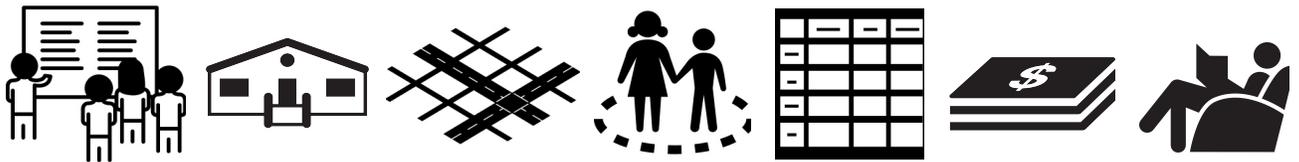


# Building Accountability

## A Review of State Standards and Requirements for K-12 Public School Facility Planning and Design

**Appendix B:** Detailed Description of K-12 Facility Standards in the Case Study States

**Appendix C:** Full Text of *California Code of Regulations*, Title 5 (as of January 1, 2016)



Jeffrey M. Vincent





The Center for Cities + Schools in the Institute of Urban and Regional Development at the University of California, Berkeley works to create opportunity-rich places where young people can be successful in and out of school. CC+S conducts policy research, engages youth in urban planning, and cultivates collaboration between city and school leaders to strengthen all communities by harnessing the potential of urban planning to close the opportunity gap and improve education.

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## **About this Report**

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# Building Accountability

## A Review of State Standards and Requirements for K-12 Public School Facility Planning and Design

Center for Cities + Schools  
University of California, Berkeley

March 2016

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## Appendix B: Detailed Description of K-12 Facility Standards in the Case Study States

### Case Study State K-12 School Facility Programs

#### California

School Facility Program: <http://www.dgs.ca.gov/opsc/Home.aspx>

California Department of Education, School Facilities and Transportation Services

Division: <http://www.cde.ca.gov/re/di/or/sfpd.asp>

#### Florida

Florida Department of Education, Educational Facilities:

<http://www.fldoe.org/finance/edual-facilities>

#### Maryland

Maryland Department of Education, School Facilities Branch:

[http://www.marylandpublicschools.org/msde/divisions/bus\\_svcs/sf/sfb.htm](http://www.marylandpublicschools.org/msde/divisions/bus_svcs/sf/sfb.htm)

Maryland Interagency Committee on School Construction:

<http://msa.maryland.gov/msa/mdmanual/08conoff/html/05scho.html>

#### Massachusetts

Massachusetts School Building Authority: <http://www.massschoolbuildings.org>

#### New Mexico

New Mexico Public School Facilities Authority: <http://www.nmpsfa.org>

#### New York

New York: New York State Education Department, Facilities Planning:

<http://www.p12.nysed.gov/facplan/>

#### Ohio

Ohio Facilities Construction Commission: <http://ofcc.ohio.gov>

#### Texas

Texas Education Agency, School Facility Funding and Standards:

[http://tea.texas.gov/Finance\\_and\\_Grants/State\\_Funding/Facilities\\_Funding\\_and\\_Standards/Facilities\\_Funding\\_and\\_Standards/](http://tea.texas.gov/Finance_and_Grants/State_Funding/Facilities_Funding_and_Standards/Facilities_Funding_and_Standards/)

#### Washington

Office of the Superintendent of Public Instruction, School Facilities:

<http://www.k12.wa.us/schFacilities/default.aspx>

*Note: State codes change periodically. All citations in paper were accurate at time of releasing this paper.*

## Educational Space Standards

**California.** General classroom, kindergarten and science laboratory size standards are set within Title 5 Regulations (Sections 14030(g)(1)(A), 14030(h)(2)(A), and 14030(i)(1)(A)). Generally, Title 5 is designed to allow local flexibility in planning and design. Exemptions to the standards may be granted if the district can provide justification consistent with the district's education program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms. The following exemption appears in the code: "At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any 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."

By policy, the California Department of Education supports the necessity of Essential Support Facilities such as libraries, gymnasias, multi-purpose rooms and administrative facilities. These facilities should be sized to accommodate the master planned enrollment.

Title 5 Regulations requires school districts to submit a board-approved educational specification for school design based on educational program. General classroom, kindergarten and science laboratory size standards are set within Title 5 Regulations (Sections 14030(g)(1)(A), 14030(h)(2)(A), and 14030(i)(1)(A)). Exemptions to the classroom design below the standards may be granted if the district can provide justification consistent with the district's education program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms.

**Minimum essential facilities defined:** Elements identified in regulation, space requirements not defined (Title 5, 14030(k)).

Projects not receiving state funding are not reviewed by the state. Locally funded projects required to meet Title 5 Regulations design standards (Title 5, Section 14033).

### **Reference:**

- California Code of Regulations, Title 5, Division 1, Chapter 13, Subchapter 1, School Facilities Construction, Article 4, Standards, Planning, and Approval of Facilities. 14030 (<http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>)
- *Educational Specifications: Linking Design of School Facilities to Educational Program* (<http://www.cde.ca.gov/ls/fa/sf/documents/edspeccs.pdf>)
- *Healthy Children Ready to Learn: Facilities Best Practices* (<http://www.cde.ca.gov/ls/fa/sf/documents/healthychildren.pdf>)

**Colorado.** Statute provides room type guidelines for many different common rooms in schools. These are mostly performance-based standards stating what facilities each room should accommodate (1 CCR 303(1) 4)). Statute provides limited guidelines for amount of space, but only in Career and Technical Education classrooms (1 CCR 303(1) 4.12.13) and for PK-12 rural schools (1 CCR 303(1) 4.13). These are guidelines and not required (1 CCR 303(1) 4.7-4.13).

**Minimum essential facilities defined:** Defined in statute, but not required (1 CCR 303(1) 4.7-4.13)

Projects not receiving state funding are not reviewed by the state.

**Reference:**

- Code of Colorado Regulations, Title 1, Department of Education, Section 303(1), Division of Public School Capital Construction Assistance, Public School Facility Construction Guidelines, Article 4.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6450&fileName=1%20CCR%20303-1>)

**Florida.** Chapter 6 of the State Requirements for Educational Facilities (SREF) document includes “Size of Space and Occupant Design Criteria” (statute can be found in Section 423, Florida Building Code). These criteria set minimum standards for educational space for new and renovated school facilities. Space and design criteria are also provided for many types of spaces, including general educational spaces, vocational-technical spaces, auxiliary spaces, ancillary spaces, and related spaces. School districts are to meet these requirements and submit plans to the Florida Department of Education (FDE) showing they have done so, but at no point does the state “approve” or “deny” submitted plans.<sup>1</sup>

**Minimum essential facilities defined:** None defined.

**Reference:**

- Section 423, Florida Building Code  
(<http://www.fldoe.org/core/fileparse.php/7738/urlt/0075747-fbc.pdf>)

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<sup>1</sup> From SREF 3.2: (1) Space Requirements. Boards, including those for Florida colleges and universities, and public broadcasting stations shall use the “Size of Space and Occupant Design Criteria” tables to develop educational specifications for projects funded from PECO, Lottery, General Revenue, or other state sources, and discretionary local capital outlay millage (1.5 mills). The net square footage as calculated from the table shall be used to determine the gross square footage as follows: (a) Electrical, communications, mechanical, and HVAC spaces shall not exceed six percent of the total net square footage. (b) General circulation, walls, covered walkways, and roof overhangs used as covered walkways shall not exceed: 1) Twenty-seven percent of the total net square footage for elementary schools: grades pre-K through grades five or six. 2) Thirty-two percent for middle schools and junior high schools: grades six through eight or nine. 3) Thirty-four percent for grades nine through postsecondary, including ancillary and broadcasting stations. (c) Open plan instructional space, add four square feet per student for egress/circulation.

- State Requirements for Educational Facilities (SREF), Chapter 6 (<http://www.fldoe.org/finance/edual-facilities/state-requirements-for-edual-facilitie>)
- The 2015 Florida Statutes, Title XLVIII, K-20 EDUCATION CODE, Chapter 1013, EDUCATIONAL FACILITIES, School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.1013.35 ([http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1013/Sections/1013.35.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1013/Sections/1013.35.html))

**Maryland.** Maryland does not dictate size of schools or space per student (but for funding purposes does define the eligible square footage per student for various building types). Instead, the state produces guidelines that state staff interpret and apply in collaboration with local school district planners. There are no specific requirements for the size of buildings or the number of square feet per student, but because the Interagency Committee (IAC) staff is involved in local planning early (including typically being a member of the local educational specifications committee), final plans are often consistent with IAC’s desired outcomes. The Maryland State Department of Education (MSDE) has the authority to block approval of a school that the agency felt had too limited a space program or omitted critical educational spaces – which would only impact state-funded projects and might lead to the possible withdrawal of state funding support.

**Minimum essential facilities defined:** Yes. Minimum facilities are defined in Title 13A01.02.05 and include only two required facilities elements: health services and physical activity. All schools must have school health services consistent with COMAR 13A.05.05.10 and schools built or renovated after January 1, 2013 must have specified physical education program facilities. Minimum physical education spaces required are: gymnasium; teacher office or planning area; equipment storage area, outdoor instructional playing field; and outdoor instructional hard surface area (no sizes given). However, the physical education requirements can be waived by the IAC due to size of school site, configuration of school site, and zoning.

