paper (2007) from a convening of 40+ policymakers and practitioners from across the state to craft policy recommendations to improve California’s investment in building new schools.
- “Growth & Disparity: A Decade of U.S. Public School Construction.” BEST, 2006.

These and other reports are available online: <http://citiesandschools.berkeley.edu/pubs.html>.

## **B. Public Schools are Public Infrastructure**

I want to begin by highlighting the fact that *public schools are public infrastructure*. Schools are important and unique elements of public infrastructure, yet typically not looked at as such. By unique, I mean that we must simultaneously look at our school infrastructure in three ways:

1. Educational infrastructure: Schools are the places where California’s 6 million students learn and grow everyday to become our next citizens and workers. Nearly one fifth of California’s population spends their day in a public school building.
2. Social infrastructure: Schools are community activity and gathering places – from hosting sports leagues to voting; most neighborhoods across the state have schools within them. Most are located in residential areas.
3. Physical infrastructure: California’s nearly 1,000 school districts operate more than 8,200 K-12 schools on an estimated 125,000 acres of land. That is about 200 square

miles, roughly the size of San Jose and Sunnyvale combined or the surface of Lake Tahoe.

California's public schools are one of our most prevalent, personal, locally-governed, and highly-funded public resources.

The "schools as centers of community" concept has come to focus on community-oriented schools that:

- Use existing/and or planned infrastructure, rather than requiring new infrastructure
- Are near the residential areas they serve to enable students to walk/bicycle
- Often share their facilities with community users

When looking at California's school construction policies, we should ask how they support high quality school buildings that:

1. enhance school quality;
2. serve as neighborhood assets; and
3. are wise use of public infrastructure funds.

We should look at infrastructure with regard to the benefits it brings to our communities and our state. Our investment in public school construction plays a key role in closing the achievement gap and creating a sustainable California – if we leverage the investment.

### **C. Californians Invest in Public School Infrastructure**

Californians have strongly supported investment in school construction, passing all but one of the 15 statewide school construction bonds since 1982. Since 1996, Californians have voted to invest more than \$82 billion in state and local school infrastructure dollars, including building about 1,000 new schools on an estimated 10,000 acres across the state. We have been building about 100 per year for the past decade. Countless others have been expanded and/or modernized.

School construction makes up a large share of statewide infrastructure investment. Between 1972 and 2006, \$178 billion (2007 \$) was approved by voters through state general obligation bonds for infrastructure.<sup>1</sup> The largest share (35 percent) of that was for K-12 schools. Only 15 percent went toward transportation.

What's driving California's school construction investment?

- Enrollments continue to rise: California's enrollment has increased by nearly 20 percent since 1995. That growth has been uneven from district to district, with some seeing sharp increases and others losing students. Currently, statewide enrollment has leveled

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<sup>1</sup> Public Policy Institute of California. 2008. Financing Infrastructure: Just the Facts.

off, but California is projected to have nearly 6.5 million students by 2018.<sup>2</sup> Much of this is occurring in the suburbs requiring new schools as regions grow, but it is also happening in older neighborhoods, requiring additions and/or renovations of existing schools, and in some cases, new schools in older neighborhoods.

- Reducing overcrowding: Strong enrollment growth in many districts led to severe overcrowding.<sup>3</sup>
- Large maintenance backlog: With nearly 70 percent of classrooms being more than 25 years old,<sup>4</sup> our schools need repair and modernization just to stay healthy and safe, let alone to support evolving teaching techniques and technologies. CDE recently cited the unmet statewide need for new and modernization projects at nearly \$7 billion. This is likely an under-estimate.

California's current school construction approach – the School Facilities Program – was established by SB50 in 1998. The SFP is a grant program where the state offers funding to school districts in the form of grants to acquire school sites, construct new school facilities, and modernize and/or expand existing school facilities. These funds come almost entirely from statewide general obligation bonds approved by voters. The state has defined its role as contributing to local facilities costs, more or less matching local dollars. With the exception of limited financial hardship grants and certain specially targeted categories, the SFP operates on a first-come, first-served basis. If the project meets the eligibility requirements, school districts receive their funding.

