

**FACILITIES**

**SUBJECT: Site Selection and Development**

The Governing Board believes that a school site should serve the District's educational needs in accordance with the District's master plan as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

(cf. 1220 - Citizen Advisory Committees)  
(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

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

**Environmental Impact Investigation for the Site Selection Process**

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act whenever so required. When evaluating District projects, the CEQA Guidelines set forth in Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations shall be used. The District's evaluation of projects under CEQA may occur simultaneous with any environmental review required pursuant to Education Code Section 17213.1 or otherwise.

**Agricultural Land**

If the proposed site is in an area designated in a city or county (as applicable) general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with, as appropriate, the city or county, within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the district shall attempt to minimize any public health and safety issues

resulting from the neighboring agricultural uses that may affect students and employees at the site

The District may seek to overrule existing zoning ordinances for classroom facilities, as necessary, by utilizing the procedures set forth in Government Code Section 53094, including the adoption of a resolution by its Board, approved by a two-thirds vote of the Board's members, overruling such zoning. If a resolution is adopted by the Board to overrule zoning, the District shall provide the City and/or County, whichever has jurisdiction over the property, with notice of adoption of such resolution within 10 days.

### **Implementation**

The District's Superintendent shall develop administrative regulations for the purpose of implementing this Board Policy, and ensuring District compliance with the CEQA Guidelines and Education Code mandates related to school site acquisition.

#### Legal Reference:

##### EDUCATION CODE

17006 Definition of self-certifying district

17024 Prior written approval of CDE for selection of school site or construction of building

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17210-17224 General provisions (school sites)

17240-17245 New Schools Relief Act

17250.10-17250.50 Design-build contracts

17251-17253 Powers concerning buildings and building sites

17260-17268 Plans

17280-17317 Approvals

17565-17592.5 Board duties re management and control of school property

35271 Power to acquire and construct on adjacent property

35275 New school planning and design, re consultation with local recreation and park authorities

##### CODE OF CIVIL PROCEDURE

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

##### GOVERNMENT CODE

53094 Authority to render zoning ordinances inapplicable

65402 Acquisition or disposition of property

65995-65997 Developer fees

66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

##### HEALTH AND SAFETY CODE

44360 Risk assessment

##### PUBLIC RESOURCES CODE

21000-21177 Implementation of Environmental Quality Act

##### CODE OF REGULATIONS, TITLE 5

14001-14036 Minimum standards

CODE OF REGULATIONS, TITLE 14

15000-15209 Review and evaluation of EIRs and negative declarations

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 130 (1999)

Management Resources:

WEB SITES

CDE, School Facilities Planning Division: <http://www.cde.ca.gov/dmsbranch/sfpdiv>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov/>