**Reference:**

- Code of Maryland Regulations, Title 13A, State Board of Education, Subtitle 1, State School Administration, Section 2, State Superintendent of Schools, Article 5, Facilities Required in Public Schools. 13A01.02.05. (<http://www.dsd.state.md.us/comar/comarhtml/13a/13a.01.02.05.htm>)
- Code of Maryland Regulations, Title 13A, State Board of Education, Subtitle 5, Special Instructional Programs, Section 5, Programs of Pupil Services, Article, School Health Services – Health Facilities. 13A05.05.10. (<http://www.dsd.state.md.us/comar/comarhtml/13a/13a.05.05.10.htm>)
- Code of Maryland Regulations, Title 23, Board of Public Works, Subtitle 03, Public School Construction, Section 02, Administration of the Public School Construction Program, Article 6, Maximum State Construction Allocation. 23.03.02.06 (<http://www.dsd.state.md.us/comar/comarhtml/23/23.03.02.06.htm>)
- IAC Administrative Procedures Guide, Appendix 102.B (<http://www.pscp.state.md.us/APG/FIN%20%20APG%20SEC%20102%20Capital%20Improvement%20Program%20%209-27-13.pdf>)

- State guidelines on specific school spaces: Facilities Guidelines for Fine Arts Programs (2001); Facilities Guidelines for General Classroom Design (2005); Family and Consumer Sciences (2001); School Health Services: A Facility Planning & Design Guide (2002); A Practical Guide to Planning, Constructing, and Using School Courtyards (2012); Physical Education Facilities Guidelines For New Construction And Major Renovations (2011) ([http://www.marylandpublicschools.org/NR/rdonlyres/6561B955-9B4A-4924-90AE-F95662804D90/21289/Facilities\\_Emailorderform.pdf](http://www.marylandpublicschools.org/NR/rdonlyres/6561B955-9B4A-4924-90AE-F95662804D90/21289/Facilities_Emailorderform.pdf))
- Note: There are a few other guidelines documents that date to the 1990s. The MSDE is currently working on updated technology guidelines. All of these are voluntary.

**Massachusetts.** Massachusetts has detailed guidelines for educational spaces. Gross square footage per student allowances are given and tables of gross square footage per student for various enrollments are included. The state also provides a Space Summary Template spreadsheet for school districts to calculate what spaces should be included in all schools and the recommended size of those spaces. Minimum and maximum core classroom net square feet per student are also established. A maximum grossing factor is also established (1.50). The state will not fund projects that exceed this grossing factor.

The state also provides guidelines for gross square footage per pupil for vocational technical schools (225 square feet), special education spaces, and educational collaborative spaces. The state also has guidelines for science lab spaces.

The guidelines are flexible, but school districts must provide justification for any variance from the space standards. The Massachusetts School Building Authority (MSBA) staff are given significant discretionary power to work with school districts on project specifics to meet state guidelines. New construction projects with classroom sizes smaller than the guidelines are rarely, if ever, approved for state funding.

***Minimum essential facilities defined:*** Yes. The MSBA's Space Summary Template (Excel file) is based on the MSBA Educational Program & Space Standard Guidelines and apply only to state-funded projects. The district and its team collaborate with the MSBA to document their educational program, generate an initial space summary, document existing conditions, establish design parameters, develop and evaluate alternatives, and recommend the most cost effective and educationally appropriate preferred solution to the MSBA Board of Directors for their consideration.

The MSBA only reviews projects that they have invited into the state funding program each year.

***Reference:***

- Code of Massachusetts Regulations, Title 963, Massachusetts School Building Authority, Section 2.00, School building Grant Program. MSBA Educational Program Space Standards and Guidelines. (<http://www.mass.gov/courts/docs/lib/900-999cmr/963cmr2.pdf>)
- Space Summary Template

([http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Build%20With%20Us/Module%203%20-%20Feasibility%20Study/MSBA%20Space%20Summary%20Templates%20Rev3%2011\\_24\\_10.xls](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Build%20With%20Us/Module%203%20-%20Feasibility%20Study/MSBA%20Space%20Summary%20Templates%20Rev3%2011_24_10.xls))

- Science Labs Guidelines  
([http://www.massschoolbuildings.org/programs/science\\_lab/guidelines](http://www.massschoolbuildings.org/programs/science_lab/guidelines))
- Schematic Design Guidelines  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building\\_With\\_Us/Schematic\\_Design/Mod4\\_Schematic\\_Design\\_Guidelines.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building_With_Us/Schematic_Design/Mod4_Schematic_Design_Guidelines.pdf))

**New Mexico.** New Mexico’s Adequacy Standards provide minimum net square footages and facility attributes for different types of classrooms and other educational spaces for different grade levels, including specialty classrooms, physical education, libraries, media centers, food service areas, storage, custodial and other spaces. Maximum building gross square footage (GSF) per student have also been established (see Appendix A of the Adequacy Standards Guidelines). The state administrative code does allow the New Mexico Public School Facilities Authority (NMPSFA) to issue a variance to any standard if it feels the local school district has met the intent of the standard in an alternate manner (6.27.30.22 NMAC). The standards also clearly state what facilities elements the state will not fund, including stadiums or athletic facilities and places limits on the gross space per student that will be funded with state dollars. In general, any features “above adequacy” are allowed, but the school district must bear 100% of the cost.

In addition to net and gross space standards, New Mexico also has guidelines on “tare” (defined as the “left over” non-assignable space), which is limited to 30% of the gross square footage. The ratio of net square footage (NSF)/GSF is called the building efficiency. Building efficiencies vary depending on the specific building design and variables such as school level, number of students, climate and programmatic requirements.

***Minimum essential facilities defined:*** Yes. Defined in the Adequacy Standards

***Reference:***

- New Mexico Administrative Code, Title 6, PRIMARY AND SECONDARY EDUCATION, Chapter 27, Public School Capital Outlay Council, Part 30.13, Statewide Adequacy Standards  
(<http://164.64.110.239/nmac/parts/title06/06.027.0030.htm>)
- Adequacy Standards Guidelines, Appendix A  
([http://ped.state.nm.us/ped/CODocuments/Adequacy\\_Planning\\_Guide\\_12-14-07\\_Chg\\_4.pdf](http://ped.state.nm.us/ped/CODocuments/Adequacy_Planning_Guide_12-14-07_Chg_4.pdf))
- Space Summary Template  
([http://www.nmpsfa.org/pdf/Adequacy/SpaceSummary\\_Template\\_FinalFeb2013.xls](http://www.nmpsfa.org/pdf/Adequacy/SpaceSummary_Template_FinalFeb2013.xls))
- Educational Specification Resource Manual  
([http://www.nmpsfa.org/pdf/planning/EdSpec/PSFA\\_Educational\\_Specifcation\\_Resource\\_Document-051409.pdf](http://www.nmpsfa.org/pdf/planning/EdSpec/PSFA_Educational_Specifcation_Resource_Document-051409.pdf))

- Educational Specifications Checklist  
([http://www.nmpsfa.org/pdf/MasterPlan/ED\\_Spec\\_Review\\_Checklist\\_6-17-2015.pdf](http://www.nmpsfa.org/pdf/MasterPlan/ED_Spec_Review_Checklist_6-17-2015.pdf))
- Elementary, Middle and High School Utilization Worksheets  
([http://www.nmpsfa.org/pdf/MasterPlan/Elementary\\_Utilization\\_Worksheet-Rev.1-042809.xls](http://www.nmpsfa.org/pdf/MasterPlan/Elementary_Utilization_Worksheet-Rev.1-042809.xls))
- Design Standards  
([http://www.nmpsfa.org/facility\\_planning/design\\_standards.htm](http://www.nmpsfa.org/facility_planning/design_standards.htm))

**New York.** New York’s Manual of Planning Standards (2014) contains both minimum requirements that must be followed and recommendations that are optional. The Manual is very clear in delineating between the two. Funding applications must include an Instructional Space Review Form, signed by the Superintendent of Schools, the District Superintendent, and the Regional Associate for Special Education. Funding application packets are not required to contain a full educational specification but must include a signed Instructional Space Review Form. Classroom space standards are provided for elementary schools (grades 1-6): 770 square feet (27 BAU/room). For middle and high schools, no space standards for classrooms are given, but minimum square footages provided for other spaces, including agricultural shop, art room, business and computer classrooms, homemaking, technology classrooms, library reading room, physical education, recitation room, science rooms, and study hall are provided.

**Minimum essential facilities defined:** Yes. Defined in the Manual of Planning Standards.

**Reference:**

- State Building Aid Guidelines. (State Building Aid for Public School Districts and BOCES, July 2004 memo from Carl T. Thurnau).  
([http://www.p12.nysed.gov/facplan/publicat/building\\_aid\\_guidelines\\_072804.html](http://www.p12.nysed.gov/facplan/publicat/building_aid_guidelines_072804.html))
- Manual of Planning Standards  
(<http://www.p12.nysed.gov/facplan/documents/MPS-2014.pdf>)
- Instructional Space Review Form  
([http://www.p12.nysed.gov/facplan/forms/ISR02\\_041906.pdf](http://www.p12.nysed.gov/facplan/forms/ISR02_041906.pdf))

**Ohio.** The Ohio School Design Manual (OSDM) provides detailed space standards for schools, including gross square feet for new facilities (Chapter 2) as well as space standards for different types of spaces (Chapters 4, 5, and 6). The state provides a Summary of Spaces worksheet for school district planning. The worksheet enables school districts to enter in the total number of students to be enrolled, which is multiplied by the state standard on square feet per student for that total enrollment level, to arrive at a total square footage for the building. Meeting the standards in the OSDM is required for state-funded projects, but the state does allow for a 10% +/- tolerance for prescribed square footages. If a project exceeds the state’s space standards, the local school district funds the entire overage. Projects funded entirely at the local level are not required to follow the OSDM space standards.

Notable in Ohio's facility standards related to educational space is that a new section was added to the Ohio School Design Manual in 2012, called the "High Performance Learning Environments" (Section 1120). The new guideline, aimed at building "facilities responsive to meeting the needs of teaching and learning in the 21<sup>st</sup> century" (pg. 0111-1), distinguishes between three types of learning environments: "Traditional Learning Environments (TLE)," "Student Centered Learning Environments (SCLE)," and Blended Learning Environments (BLE)." Learning environments containing multiple approaches are referred to as "High Performance Learning Environments (HPLE's)." The OSDM provides design concepts for each of these types and specifies minimum prerequisite attributes that MUST be incorporated regardless of type being designed, under the following categories: agile/instantly flexible, comfort, ambiance, technology/connectivity, places, integrated sustainability. The intent of these guidelines is to offer examples of adaptable learning environments that meet ever-changing educational program.