While the SFP has had successes in assisting local school districts in building and modernizing schools, to effectively align our school infrastructure investment to California's sustainable communities goals, we must look at the SFP with a new lens. California's school construction funding program does not:

1. Prioritize investing in existing schools. (According to a recent federal testimony by the director of CDE's school facility planning division, "Modernization for educational program changes and improvements is just not occurring. Our state modernization dollars simply cover access compliance, paths of travel and systems upgrades. Many districts are being asked to choose between making American with Disability Act (ADA) improvements and completing other modernization work on the campus thus resulting in facilities that continue to have aging infrastructure.<sup>5</sup>); or

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<sup>2</sup> State of California, Department of Finance, California Public K-12 Graded Enrollment and High School Graduate Projections by County, 2009 Series. Sacramento, California, October 2009.

<sup>3</sup> PolicyLink. 2005. Ending School Overcrowding in California: Building Quality Schools for All Children. A Report from PolicyLink and MALDEF. Oakland, CA: PolicyLink.

<sup>4</sup> California Department of Education, School Facilities Planning Division. 2009. School Facilities Fingertip Facts. Available online: <http://www.cde.ca.gov/ls/fa/sf/facts.asp>.

<sup>5</sup> "Modern Public School Facilities: Investing in the Future." Testimony of Kathleen J. Moore, Director of the School Facilities Planning Division, California Department of Education to the Committee on Education and Labor, United States House of Representatives. February 13, 2008. Washington, D.C.

2. Have much strategic criteria for project approval relating to common “sustainability” or “livability” principles.

Given the State’s hefty financial contribution and its rather “hands-on” approach in the form of existing polices related to school facilities through the Department of Education, the Department of Toxic Substance Control, the State Architect, the Office of Public School Construction, and others, the state has a tremendous opportunity to leverage this investment to meet a variety of statewide goals.

#### **D. Components of Sustainable Communities in California**

General consensus is emerging in California on what sustainable communities are. As echoed by the “livability principles” guiding the federal Sustainable Communities Partnership,<sup>6</sup> generally the sustainable communities idea encompasses four major elements.<sup>7</sup>

1. **Ensuring that three E’s are pursued – environment, economy, and equity.** Regional sustainability might be described as a three-legged stool, where public institutions contribute to environmental soundness, economic efficiency, and the equitable distribution of resources. Schools, the most expansive and costly public institution supported by state and local governments, can play a role in advancing sustainability across the three E’s.
2. **Conserving land and energy resources.** The outward extension of low-density public infrastructure, from schools to freeways to sewers, effectively subsidizes sprawl. One way to reduce these costs is to invest in more densely populated communities, areas served by existing infrastructure and institutions, like schools.
3. **Renewing attractive, culturally rich communities.** California localities are working hard to create revitalized, vibrant neighborhoods. Designing walk-able public spaces and providing options for affordable housing and transportation connections is key to revitalizing California’s older neighborhoods. Educational institutions – from childcare centers to high schools – are important components, providing anchors for young families and serving as attractive public places.
4. **Planning democratically, thinking regionally.** Sustainability of effective schools and local economies will require participatory planning. Civic leaders, school board members, employers, and parents all hold a stake in raising the quality of public schools, and strengthening the social fabric of their neighborhoods through more supportive schools. Yet the design of new and renovated schools often occurs behind closed doors with little consultation. State leaders do incent joint-use projects in which school designers work with municipal partners to build schools linked to community-accessible libraries, gymnasias, and soccer fields. These are promising strategies, but remain the exception rather than the norm.

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<sup>6</sup> See HUD-DOT-EPA Interagency Partnership for Sustainable Communities, <http://www.epa.gov/dced/partnership/index.html>.

<sup>7</sup> Center for Cities & Schools and PACE. 2009. Smart Schools, Smart Growth: Investing in Education Facilities and Stronger Communities. Berkeley, CA: CC&S and PACE.

A foundation for planning infrastructure in line with these elements is found in Government Code 65041.1 outlining California’s planning priorities to promote equity, strengthen the economy, protect the environment, and promote public health and safety. Included in the priorities is promoting infill development and efficient development patterns.