**Minimum essential facilities defined:** Yes. Defined in the Ohio School Design Manual (OSDM).

**Reference:**

- Ohio Revised Code, Title XXXIII, EDUCATION, Chapter 3301, Department of Education, Section 79(J)(1), Academic Standards – Model Curriculum & Chapter 3302, Performance Standards, Section 41.  
(<http://codes.ohio.gov/orc/3301.079>)
- Blended Learning: Section 3301.079 defines "Blended Learning"; 1120-6 Ohio School Design Manual  
([http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2011/2011\\_OSDM\\_CH01-2\\_1100-1400.pdf](http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2011/2011_OSDM_CH01-2_1100-1400.pdf))
- Ohio School Design Manual, Chapters 2, 4, 5, and 6  
(<ftp://ftp.osfc.ohio.gov/Communications/OSDM/2013/OSDM2013FullVersion.pdf>)
- Summary of Spaces Worksheet found in the Ohio School Design Manual, page 29.

**Texas.** While state statute grants substantial local flexibility, Texas does provide minimum square feet standards for regular classrooms and specialty spaces. School districts are also instructed to consider the School Library Standards and Guidelines in the Texas Education Code §33.021 as a guide. Additional space guidelines are provided for "nontraditional, alternative, sustainable, and/or innovative school designs" (19.2.61.CC.d.6). The rules direct districts to comply with the standards; they are not intended as "advisory." The language in the rules is "shall" rather than "may." Schools that receive IFA funds provide assurances that they have met the facilities standards. The standards also state that school districts are responsible for following local building ordinances.<sup>2</sup> Educational adequacy is determined locally: "A proposed new school

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<sup>2</sup> "A school district located in an area that has adopted local construction codes shall comply with those codes (including building, fire, plumbing, mechanical, fuel gas, energy conservation, and electrical codes). The school district is not required to seek additional plan review of school facilities projects other than what is required by the local building authority. If the local building authority does not require a plan review, then a qualified, independent third party, not employed

facility or major space renovation of an existing school facility meets the conditions of educational adequacy if the design of the proposed project is based on the requirements of the school district's educational program, the educational specifications, and the student population that it serves” (19.2.61.CC.e). The Texas Education Agency (TEA) has limited authority over compliance with the standards, they can disallow a school district to place children in a building that is deemed unsafe and if they felt a state-funded school facilities was not built in compliance with the standards, they could recover state funds. School districts that receive state facility funds must provide assurances that they have met the facilities standards.

***Minimum essential facilities defined:*** None defined

***Reference:***

- 19 Texas Administrative Code §61.1036, School Facilities Standards for Construction. (<http://ritter.tea.state.tx.us/rules/tac/chapter061/ch61cc.html>)
- Texas Education Code §33.021, School Library Standards and Guidelines. (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.33.htm>)
- Texas Administrative Code, Title 19, EDUCATION, Part 2, Chapter 61, Subchapter CC, COMMISSIONER’S RULES CONCERNING SCHOOL FACILITIES, Sections D.6 and E. 19.2.61.CC.D.6 and 19.2.61.CC.E. ([https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=T&app=9&p\\_dir=F&p\\_rloc=138259&p\\_tloc=14963&p\\_ploc=1&pg=2&p\\_tac=&ti=19&pt=2&ch=61&rl=1036](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=F&p_rloc=138259&p_tloc=14963&p_ploc=1&pg=2&p_tac=&ti=19&pt=2&ch=61&rl=1036))

**Washington.** Washington State sets space thresholds on three grade spans: K-6 at 90 SF per student; 7-8 at 117 SF per student; and 9-12 at 130 SF per student. These are primarily used only for projects receiving state funding – the student space allocation (SSA) serves as a “threshold” for funding and should not to be misinterpreted as a space standard, per se. The state legislature controls sets the space threshold as a means to cap the state’s total K-12 facilities capital cost. The OSPI works with school districts to calculate space eligibility rates compared to the square footage per student funding thresholds, to determine space needs in school construction projects. Other space thresholds include: K-12 grade classrooms planned for the exclusive use of students with development disabilities (at 144 square feet/student); vocational skill centers (140 square feet per one-half enrolled student); and small high schools (37,000-52,000 gross

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by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. The plan review shall examine compliance conditions for emergency egress, fire protection, structural integrity, life safety, plumbing, energy conservation, and mechanical and electrical design” (19.2.61.CC.f.1.A).

“A school district located in an area that has not adopted local building codes shall adopt and use the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes from the latest edition of the family of International Codes as published by the ICC; and the National Electric Code as published by the NFPA. As an alternative, a school district may adopt the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes as adopted by a nearby municipality or county. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code” (19.2.61.CC.f.2.A).

square per facility). State guidelines point to the American Institute of Architects, Document D1010, *The Architectural Area and Volume of Buildings*, latest edition as the guide for calculating gross square footage area, with other direction to further define funding instructional square foot area.

**Minimum essential facilities defined:** None defined

**Reference:**

- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapter 343, State funding assistance in providing school plant facilities, Section 19, Definition – Instructional space. WAC 392-343-019. (<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-343-019>)
- Manual of Facilities Planning, pg 92 (<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf>)

## Indoor Human Comfort/Environmental Quality Standards

**California.** Title 5 standards (14030 (l) and (m) respectively address the need for well lighted and acoustically appropriate learning spaces. No specific lighting or acoustical standards are presented in Title 5 and in practice, LEAs comply with applicable standards in the building code (Title 24) ventilation, temperature control, lighting and sound transmission or professional standards common to the industry.

The CDE advises districts to use the tools provided by the U.S. EPA , CHPS and other professional associations provide best practice recommendations the various components of Indoor Environmental Quality.

The areas of Indoor Environmental Quality – Indoor Air Quality, Thermal Comfort, Acoustical Comfort, and adequate Lighting/Daylighting in Title 5 section 14030:

- 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:

- a. The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place in this classroom.
- b. Sound is transmitted without interfering with adjoining instructional spaces; e.g., room partitions are acoustically designed to minimize noise.
- c. The ventilation system does not transmit an inordinate sound level to the instructional program.

**Reference:**

- California Building Code, Title 24, Part 2, Chapter 12, Interior Environment, Sections 1203 (Ventilation), 1204 (Temperature Control), 1205 (Lighting), 1207 (Sound Transmission)  
([http://www.ecodes.biz/ecodes\\_support/free\\_resources/2013California/13Building/PDFs/Chapter%2012%20-%20Interior%20Environment.pdf](http://www.ecodes.biz/ecodes_support/free_resources/2013California/13Building/PDFs/Chapter%2012%20-%20Interior%20Environment.pdf))
- US EPA - Tools for Schools. Use the *IAQ Tools for Schools* Framework and sustain an effective and comprehensive indoor air quality (IAQ) management program or other overall health and safety initiatives.  
(<http://www.epa.gov/iaq/schools/>)
- Collaborative for High Performance Schools (CHPS) - Maintenance Standards and/or Guidelines for Existing School Facilities. (<http://www.chps.net/dev/Drupal/node/27>)

**Colorado.** Colorado’s indoor comfort standards are found in section three of the Construction Guidelines, which focus on energy efficiency of schools (1 CCR 303(1.3)). The guidelines aim to “promote school design and facility management that implements the current version of “Leadership in Energy and Environmental Design” (LEED for schools) or “Colorado Collaborative for High Performance Schools” (CO-CHPS), green building and energy efficiency performance standards, or other programs that comply with the Office of the State Architects “High Performance Certification Program” (HPCP), reduces operations and maintenance efforts, relieves operational cost, and extends the service life of the districts capital assets...” 1 CCR 303(1)(5). Lighting standard points to “RP-3-00 Lighting for Educational Facilities” by the Illumination Engineering Society of North America (IESNA) (1 CCR 303 (1.3.10)). Thermal comfort and air quality standards reference meeting ASHRAE standard 55 (1 CCR 303 (3.11-.12)).

**Reference:**

- 1 CCR 303(1.3)  
Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(1), Division of Public School Capital Construction Assistance, PUBLIC SCHOOL FACILITY CONSTRUCTION GUIDELINES, Article 3.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6450&fileName=1%20CCR%20303-1>)
- Colorado Collaborative for High Performance Schools (CO-CHPS)  
(<http://www.chps.net/dev/Drupal/node/37>)

**Florida:** Florida’s indoor comfort standards are linked to high performance building requirements. Florida statute (255.2575) requires that all schools be constructed to meet one of three green building standards approved by the Department of

Management Services (USGBC, LEED for Schools, or Green Globes). The State Requirements for Educational Facilities (SREF) manual also states that “Classroom illumination shall be designed to provide and maintain an average of 40 foot candles of light at each desktop. Light-emitting diode lighting shall be considered first before other lighting sources...” (pg 40).

**Reference:**

- The 2015 Florida Statutes, Title XVIII, PUBLIC LANDS AND PROPERTY, Chapter 255, PUBLIC PROPERTY AND PUBLICLY OWNED BUILDINGS, 255.2575, Energy-efficient and sustainable buildings.  
([http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.2575.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.2575.html))

**Maryland.** Maryland does not have specific indoor comfort standards, but all new schools (and replacement schools in which 80% or more of the final square footage is new) receiving State capital construction funding shall be high performance schools unless waived by the Interagency Committee on School Construction (IAC) (IAC Administrative Procedures 105). A high performance school is defined as meeting or exceeding the requirements for a Silver rating in the LEED (Leadership in Energy and Environmental Design) for Schools rating system of the United States Green Building Council (USGBC), or achieves at least a comparable numeric rating according to a nationally recognized numeric sustainable rating system, guideline, or standard approved by the Secretaries of the Department of General Services and the Department of Budget and Management on the recommendation of the Maryland Green Building Council (in which the IAC participates). Certification shall be performed by a third party and is a requirement for compliance with state statute, regulation, and this procedure. In the 2014 session, the General Assembly established compliance with a green construction code as an alternative path to high performance certification; the code must be recommended by the Maryland Green Building Council and approved by the two Secretaries. A modified version of the International Green Construction Code (LGCC) is now under review by the Council and will be presented to the Secretaries in the autumn of 2014.

**Reference:**

- IAC Administrative Procedures 105  
(<http://www.pscp.state.md.us/APG/FIN%20APG%20SEC%20105%20High%20Performance%20Schools%209-27-13.pdf>)
- Classroom Acoustics Guidelines (2006)  
([http://www.marylandpublicschools.org/NR/rdonlyres/760341FA-4179-4764-9154-306EF236CFE6/35211/SchoolFacilitiesGuidelinesOrderForm\\_2013\\_.pdf](http://www.marylandpublicschools.org/NR/rdonlyres/760341FA-4179-4764-9154-306EF236CFE6/35211/SchoolFacilitiesGuidelinesOrderForm_2013_.pdf))
- Conserving and Enhancing the Natural Environment on New and Existing School Sites (1999)  
([http://www.marylandpublicschools.org/NR/rdonlyres/760341FA-4179-4764-9154-306EF236CFE6/35211/SchoolFacilitiesGuidelinesOrderForm\\_2013\\_.pdf](http://www.marylandpublicschools.org/NR/rdonlyres/760341FA-4179-4764-9154-306EF236CFE6/35211/SchoolFacilitiesGuidelinesOrderForm_2013_.pdf))
- State Finance and Procurement Article 3–602.1 (Chapter 589, Laws of 2014)

**Massachusetts.** Massachusetts’s indoor comfort standards are linked to high performance building requirements. All school construction and renovation projects funded by the state must achieve at least the lowest level of LEED for Schools or Massachusetts CHIPS, which, among other things, provides requirements for minimum environmental conditions such as lighting, acoustics, and thermal comfort. State statute also has detailed, sometimes quantifiable, standards on indoor air quality (963 CMR 2.04(2)).

**Reference:**

- Indoor Air Quality Guidelines, Massachusetts School Building Authority ([http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Documents/Guidelines\\_Policies/Indoor\\_Air\\_Quality\\_Guidelines.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Documents/Guidelines_Policies/Indoor_Air_Quality_Guidelines.pdf))
- Green School Criteria, Massachusetts Collaborative High Performance Schools (MA-CHPS) ([http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines\\_Forms/Guidelines\\_Policies/MA-CHPS\\_Green\\_School\\_Guidelines\\_2009.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines_Forms/Guidelines_Policies/MA-CHPS_Green_School_Guidelines_2009.pdf))

**New Mexico.** New Mexico’s Adequacy Standards and Adequacy Planning Guide include some indoor comfort standards and instruct school districts to utilize sustainable design, construction and operation practices. Specifically, the standards address classroom lighting, temperature and air, and acoustics (6.27.30.12 NMAC). “Classroom lighting (1) Each general and specialty classroom shall have a light system capable of maintaining at least 50 foot-candles of well-distributed light. Provide appropriate task lighting in specialty classrooms where enhanced visibility is required. (2) The light level shall be measured at a work surface located in the approximate center of the classroom, between clean light fixtures. D. Classroom temperature (1) Each general and specialty classroom shall have a heating, ventilation and air conditioning (HVAC) system capable of maintaining a temperature between 68 and 75 degrees Fahrenheit with full occupancy. (2) The temperature shall be measured at a work surface in the approximate center of the classroom. E. Classroom acoustics (1) Each general and specialty classroom shall be maintainable at a sustained background sound level of less than 55 decibels [guidelines further require reverberation times in classrooms with a range of 0.4 to 0.6 seconds]. (2) The sound level shall be measured at a work surface in the approximate center of the classroom. F. Classroom air quality (1) Each general, science and arts classroom shall have an HVAC system that continually moves air and is capable of maintaining a CO2 level of not more than 1,200 parts per million. (2) The air quality shall be measured at a work surface in the approximate center of the classroom.” The guide says that schools shall meet air infiltration guidelines per the ASHRAE standard 62.1. The Guide also states that “School buildings must be designed to optimize energy use and minimize utility costs, mainly by complying with the ‘PSFA Design Guidelines for HVAC and Controls’ (Appendix B of the PSFA HVAC and Controls Performance Assurance Program).”

**Reference:**

- New Mexico Administrative Code, Title 6, PRIMARY AND SECONDARY EDUCATION, Chapter 27, PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL, Part 30.12, STATEWIDE ADEQUACY STANDARDS (<http://164.64.110.239/nmac/parts/title06/06.027.0030.htm>)

**New York.** Part III of New York’s Manual of Planning Standards contains standards on Environment, including visual, acoustical, and indoor air quality. For the visual environment, the Manual provides guidelines on artificial lighting requirements, recommended limits of brightness ratios<sup>3</sup>, vision strips, natural lighting<sup>4</sup>, window placement/orientation requirements. For acoustical, the Manual provides guidelines on achieving acoustic control inside facilities, addressing room acoustics, sound isolation, and mechanical/electrical noise control, encouraging school officials and designers to achieve the background noise levels, reverberation times, and sound isolation standards recommended by the ANSI (American National Standard Institute) Standard entitled ‘Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools’ (ANSI/ASA S12.60-latest version) for all core learning areas. For indoor air quality, the Manual provides numerous specific standards, stating that “ventilation systems shall be designed to prevent re-entrainment of exhaust contaminants, condensation or freeze-ups (or both) and growth of microorganisms. Air intakes, relief air outlets and exhaust air outlets shall be located to avoid contamination of the ventilation (outside) air.”<sup>5</sup> Standards addressed are air intakes, filter efficiency, air flow stations, building pressurization, equipment locations, equipment access, HVAC labeling, radon, shell penetration barrier, entry mat barriers, HVAC selection, ducts, and indoor air quality during construction.

In 1994, the state adopted guiding principles for environmental quality in schools: “Every child has a right to an environmentally safe and healthy learning environment which is clean and in good repair; Every child, parent, and school employee has a ‘right to know’ about environmental health issues and hazards in their school environment; School officials and appropriate public agencies should be held accountable for environmental safe and healthy school facilities; Schools should serve as role models for environmentally responsible behavior; and Federal, State, local, and private sector entities should work together to ensure that resources are used effectively and efficiently to address environmental health and safety concerns.”<sup>6</sup>

New York has moved toward aligning with the environmental standards in high performance criteria. In 2007, New York established voluntary High Performance Schools Guidelines (NY-CHPS) as a guideline and resource to be utilized in the design, construction, and maintenance of facilities.<sup>7</sup> The guidelines were prepared with support

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<sup>3</sup> Foot candle requirements p. 76 & 77

<sup>4</sup> p. 37

<sup>5</sup> S305-1 General – p. 42

<sup>6</sup> [http://www.p12.nysed.gov/facplan/policy/environmental\\_quality\\_schools.html](http://www.p12.nysed.gov/facplan/policy/environmental_quality_schools.html)

<sup>7</sup> p. 14 S11-1 General (a)

from New York State Energy Research and Development Authority and The Collaborative for High Performance Schools, Inc. The guidelines are based on national CHPS guidelines and stress that it is “imperative that buildings be designed to operate efficiently, use materials wisely, are attractive and conserve environmental and monetary resources.” The NYSED strongly encourages school districts to utilize the design concepts in the guidelines, but does not require them.

**Reference:**

- Manual of Planning Standards, Part III and General Provisions<sup>8</sup>  
(<http://www.p12.nysed.gov/facplan/documents/MPS-2014.pdf>)
- New York CHPS Guidelines  
([http://www.p12.nysed.gov/facplan/documents/NY-CHPS\\_Sep2007finalNYSERDA.doc](http://www.p12.nysed.gov/facplan/documents/NY-CHPS_Sep2007finalNYSERDA.doc))

**Ohio.** Ohio’s indoor comfort standards are linked to high performance building requirements. State-funded K-12 school projects must achieve at least LEED Silver, which sets the guidelines for energy-efficiency and environmental design. The Ohio School Design Manual (OSDM) provides additional guidelines on indoor air quality, comfort, and daylighting.

**Reference:**

- Ohio School Design Manual  
(<ftp://ftp.osfc.ohio.gov/Communications/OSDM/2013/OSDM2013FullVersion.pdf>)

**Texas.** State standards do not address specific environmental design standards for energy-efficiency but §44.902 of the Texas Education Code notes that local school districts “shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan.” The State Energy Conservation Office oversees compliance.

**Reference:**

- Texas Education Code, Section 44.902  
(<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.44.htm#44.902>)
- State Energy Conservation Office  
(<http://www.seco.cpa.state.tx.us/energy-reporting/schools.php>)

**Washington.** Washington’s indoor comfort standards have links to high performance building requirements. Major construction projects receiving state funding must meet high performance standards in either the Washington Sustainable Schools Protocol (WSSP) or the U.S. Green Building Council’s LEED (“Leadership in Energy and Environmental Design”) for Schools.

**Reference:**

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<sup>8</sup> p.14

- Revised Code of Washington, Chapter 39.35D, High-Performance Public Buildings (<http://apps.leg.wa.gov/rcw/default.aspx?cite=39.35d&full=true>)
- School Facilities Manual, pg 13-14 (<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf>)
- Washington Sustainable Schools Protocol (WSSP) (<http://www.k12.wa.us/SchFacilities/Programs/HighPerformanceSchools/WSSP2015EditionCriteria.pdf>)

## School Siting Standards

**California.** The selection of school sites is a Local Educational Agency (LEA – school district, county office of education and charter entity) decision, and LEAs are required to meet a variety of statutory and regulatory requirements. In selecting and evaluating potential sites districts may, but are not required, to use an advisory committee (Ed. Code §17211).

The codes and regulations prescribe various hazards that must be avoided, analyzed or mitigated prior to acquisition/lease of a site, including but not limited to high-voltage power lines, potentially hazardous pipelines, railroad tracks, fuel storage tanks, high-volume roads or freeways, compatibility of surrounding zoning, and a number of geologic and environmental hazards.

Title 5 regulations require that the net usage acreage and enrollment for a new school be consistent with that contained in CDE’s “Guide to School Site Analysis and Development 2000” unless sufficient land is not available or other specified circumstances exist and the district is able to demonstrate how the students will be provided an adequate educational program including physical education. In practice, most of the sites selected by districts, particularly those in urban areas, are smaller than contained in the Guide with multi-story, shared uses and compact design being common elements that allow for reduced sized sites. In addition, districts can document exemptions to any Title 5 standard if they demonstrate that mitigation overrides that standard without compromising a safe and supportive school environment.