While “sustainable communities” is a broad umbrella, one of California’s major initiatives to create them is through the Sustainable Communities and Climate Protection Act (SB 375). This landmark legislation aims to combat climate change through strategic infrastructure and land use investment, and represents a ground-breaking and historic step towards a cleaner, healthier, and more prosperous California.

## **E. Does California School Construction Support Sustainable Communities? Key Research Findings**

CC&S’s research on California’s local and state school construction infrastructure planning and investment finds important disconnects in supporting sustainable communities outcomes, presenting a major missed opportunity. Specifically, we find that in general:

### **1. The state policy framework supporting local collaboration for sustainable communities planning is complex and variable.**

- Many elements of the Government and Education Codes support local collaboration, including:
  - a) Government Code 65352.2 states, “It is the intent of the Legislature in enacting this section to foster improved communication and coordination between cities, counties, and school districts related to planning for school siting.” As such, these entities must notify each other of plan changes/amendments and provide time for comment and requested meeting.
  - b) Municipal general plans “shall include the following elements: (a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education...” (Government Code 65302).
  - c) California does have standards for school site selection as outlined in *California Code of Regulations, Title 5*, especially with regard to potentially hazardous sites and meeting educational appropriateness. School districts are also instructed that school sites should be selected to encourage walking, promote joint use of parks, libraries, museums and other public services, and be located near other public resources. While many of the health and safety criteria must be met, not meeting some of these additional criteria do not appear to be reasons for not getting project approval.
- However, other elements in the Government and Education codes foster conflicting dynamics between local jurisdictions and school districts:
  - a) School boards may exempt themselves from local zoning requirements with a two-thirds majority vote (Government Code Section 53094).

- b) Public school infrastructure planning is absent from California’s sweeping and transformative SB 375, which mandates a regional strategy for aligning land use and transportation planning.
- c) California does have minimum school site acreage recommendations, which, while being flexible, are often cited as a barrier to creating more dense local communities.

**2. School districts and municipalities rarely collaborate on land use and infrastructure investment.**

While some collaboration does exist, it appears it is not the norm and/or is tenuous.<sup>8</sup> We have found that a key obstacle is limited understanding of the planning processes across different local entities in California. The state-regulated planning processes on school planning, design, and construction are complex; local and regional government planners often have little knowledge of them. Similarly, school districts often do not have detailed knowledge of land use planning policies and practices. This creates and reinforces isolated planning practices. In other words, local entities often lack the capacity and knowledge to align planning. Three quotes from participants at our 2007 *Building Schools, Building Communities in California Forum* illustrate this finding:

- “We strived to get a city planner on our district master plan committee, but had no luck and the city’s general plan committee had no school district representative on it. They literally fax me the form about school capacity and I fax it back. That’s the planning process! There’s no integration of planning.” – CA school district facility planner.
- “Local practitioners don’t feel they have the information, the training, or even the knowledge to know how to collaborate...they need better training so they can be more accountable for their decisions about school facilities.” – CA city planner.
- “This idea of ‘schools as centers of community,’...I think it’s a really great idea, but all of the state laws don’t point to that.” – CA school district facility planner.

Another obstacle is the misperception about state policy. Even when districts and cities do work together, they can perceive state policies as obstacles. For example, as Emery Unified School District, the City of Emeryville, local business groups, and the local community work together to plan, design, and build the Emeryville Center of Community Life - integrating school and community services on one site and even within the same buildings - their interpretation of California law was that it stood in the way of their local partnership: they felt school districts were not authorized to enter into leases and agreements relating to real property and buildings to be used jointly by the district and a local governmental agency; they could only do so with a private person, firm, or corporation, pursuant to specified provisions. In response, AB 1080 was passed in Oct of this year allowing school districts and

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<sup>8</sup> McKoy, D. et al. 2008. “Integrating Infrastructure Planning: The Role of Schools.” ACCESS 33: 18-26; CC&S. 2007; “Building Schools, Building Communities: A Forum on the Role of State Policy in California.” UC Berkeley.

municipalities to enter into the types of joint occupancy agreements Emeryville was interested in.

- 3. California's public school construction spending has been inequitable.** Our research on California school construction spending between 1995 and 2004 found that school districts serving the lowest income students spent much less on school construction and renovation than higher income school districts. California's very low income school districts (75 percent or more of their students qualifying for free or reduced-price lunch) spent an average of \$3,746 per student over the decade compared to an average of \$7,062 in the high income school districts (less than 10 percent, qualifying for free or reduced-price lunch).<sup>9</sup> The inequities in public school facility spending have important consequences, particularly for our most disadvantaged students because a growing body of evidence finds that poor school building conditions can get in the way of student success and school quality.<sup>10</sup> Through the ability to prioritize funding, award hardship grants, and other policy levers, the State of California plays an important role in assisting local school districts in building new schools and in repairing and modernizing existing schools to best support student success and overcome the deeply entrenched achievement gap experienced by low-income, African American, and Latino students.

The common siloed planning practices locally are a function of many things, including very separate institutional cultures that are often buttressed by a multitude of intertwined state policies. All of these individual state policies add up to misalignment, a disconnect, and a big missed opportunity.

## **F. Aligning California's School Construction Investment to Support Sustainable Communities: Policy Recommendations**

As California takes the unprecedented move toward aligning all of its infrastructure investment, particularly with regard to meeting the climate change goals outlined in AB 32 and operationalized through bills like SB 375, public school infrastructure should be included. "Where we live and how we get to work, go about our daily business, and take our kids to school matters a great deal in the fight against climate change."<sup>11</sup> Schools influence the reputation, quality of life, and vitality of neighborhoods. As physical infrastructure, schools have significant impacts on land development, transportation patterns, housing prices, residential choices, and water and utility demands. The location of a school has a tremendous impact on students, teachers, families, neighborhoods, and the learning environment. Thus, smart school siting outcomes are an important element in a sustainable school infrastructure program:

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<sup>9</sup> Vincent, J.M. and Filardo, M.W. 2009. "School Construction Investments and Smart Growth in Two High-Growth States: Implications for Social Equity." Center for Cities & Schools and 21<sup>st</sup> Century School Fund, manuscript.

<sup>10</sup> Schneider, Mark. 2002. Do School Facilities Affect Academic Outcomes? Washington, DC: National Clearinghouse for Educational Facilities; Higgins S., H. E., Wall K., Woolner P., McCaughey, C. 2005. The impact of school environments: A literature review. The Design Council, 47.

<sup>11</sup> Adams, T. et al. 2009. "Communities Tackle Global Warming: A Guide to California's SB 375." Natural Resources Defense Council and California League of Conservation Voters.



- New or well-maintained school facilities can help revitalize distressed neighborhoods<sup>12</sup>
- Poor school siting and nearby land development patterns lead to increased travel to school by car or bus, rather than walking or bicycling – a reality that increases greenhouse gases and may contribute to childhood obesity<sup>13</sup>
- Poor school siting choices also often contributes to suburban sprawl and the loss of prime agricultural lands<sup>14</sup>
- The activities that occur in and around school buildings can help build neighborhood social capital and affect student achievement<sup>15</sup>

The prevalence of schools, as well as their location means that they need to be integrated into strategies aimed at reducing carbon emissions, focusing growth in infill areas, and conserving land.<sup>16</sup> In urban areas for example, schools contribute to much-needed green space and can amplify efforts to support healthy environments.

Given these relationships, the alignment of school infrastructure with other infrastructure is critical to California’s success in creating sustainable communities and providing high quality school environments for our children. California’s massive investment in school facilities should compliment and support its tandem goals of high quality education, closing the achievement gap, encouraging neighborhood revitalization, and meeting the climate change goals found in AB 32 and SB 375. California can realize this strategy through an aligned vision, policy supports, and local planning collaboration.

Based on our extensive research in this area, we provide the following policy recommendations, aimed at ensuring high-quality and sustainable schools and communities for California:

**Recommendation One:** Formally adopt a state vision for California’s ongoing major public investment in school construction that is connected to the state’s broader goals of educational, community, and regional growth and prosperity. The vision should connect:

- High quality educational outcomes
- Community reinvestment
- Sustainable regional growth

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<sup>12</sup> Local Government Commission. 2002. *New Schools for Older Neighborhoods: Strategies for Building our Communities’ Most Important Assets*. Sacramento, CA: Local Government Commission and National Association of Realtors. Weiss, Jonathan D. 2004. *Public Schools and Economic Development: What the research shows*. Cincinnati, Ohio: KnowledgeWorks Foundation.