School districts applying for state funding for school site acquisition must receive CDE approval (Ed Code §17070.50) for compliance with standards and procedures in Title 5. District’s not requesting state funds must follow the applicable laws and regulations but are not required to receive CDE written approval. CDE has the authority to investigate complaints of non-compliance with Title 5 (Ed. Code §17251b).

LEAs must comply with local city/county zoning, however by 2/3<sup>rd</sup> vote of their governing board a school district may, after meeting notification requirements, render zoning inapplicable for classroom use of property except in designed farmland zones (Government Code §53094 and §51296.4).

School districts and County Offices of Education also have the power of eminent domain (Ed. Codes 1047 and 35270.5) and may act as Lead Agency for purposes of complying with environmental review requirements.

Additional school district planning procedures that must be followed prior to site acquisition regardless of funding sources include:

- Prior notification of city/county planning commission of proposed school site acquisition for their investigation and recommendations (Public Resources Code §21151.2), and for planning agency review for project consistency with the general plan (Gov. Code §65402c), and for consultation if site is in an area general planned and zoned for agricultural use production (Ed. Code §17215.5) and additional notifications and findings if within an agricultural preserve (Gov. Code §51291 and 2)
- Meeting with local government recreation and park authorities to review all possible methods of coordinating planning (Ed. Code §35275)
- Approval by the Division of Aeronautics if a proposed site is within 2 nautical miles of an airport runway (Ed. Code §17215) pursuant to noise and safety regulation criteria (Title 21) and notification to the Airport Land Use Commission (Public Utilities Code §21676). If the Division of Aeronautics objects to the site, no local or state funds may be expended on that site.
- Completion of the project's environmental impact review which for nonexempt projects must include specified school health and safety findings, including consultation with administering agencies regarding nearby hazardous air emitters/material handlers (Public Resources Code §21151.8, Ed. Code §17213 and §17268) and other on-site hazards.
- District governing board hearing for evaluation of a proposed site using Title 5 siting criteria (Ed. Code §17211)
- Investigation of the site with competent personnel, including geological and soil engineering studies, to ensure site selection is determination by an evaluation of all factors affecting public interest and is not limited on the basis of raw land costs only (Ed. Code §17212, §17212.5)
- Notification of city/county planning commission prior to school district completion of a Master Plan or other plan relating to the expansion of existing sites or acquisition of new sites and meeting to consider coordination and options if requested (Gov. Code §65352.2)

The California Department of Education provides detailed guidelines on many outdoor space types and net acreages for various total enrollments in elementary schools, middle schools, and high schools in the document "School Site Analysis and Development." The net acreage of the site must be consistent with the standards outlined herein. Additionally, guideline is given on site shape: the length-to-width ratio

should not exceed 2:1. The Title 5 standards are requirements that can be adjusted under specific circumstances or via a waiver.

**Reference:**

- California Code of Regulations, Title 5, Department of Education (<http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>)
- Guide to School Site Analysis and Development, 2000 (Analysis for Level 3 Fees) (<http://www.cde.ca.gov/ls/fa/sf/documents/schoolsiteanalysis2000.pdf>)
- School Site Selection and Approval Guide, 2000 (<http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp>)

**Colorado.** Colorado’s school siting standards can be found in Sections One, Two, and Three of the Construction Guidelines. Like the other school facility standards in Colorado, these function as guidelines, not hard requirements. They do not contain standards on specific site sizes. The standards state that new school sites “should take into consideration: topography, vehicle access, soil characteristics, site utilities, site preparation, easements/rights of way, environmental restrictions, and aesthetic considerations....Local school site guidelines will be followed in acquiring and developing school sites” (1 CCR 303(1) 4.7). Statute states that new school sites should not be “adjacent or close to hazardous waste disposal sites, industrial manufacturing plants, gas wells, railroad tracks, major highways, liquor stores or other adult establishments, landfills, waste water treatment plants, chemical plants, electrical power stations and power easements, or other uses that would cause safety or health issues to the inhabitants of the school” (1 CCR 303(1) 3.19.1). Statute does not provide minimum proximity distances.

School districts in Colorado are enabled to adopt their own school site size guidelines in acquiring and developing school sites. Otherwise, state guidelines apply.

**Reference:**

- Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(1), Division of Public School Capital Construction Assistance, PUBLIC SCHOOL FACILITY CONSTRUCTION GUIDELINES. (<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6450&fileName=1%20CCR%20303-1>)

**Florida.** Florida uses the school siting criteria in high performance building standards. All new school buildings in the state must be constructed to meet the requirements of one of the three green building standards approved by the Florida Department of Management Services, which currently includes United States Green Building Council (USGBC), Leadership in Energy and Environmental Design (LEED), Green Building Initiative (GBI), or Green Globes rating system, Florida Green Building Coalition Standards (FGBC) (Section 255.2575, Florida Statutes).

Unique to Florida is the state law that local cities, counties and school districts are encouraged to enter into local interagency agreements for the provision of adequate

public infrastructure (Public Schools Interlocal Agreements (§163.31777, F.S.)). The law encourages (it was required up until 2011) local government coordination:

“The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated.” (163.31777(1)(a))

“Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties.” (163.31777(1)(d)) An intent within the law is that these local governments will better coordinate the selection of new school sites.

**Reference:**

- The 2015 Florida Statutes, Title XVIII, PUBLIC LANDS AND PROPERTY, Chapter 255, PUBLIC PROPERTY AND PUBLICLY OWNED BUILDINGS, 255.2575, Energy-efficient and sustainable buildings.  
([http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.2575.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.2575.html))
- Public Schools Interlocal Agreements (§163.31777, F.S.)  
(<http://floridaldrs.com/tag/public-school-interlocal-agreements/>)

**Maryland.** The IAC does review and approve all locally selected new school sites but does not have required or recommended site sizes. However, the IAC instructs school districts to consider the community and sustainability impacts of site sizes. In 2013, the IAC adopted updated school siting administrative guidelines:

“The site approval procedure enables the State to objectively review the suitability and sustainability of locally selected school sites as well as their appropriateness to support educational programs (104.1.A)”

“School sites should reflect sustainable community planning practices and be consistent with the requirements of the educational program. Community planning practices include: shared locations and use of sites, minimized school site sizes, public transportation, and shared parking options and densities that promote walking and biking. (See Appendix 104 for the Sustainable community planning practices guidelines)” (104.1.C).<sup>9</sup>

The Sustainable Community Planning Practices Guidelines are drawn from “Smart Growth, Community Planning and Public School Construction,” Maryland Department of Planning Models and Guidelines Series, Number 27 (2008), written by the Maryland Department of Planning in collaboration with other state agencies. The report is “intended for all parties involved in the public school facility planning and siting process as well as local land use officials. It provides state guidance and recommendations on key issues involved in public school construction, community planning and smart growth in support of the Maryland’s Smart Growth and Neighborhood Conservation Act in Maryland, laying out a template for integrating school planning, funding and school

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<http://www.pscp.state.md.us/APG/FIN%20APG%20SEC%20104%20School%20Site%20Approval%209-27-13.pdf>.

design with community planning, public health, walkability, energy efficiency, co-location, and transportation choices and costs.”

Additionally, Maryland has made state policy efforts to promote smart growth goals in local school site selection decisions. Maryland’s Smart Growth subcabinet and Department of Planning oversee the designation by local governments of Priority Funding Areas (PFA) – places that are already developed or have been designated for future development, and toward which State capital funding is directed. New school sites must be located within a PFA, unless a waiver is granted by the IAC. To receive approval of State funding, new schools and replacement schools that involve an increase of capacity must also be located in a PFA, unless the requirement is waived by the IAC.

**Reference:**

- Code of Maryland, Title 23, Board of Public Works, Subtitle 23.03.02, Administration of the Public School Construction Program, Articles 03, 13, 28. COMAR 23.03.02.03, .13, and .28.  
([http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.*))
- IAC Administrative Procedures Guide Section 104  
(<http://www.pscp.state.md.us/APG/FIN%20APG%20SEC%20104%20School%20Site%20Approval%209-27-13.pdf>)
- Sustainable community planning practices guidelines  
(<http://www.pscp.state.md.us/APG/FIN%20APG%20SEC%20104%20Appendix%20Sustainable%20Community%20Planning%20Practices%209-27-13.pdf>)
- “Smart Growth, Community Planning and Public School Construction” Maryland Department of Planning Models and Guidelines Series, Number 27 (2008)  
(<http://planning.maryland.gov/PDF/OurProducts/Publications/ModelsGuidelines/mg27.pdf>)

**Massachusetts.** Massachusetts has limited standards on school siting. Some specifics include not approving sites in a flood zone and not within 1,000 feet of a landfill. Site analysis is a component of the Feasibility Study (discussed earlier in this report), which includes a traffic study, subsurface investigations, and needed infrastructure expenses for each alternative site.

**Reference:**

- Feasibility Study guidelines  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building\\_With\\_Us/Feasibility\\_Study/Mod3\\_Feasibility\\_Study\\_Guidelines.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building_With_Us/Feasibility_Study/Mod3_Feasibility_Study_Guidelines.pdf))

**New Mexico.** New Mexico’s school siting standards are performance-based and largely left to local decisions. The state does not have minimum or maximum acreage. The Adequacy Planning Guide, “The site for anticipated full development should be determined largely by the nature and scope of the contemplated educational program” The state’s facility adequacy standards state the school site shall be of sufficient size to accommodate safe access, parking, drainage, and security (6.27.30.10). The only

quantifiable standard in this section is that the site should accommodate 1.5 parking spaces per FTE (full time employee) staff and one space per four high school students. This requirement can be adjusted based on availability of street/other parking, transit, and visitor rates.