<sup>13</sup> U.S. Environmental Protection Agency. 2003. *Travel and Environmental Implications of School Siting*. Washington, DC: EPA.

<sup>14</sup> Council of Educational Facility Planners International, Inc. and U.S. Environmental Protection Agency. 2004. *Schools for Successful Communities: An Element of Smart Growth*. Scottsdale, AZ: CEFPI.

<sup>15</sup> Blank, Martin J. Atelia Melville, and Bela P. Shah. 2003. *Making the Difference: Research and Practice in Community Schools*. Washington, DC: Coalition for Community Schools.

<sup>16</sup> U.S. Environmental Protection Agency. 2003. *Travel and Environmental Implications of School Siting*. Washington, DC: EPA.

- Sound infrastructure investment to support CA's climate protection goals

The CDE has already created a draft vision statement (dated October 9, 2009), following the recommendations from a recent statewide convening on school design policy.<sup>17</sup>

**Recommendation Two:** Establish strong state policy incentives to foster effective local school planning and construction collaboration, with guiding principles for sustainable communities as the foundation. These policy changes will likely require mandates and incentives. Three main components of this include:

1. CDE should formally adopt the guiding principles proposed with its draft vision statement (dated October 9, 2009).
2. Establish policy and funding opportunities to include school infrastructure planning in the Sustainable Communities Strategies (SCS) as part of SB375. Regional planning agencies need support, capacity-building, and incentives to structure their SCS processes in a way that encourages localities and school districts to plan together for high quality school facilities, sustainable communities, and educational equity, as part of the SCS process.
3. Establish state school construction funding priorities to meet educational AND sustainable community criteria. Key elements should include: prioritizing the modernization of existing schools, incentivizing selecting new school sites that are adjacent to new/planned infrastructure,<sup>18</sup> and increase support of local joint use projects.

State policy incentives for joint planning will help grow the will and ability of local leaders to work together.

**Recommendation Three:** Build the capacity for local school districts, municipalities, and regional agencies to plan together. While a large part of the challenge is making the needed policy change to support aligning infrastructure, the inertia from decades of siloed planning practices must also be overcome. State agencies can play a role in documenting and assessing the outcomes associated with our educational infrastructure investment, providing technical assistance to local governments and school districts, and highlighting best practices to guide local efforts.

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<sup>17</sup> California Department of Education, School Facilities Planning Division. 2009. Re-Visioning School Facility Planning and Design for the 21<sup>st</sup> Century: Creating Optimal Learning Environments. Roundtable Proceedings Report. Sacramento: CDE.

<sup>18</sup> According the Building Educational Success Together's Model Policies in Support of High Performance School Buildings for All Children (2006), "As school systems begin the process of selecting a site for a new school they should consider the following: (a) the proximity to the student population that will be served and the schools that will be relieved of the overcrowding, (b) the ability to maximize walking to the school by students, (c) the ability to maximize walk-ability to the school and site by the entire community, (d) the relationship between the site and other public facilities, (e) the availability of public water and sewer service, (f) the condition of the existing roads to serve the school site, and (g) the potential relationship between the school and the neighborhood and community."

## **G. Conclusion**

The two senate committees here today should work together to pursue comprehensive policy shifts for supporting school construction as key elements of sustainable communities in California. The cost of not doing so is too great. After ten years into the current School Facilities Program (SFP), the time is right to revisit its intentions alongside California's broad goals for high quality education and sustainable communities. Where California's new schools get located and the types of places they are designed to be will likely have profound effects on thousands of students, families, and neighborhoods across the state. The modernization of our 10,000 existing schools will affect millions more. Public school facility infrastructure spending may in fact be one of the most important public investments that impact families' quality of life and economic development in California communities for generations to come.

A sustainable California necessitates a new understanding of aligned infrastructure. And we have to be honest about how complex of an endeavor this will be. While it is complicated, it is entirely doable.