**Reference:**

- New Mexico Administrative Code, Title 6, PRIMARY AND SECONDARY EDUCATION, Chapter 27, PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL, Part 30.12, STATEWIDE ADEQUACY STANDARDS
- (<http://164.64.110.239/nmac/parts/title06/06.027.0030.htm>)
- Adequacy Standards Guidelines, Appendix C (provides a (non-mandatory) site selection checklist for use by school districts) ([http://ped.state.nm.us/ped/CODocuments/Adequacy\\_Planning\\_Guide\\_12-14-07\\_Chg\\_4.pdf](http://ped.state.nm.us/ped/CODocuments/Adequacy_Planning_Guide_12-14-07_Chg_4.pdf))

**New York.** School site standards are set forth in NYSED’s “School Site: Standards, Selection, Development” (1976) and provide minimum site acreage requirements (useable acres). Each new school site must be approved by the State Commissioner of Education. For new school sites, school districts submit a Written Site Analysis to the Division of Educational Facilities following the outline in the “School Site” manual (pg 2-4). Required content includes analysis of the site relative to its place in the district’s long range plan, reasoning for the chosen site over other alternatives, and environmental and community impacts. The Commissioner may approve sites in urban areas that do not meet these minimum useable acreage thresholds.

The standards also contain guidelines on site selection and site development. Site selection guidelines include mostly performance-based guidelines on location, shape and contour, health and safety, hazards, and costs for purchase and development. Site development guidelines include guidelines on pedestrian and vehicular flow (mostly performance-based but also for health and safety of students<sup>10</sup>), outdoor educational areas (includes quantified standards on space per student for various outdoor areas), playground surfaces (mostly performance-based), planning (mostly performance based), and administration and bus facilities (performance-based).

Project submittals must also contain site environmental assessments under the State Environmental Quality Review Act (SEQRA).<sup>11</sup> Guidelines for school districts and SEQRA were revised in 2001.<sup>12</sup> School districts serve as the lead agency in meeting SEQRA. State review involves New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code of New York State, Smart Growth principles and guidelines put forth in the publication, “School Site Standards, Selection, Development” by the Education Department<sup>13</sup>.

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<sup>10</sup> p. 49, S401 – (b)

<sup>11</sup> <http://www.p12.nysed.gov/facplan/SEQRA/SEQRA.html>

<sup>12</sup> [http://www.p12.nysed.gov/facplan/SEQRA/SEQRA\\_NewGuidelines\\_081601.PDF](http://www.p12.nysed.gov/facplan/SEQRA/SEQRA_NewGuidelines_081601.PDF)

<sup>13</sup> p. 49, S402 Standards (b)

New York school districts must also self-certify that their projects are in compliance with Smart Growth Public Infrastructure Policy Act, Environmental Conservation Law (Article 6 § 1-11).<sup>14</sup> The criteria are:

- to advance projects for the use, maintenance or improvement of existing infrastructure;
- to advance projects located in municipal centers;
- to advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan;
- to protect, preserve, and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources;
- to foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups;
- to provide mobility through transportation choices including improved public transportation and reduced automobile dependency;
- to coordinate between state and local government and intermunicipal and regional planning;
- to participate in community based planning and collaboration;
- to ensure predictability in building and land use codes; and
- to promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation.

**Reference:**

- School Site: Standards, Selection, Development (1976)

**Ohio.** The Ohio School Design Manual (OSDM) includes guidance on school siting, which includes acreage recommendations. The state waives these requirements in urban school districts where such large parcels are generally unavailable. School districts are encouraged to co-locate new schools around existing community resources, such as libraries and auditoriums, to minimize the need for new construction. Sections of the OSDM on transportation were co-written with The Ohio Department of Transportation to encourage the inclusion of safer routes to school.

**Reference:**

- Ohio School Design Manual, pg 349  
([http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2009/2009OSDM\\_CH\\_3.pdf](http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2009/2009OSDM_CH_3.pdf))

**Texas.** Texas does not have standards for school siting. The Texas Educational Agency (TEA) does not have the statutory authority on the issue. School districts are required to follow local ordinances that relate to finding a school site.<sup>15</sup>

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<sup>14</sup> <http://www.p12.nysed.gov/facplan/documents/DRAFTSGImpactStatementForm.xls>

<sup>15</sup> While Texas has no state regulations on school siting, TEA staff noted that a 2013 fertilizer plant explosion damaged an adjacent middle school, and raised several questions about school

*Reference: n/a*

**Washington.** The State of Washington and the OSPI plays a minimal role in new school siting. Statute on site review and evaluation (WAC 392-342-020) contains four requirements: property shall be free of all encumbrances that would interfere with construction, operation, and useful facility life; the site is sufficient size; a site review conference has been conducted with all local code agencies to determine design constraints; and a limited subsurface investigation has been performed. Minimum site size (acreage) guidelines are given, but serve as recommendations rather than requirements. Chapter 5 of the Manual provides a detailed overview of site selection standards. OPSI staff conduct on-site review and evaluation of the proposed site, completing the Site Review Study Checklist. Site selection is listed as an element of Washington’s high-performance school standards. The OPSI also certifies the district’s compliance with the State Environmental Protection Act (SEPA). School facilities are also listed in the state’s Growth Management Act (GMA) and districts are encouraged (but not required) to actively participate in the planning process with the city or county planning authority. The OPSI convened a statewide school siting summit in 2007, which outlined school siting challenges and made recommendations for state policy reform.<sup>16</sup>

**Reference:**

- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapter 343, State funding assistance in providing school plant facilities, Section 20, Related factors and formula for determining amount of state funding assistance. WAC 392-343-020.  
(<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-343-020>)
- School Facilities Manual Chapter 5 and Exhibit 5A  
(<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf#Chapter5>)

## Local School Facilities Planning Process Standards

### California.

School districts applying for state funding for school site acquisition, construction or modernization must receive prior CDE site and/or plan approval (Ed Code §17070.50) based upon compliance with standards and procedures in regulations (Title 5). District’s not requesting state funds must follow the applicable laws and regulations but are not required to receive CDE written approval.

For new site approvals, CDE will first provide an initial evaluation and ranking of district

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siting practices. To date, no state standards have changed in response to this event.[http://usnews.nbcnews.com/\\_news/2013/08/18/20024040-west-texas-prepares-to-go-back-to-school-after-massive-plant-explosion?lite](http://usnews.nbcnews.com/_news/2013/08/18/20024040-west-texas-prepares-to-go-back-to-school-after-massive-plant-explosion?lite)

<http://www.k12.wa.us/SchFacilities/Publications/pubdocs/SummitSchoolSitingReportMay2007.pdf>

identified candidate sites. The district may proceed with sites deemed unsuitable after a public hearing review of CDE's report (Ed Code §17251a), but per Title 5 the site selected by the district must be appropriate in size as justified by the district's Facility Master Plan (or similar document that addresses enrollment, needed schools and site sizes), and receive approval from the Department of Toxic Substances Control (DTSC) to ensure safety from any release or potential release of hazardous materials (Ed Code §17213.1 and .2). Districts may, but are not required to use an advisory committee (Ed Code §17211). Per Title 5 and CDE policy, for major new school construction/reconstruction CDE plan review and approval, the district must submit "preliminary plans" and governing board adopted "educational specifications" that address how the design is consistent with the district's educational program goals. The regulations place limited requirements on the content of local planning documents, but CDE does provide guidance publications. As part of a state funding application a school district shall certify that it has considered the feasibility of joint use land and facilities with other governmental entities (Ed Code §17070.90).

New school sites and construction projects for which no state funding is sought are not required to obtain CDE review or approval (Ed Code §17251.5), however, with some exceptions for charter facilities (Ed Code §47610), they must meet Title 5 standards and various other code requirements. CDE has the authority to investigate complaints of non-compliance with Title 5 (Ed Code §17251b). Local educational agencies (LEAs) (districts, county offices of education and charters) must comply with local city/county zoning, however by 2/3<sup>rd</sup> vote of their governing board a school district may, after meeting notification requirements, render zoning inapplicable for classroom use of property except in designed farmland zones (Government Code §53094 and §51296.4). School districts and County Offices of Education also have the power of eminent domain (Ed Code §1047 and §35270.5) and may act as Lead Agency for purposes of complying with environmental review requirements.

Additional school district planning procedures that must be followed prior to either acquisition or construction, as applicable, regardless of funding sources include:

- Notification of city/county planning commission of proposed school site acquisition for their investigation and recommendations (Public Resources Code §21151.2), and for planning agency review for project consistency with the general plan (Gov. Code 65402c), and for consultation if site is in an area general planned and zoned for agricultural use production (Ed Code §17215.5) and additional notifications and findings if within an agricultural preserve (Gov. Code 51291 and 2)
- Meeting with local government recreation and park authorities to review all possible methods of coordinating planning (Ed Code §35275)
- Approval by the Division of Aeronautics if a proposed site is within 2 nautical miles of an airport runway (Ed Code §17215) pursuant to noise and safety regulation criteria (Title 21) and notification to the Airport Land Use Commission (Public Utilities Code §21676)

- Completion of the project’s environmental impact review which for nonexempt projects must include specified school health and safety findings, including consultation with administering agencies regarding nearby hazardous air emitters/material handlers (Public Resources Code 21151.8, Ed Code §17213 and §17268) and other on-site hazards.
- District governing board hearing for evaluation of a proposed site using Title 5 siting criteria (Ed Code §17211)
- Investigation of the site with competent personnel, including geological and soil engineering studies, to ensure site selection is determination by an evaluation of all factors affecting public interest and is not limited on the basis of raw land costs only (Ed Code §17212, 17212.5)
- Notification of city/county planning commission prior to school district completion of a Master Plan or other plan relating to the expansion of existing sites or acquisition of new sites and meeting to consider coordination and options if requested (Gov. Code §65352.2)

School districts applying for state school construction or modernization funding must submit site plans and preliminary project plans to the CDE for review against Title 5. The project submittal must also include a district-wide facility master plan and school specific educational specifications (“Ed Specs”) that identify educational program goals and articulate how the project will meet those goals. The CDE places limited requirements on content of these local plan documents, but does provide guidance documents. Projects funded entirely with local funds are required to meet the Title 5 standards but are not submitted for review by the CDE.

**Reference:**

- California Code of Regulations, Title 5, Department of Education (<http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>)
- Master Plans: Guide to Development of Long-Range Facilities Plan, 1986 (<http://www.cde.ca.gov/ls/fa/sf/longrangeplan.asp>)
- Educational Specifications: Linking Design of School Facilities to Educational Program, 1997. (<http://www.cde.ca.gov/ls/fa/sf/documents/edspecs.pdf>)

**Colorado.** The Colorado Department of Education (CDE) has guidelines for school district facility master plans, including a recommended outline. Plans are only required to be prepared by school districts requesting state facility funds. The master plan is to have two components: a facility inventory and conditions assessment and a thorough analysis of options for improving facilities across the district. Data fields for the inventory are provided and school districts are to compare their facilities against the state’s Construction Guidelines (1 CCR 303(1)). Assessments should incorporate a facility condition index (FCI) or equivalent evaluation approach. Project plans applying for state funding must include: a description of the scope and nature of the project, a description of the design standards applied (and their consistency with state guidelines), description of a capital renewal plan and budget, description of the facility condition (for existing schools), description of local matching funds, description of efforts to coordinate

construction projects with other local governments, and a master plan or facility assessment (among other specific project forms).

**Reference:**

- Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(1), Division of Public School Capital Construction Assistance, PUBLIC SCHOOL FACILITY CONSTRUCTION GUIDELINES.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6450&fileName=1%20CCR%20303-1>)
- School Facilities Master Plan Guidelines  
(<http://www.cde.state.co.us/sites/default/files/documents/cdefinance/download/pdf/best/resources/ccabestmasterplan%20111210.pdf>)

**Florida.** Florida state statute requires that, annually, prior to the adoption of their local budget, each school district board shall prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. The plan must be developed in coordination with the general-purpose local governments and be consistent with the local government comprehensive plans. The plan must include: a) projected student populations apportioned geographically at the local level; b) inventory of existing facilities; and c) projection of facility needs. Project plans submitted for state facility funding must include an educational specification that uses the Size of Space and Occupant Design Criteria tables found in the State Requirements for Educational Facilities guide document.

At least every five years an educational survey is conducted by the school district as required by state statute 1013.31(1); professional staff architects and facilities managers from Florida Department of Education, Office of Educational Facilities, visits school districts across the state, that are completing a new five year educational plant survey that year. The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

**Reference:**

- State Requirement for Educational Facilities, Chapter 3  
<http://www.fldoe.org/finance/educ-facilities/state-requirements-for-educ-facilities>
- Title XLVIII, Florida Statutes, K-20 EDUCATION CODE, Chapter 1013, EDUCATIONAL FACILITIES.  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Index&Title\\_Request=XLVIII#TitleXLVIII](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&Title_Request=XLVIII#TitleXLVIII)

**Maryland.** All Maryland school districts must submit board-approved educational facilities master plans to the state’s Interagency Committee on School Construction (IAC) each year. State regulation includes guidelines for what should be addressed in local educational facilities master plans: (1) Educational goals, standards, and guidelines; (2) Community analysis, concluding that the plan conforms to the adopted county and municipal comprehensive plan and growth management strategies; (3) An inventory and evaluation of existing school buildings; (4) Current and projected enrollment data; (5) Analysis of future school facility needs; (6) Policies for co-location, shared use, and shared cost of existing and planned school facilities; (7) Policies to address school capacity needs in planned growth areas or to address adequate public facilities ordinance requirements; and (8) Policies addressing current and planned transportation for students, administrators, and teachers per school. The Maryland Department of Planning (MDP) produces detailed enrollment projections for school systems once each year and requires each school district to do the same. School district projections must be within 5% of the state’s in order to be approved. For major project funding requests, school districts submit an educational specifications document to the Maryland State Department of Education (MSDE) for review and comment. IAC staff participate in each school district’s educational specifications planning committee. School districts have the statutory authority to design and organize their school facilities the way they wish, so the MSDE does not approve these documents but looks to see that educational programs required by the State Board of Education are being accommodated in the design.

**Reference:**

- Code of Maryland, Title 23, Board of Public Works, Subtitle 23.03.02, Administration of the Public School Construction Program, Article 2. COMAR 23.03.02.02. ([http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.*))
- Maryland Public School Construction Program (<http://www.pscp.state.md.us/APG/revisedapindex.cfm>)

**Massachusetts.** School districts applying for state funding through the Massachusetts School Building Authority (MSBA) shall have a current educational facility master plan and an updated building inventory in accordance with MSBA guidelines (963 CMR 2.10.5). To apply for state facility funding, school districts must submit a Statement of Interest (SOI) that describes the desired project(s), following the states’ template. MSBA staff review and validate the information in all SOIs (which may include site visits and conditions assessment review) to determine the most urgent and worthy projects across the state. If districts are then invited to participate in that year’s state grant program, this then begins a process of the school district and MSBA staff working closely on the project, starting with a detailed feasibility study of proposed projects.<sup>17</sup> The MSBA’s

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<sup>17</sup> Once an LEA has been invited into the program, there is a 270 day eligibility period (Module 1) during which the LEA must complete the following requirements: 1) a certification of the District’s understanding of the grant program rules by executing an [Initial Compliance Certification](#); 2) forming a [School Building Committee](#) and submitting the membership to the MSBA for acceptance; 3) a summary of the District’s existing [maintenance practices](#); 4) certification of a design enrollment for the proposed project agreed upon with the MSBA (may not be applicable

Feasibility Study Guidelines provide instruction for documenting the educational program, generating an initial space summary, measuring existing conditions, establishing design parameters, developing and evaluating alternatives, and recommending the most cost effective and educationally appropriate preferred solution to the MSBA Board of Directors for their consideration.<sup>18</sup> The feasibility study includes educational specifications.

**Reference:**

- Code of Massachusetts Regulations, Title 963, Massachusetts School Building Authority, Section 2, School building Grant Program, Section 10, Application and Approval Process, Article 5, Education Facilities Master Plan. 963 CMR 2.10.5. (<http://www.mass.gov/courts/docs/lawlib/900-999cmr/963cmr2.pdf>)
- MSBA's Feasibility Study Guidelines (<http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Build%20With%20Us/Module%203%20-%20Feasibility%20Study/Module%203%20Feasibility%20Study%20-%20Rev1.pdf>)
- Statement of Interest Frequently Asked Questions ([http://www.massschoolbuildings.org/2014\\_SOI\\_FAQs](http://www.massschoolbuildings.org/2014_SOI_FAQs))

**New Mexico.** School districts that receive state facilities funding through the New Mexico Public School Facilities Authority (NMPSFA) are required to maintain a facility master plan (updated every five years), a maintenance plan, and prepare educational specifications for their projects. Planning requirements are outlined in the state's Adequacy Planning Guide, a best practices guide linked to the adequacy standards in statute. The NMPSFA provides guidance documents and templates, which show itemized facilities by cost. For projects not receiving state funding, school districts must still submit their project plans to the NMPSFA, even though the project does not require NMPSFA approval. The NMPSFA inputs the project data into their statewide database of schools. Once a school district agrees to participate in the funding process, the NMPSFA becomes a partner in the design, planning, construction, and administration phases.

**Reference:**

- Adequacy Planning Guide p. 422 ([http://ped.state.nm.us/ped/CODocuments/Adequacy\\_Planning\\_Guide\\_12-14-07\\_Chg\\_4.pdf](http://ped.state.nm.us/ped/CODocuments/Adequacy_Planning_Guide_12-14-07_Chg_4.pdf))
- Facility Master Plan Checklist ([http://www.nmpsfa.org/facility\\_planning/fmp\\_checklist.htm](http://www.nmpsfa.org/facility_planning/fmp_checklist.htm))

**New York.** Since 2004, school districts submitting capital projects for state funding have been required to submit to the State Education Department's Office of Facilities

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for Repair Assessments depending on the proposed scope of work); 5) confirmation of community authorization and funding to proceed (see [MSBA Vote Requirements](#)); and, 6) execution of the MSBA's standard [Feasibility Study Agreement](#), which establishes a process for the District to be reimbursed for eligible expenses. (963 CMR 2.03).

<sup>18</sup> Next, the project team develops a final design program and robust schematic design of sufficient detail to establish the scope, budget and schedule for the Proposed Project (Models 4 and 5). From there, the project moves into Module 6 (Design Development, Construction Documentation, and Bidding), Module 7 (Construction Administration) and Module 8 (Project Closeout).

Planning (SED OFP) an executive summary of their 5 Year Plan. The SED OFP has an executive summary template, which instructs school districts to list all of the district's facilities and a brief narrative on the general condition and goals for each facility. The executive summary is a concise description of the current state of the district's facilities and the prioritized work necessary to maintain each facility in good working order. Funding application packets are not required to contain a full educational specification but must include a signed Instructional Space Review Form.

According the SED OFP website, the intent of the master plan is,

“...that the district will have completed research necessary to complete the Five-Year Plan (research information such as Building Condition Survey, Annual inspections, Fire inspections, capital improvement studies, etc, is already available). The Five-Year Plan is intended to be a tool utilized by the district to actively manage its capital needs. Needs and priorities change regularly as projects are completed or deferred capital items further deteriorate. An up-to-date Five-Year Plan will identify the current condition of the district's facilities and prioritize the necessary improvements for each facility.

The Executive Summary should therefore be a concise description of the current state of the district's facilities and the prioritized work necessary to maintain each facility in good working order..... The Executive Summary should clearly identify those priorities such that our projects managers can determine that the work proposed in the submitted project is a priority in the district's Five-Year Plan. We expect the Executive Summary to be based on a current Five-Year Plan; therefore the Executive Summary should not be uniquely crafted for each project submission, but should be a current representation of the status and needs of each of the district's facilities.”

**Reference:**

- 5 Year Plan Guidelines  
([http://www.p12.nysed.gov/facplan/five\\_year\\_plan/five\\_year\\_plan.html](http://www.p12.nysed.gov/facplan/five_year_plan/five_year_plan.html))

**Ohio.** Once a school district has been notified that it is their turn to participate in the state's facility funding program (a statewide priority order based on local wealth), they assist the Ohio School Facility Commission (OSFC) with developing a district-wide school facility master plan. When invited to participate, school districts are provided a facility condition assessment report for each facility, a ten-year enrollment projection and a draft master plan. The OSFC utilizes professional architects/engineers to assess the current facility condition, which is captured on a web-based assessment tool that compares the facility condition against 23 building systems. Educational adequacy is also evaluated. School districts review and provide input to the building condition assessment. Based on the data, districts suggest options they would like to consider. A master facility plan is then developed to define a scope and budget to address the districtwide facility needs. The OSFC develops master facility plans to respond to the

district request that consider existing inventory and projected enrollment and allows school districts to weigh the costs of consolidating, renovating, and closing buildings, as well as new construction. The OSFC encourages school districts to consider their facilities as a network, not just individual buildings. Planning standards are all described in the Ohio School Design Manual (OSDM).

**Reference:**

- Ohio School Design Manual  
([http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2009/2009OSDM\\_CH\\_3.pdf](http://ofcc.ohio.gov/Portals/0/Documents/Resources/OSDM/2009/2009OSDM_CH_3.pdf))

**Texas.** Texas does not impose any state requirements for local school district facilities planning. Planning for school facilities is completely locally controlled and entirely self-regulated, following local building codes (if any). State standards instruct school districts to develop their educational needs in an educational specification (19.2.61.CC.a.3) and design (or redesign) buildings to meet these local needs. Statute provides recommended information to be included in the educational specifications and encourages school districts to formulate a long-range facilities plan prior to making any major capital investments (19.2.61.CC.a.9). None of these elements are submitted to or reviewed by state agencies, but rather encouraged as best practice.

**Reference:**

- The Texas Administrative Code lays out School Facilities Standards for Construction. Texas Administrative Code, Title 19, EDUCATION, Part 2, Chapter 61, Subchapter CC, COMMISSIONER'S RULES CONCERNING SCHOOL. 19.2.61.CC Rule §61.1036FACILITIES. ([https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=T&app=9&p\\_dir=F&p\\_rloc=138259&p\\_tloc=14963&p\\_ploc=1&pg=2&p\\_tac=&ti=19&pt=2&ch=61&rl=1036](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=F&p_rloc=138259&p_tloc=14963&p_ploc=1&pg=2&p_tac=&ti=19&pt=2&ch=61&rl=1036))

**Washington.** To qualify for state school facilities funding, Washington school districts must complete a capital facilities plan, called a Study and Survey report, to the Office of the Superintendent of Public Instruction (OSPI). The findings in the Study and Survey are the cornerstone of Washington's K-12 facilities funding approach. The Study and Survey report shall include: inventory and area analysis, long range facilities plan, demographic data,<sup>19</sup> capital plan, emergency plan, assessment of racial balance, type and extent of new and/or additions needed, cost/benefit for modernization vs. replacement, estimated deferred maintenance, project timeline, inventory of under-utilized spaces in neighboring districts, and need for adjustments to school attendance areas. Every six years, schools districts qualify for a state grant to complete the Study and Survey report. Once the report obtains OSPI approval, school districts enter into the Advanced Planning Process and may begin preparing the required education specifications (WAC 392-343-065) and (if needed) site selection. Educational specifications are also required for state funded projects and must "describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements" (WAC 392-342-015). The authority for defining educational needs and specifications is given primarily to school districts, but

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<sup>19</sup> Enrollment is projected forward for five years with a K-linear survival method, relying on the past five years as an indication of growth or loss.

the OSPI's School Facilities Manual provides a detailed suggested outline for educational specifications (pg 124).

**Reference:**

- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapter 341, State assistance in providing school plant facilities, Preliminary Provision, Section 25, State Survey and Content. WAC 392-341-025.  
(<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-341-025>)
- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapter 342, State funding assistance in providing school plant facilities – educational specifications and site selection, Section 15, Educational specifications. WAC 392-342-015.  
(<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-342-015>)
- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapter 343, State funding assistance in providing school plant facilities, Section 65, Educational Specifications. WAC 392-343-065.  
(<http://apps.leg.wa.gov/WAC/default.aspx?cite=392-343-065>)
- School Facilities Manual, Chapter 3  
([http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf#Chapter 3](http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf#Chapter3))

## Maintenance Standards and/or Guidelines for Existing School Facilities

### California.

LEAs must comply with standards contained in law and regulations.

Maintenance and school facility repair standards are not presented in any single section of the California Education Code. Section 17002 defines "Good repair," relying in large part on definitions from the 1976 Lease Purchase Law (superseded in 1998 by SB 50). Section 17070.75 requires districts that received funding from the School Facility Program (SB 50, 1998) to keep their facilities in good repair and establish funds to maintain the buildings.

Various codes applicable to all schools except charters:

- Specify that the governing board of every school district to provide a "warm, healthful place in which children who bring their own lunches to school may eat the lunches Section." (Ed Code §17573).
- contains broad parameters for locally elected school boards to manage facilities and property. (Ed Code §17565 et seq)
- requires the clerk of each district (most often the Superintendent) "shall, under the direction of the governing board, keep the schoolhouses in repair during the time school is taught therein, and exercise a general care and supervision over

the school premises and property during the vacations of the school” (Ed Code §17593)

- requires the governing Board to annually inspect each school in its jurisdiction; in practice this often is delegated to staff. (Ed Code § 35292)
- requires that every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers." (Ed Code §35292.5)
- requires notification, reporting of pesticide and herbicide use at child care centers and schools. (Ed Code §17608)
- requires an annual School Accountability Report Card which includes a mandatory element addressing "safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as specified in Ed Code §17014." The SARC is an information document for decision makers and the public and allows comparison between schools or districts. (Ed Code §33126)
- require LEAs to evaluate each school using the Facility Inspection Tool (FIT), or similar survey, to comply with statutes enacted after the Williams settlement. Results of this inspection are included in the school's annual School Accountability Report Card—commonly referred to as the SARC. (Ed Code §17592.70-17592.74 )

Title 5 Section 14001 requires that educational facilities planned by school districts shall be designed to require a practical minimum of maintenance. Section 14010 requires that school sites be selected to avoid unreasonable long-term high landscaping or maintenance costs.

**Reference:**

- *California Education Code* §17070.75 and §17002(d)  
(<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=17001-18000&file=17070.10-17070.99> ; <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=16001-17000&file=17000-17009.5>)
- Office of Public School Construction Good Repair Standards  
(<http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx>)

**Colorado.** When school districts apply for state facility funding, state statute sets a requirement for a capital renewal budget to be established locally:

If the Project involves the construction of a new Public School Facility or a major renovation of an existing Public School Facility, a demonstration of the ability and willingness of the Applicant to renew the Project over time that includes, at a minimum, the establishment of a capital renewal budget and a commitment to make annual contributions to a Capital Renewal Reserve within a School District's capital reserve fund or any functionally similar reserve fund separately maintained by an Applicant that is not a School District (1 CCR 303-3 5.2.4).

Also, when school districts request a waiver for a reduction in local funding match, they must detail “planned maintenance or equipment replacement” (1 CCR 303-3 4.2.2.12)

**Reference:**

- 1 CCR 303-3 5.2.4 Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(3), Division of Public School Capital Construction Assistance, BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM, Article 4-5.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6100&fileName=1%20CCR%20303-3>)

**Florida.** The state guidelines for existing facilities are described in the Handbook for the State Requirements for Existing Educational Facilities (2012), which includes excerpts from both the State Requirements for Educational Facilities (SREF) guide and the State Fire Marshall Rule 69A-58.<sup>20</sup> The handbook is intended to help K-12 public school administrators and their staff recognize common code violations in their buildings and on their sites that create life safety, casualty, health, and fire safety hazards. Its overall intent is to ensure a safe learning environment for all students and staff in these facilities.

**Reference:**

- State Requirements for Educational Facilities (SREF).  
(<http://www.fldoe.org/finance/edual-facilities/state-requirements-for-edual-facilitie>)

**Maryland.** A Comprehensive Maintenance Plan is required from every school district annually. Each year, school districts must submit to the IAC a comprehensive maintenance plan that is intended to be compatible with the local master plan and capital improvement program (23.03.02.18). Schools deemed improperly maintained can be ineligible for state capital funding. The IAC keeps two maintenance inspectors on staff and conducts inspections of approximately one sixth of the facilities each year (IAC Administrative Procedures Guide Section 100.6). Facilities are ranked Superior, Good, Adequate, Not Adequate, or Poor, and the inspectors may point out specific issues for immediate repair. Items noted must be responded to within 30 days of notification. An overall finding of a Not Adequate or Poor state of maintenance could result in a restriction of state facilities funding in the following year, but this has not occurred to date. Deficiencies in schools that receive an overall ranking of Not Adequate or Poor must be corrected within 60 days, and these schools will be re-inspected to confirm the corrections. In addition, every building must complete a roofing inspection twice a year, and when a roofing replacement capital project is requested, the district must provide proof that those inspections have taken place. A report on each fiscal year’s school maintenance is provided to the Board of Public Works, followed by an awards ceremony and a Governor’s citation for those schools that receive a ranking of Superior.

**Reference:**

- Code of Maryland, Title 23, Board of Public Works, Subtitle 23.03.02.18, Administration of the Public School Construction Program, Article 2. COMAR 23.03.02.18.  
([http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=23.03.02.*))

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<sup>20</sup> <https://www.fldoe.org/edfacil/pdf/SREFEEFH.pdf>

- Comprehensive Maintenance Plan Guidelines  
(<http://www.pscp.state.md.us/Reports/MAINTENANCE%20GUIDELINES%20DOC%20FINAL%207-15-08~3.pdf>)

**Massachusetts.** The state encourages local maintenance investment in multiple ways. Analysis in the Feasibility Study requires school districts to assess the operational costs and budget associated with capital project alternatives (963 CMR 8). The MSBA also provides funding formula incentive points based on capital maintenance rating and establishing a school facility maintenance trust (963 CMR 2.18(c-d)). The MSBA has adopted criteria based on industry best practices as a prerequisite for MSBA funding and evaluation criteria for the determination of the allocation of maintenance incentive reimbursement points on eligible projects.

**Reference:**

- Code of Maryland Regulations 963 CMR 8  
(<http://www.massschoolbuildings.org/guidelines/statutes>)
- MSBA maintenance page:  
([http://www.massschoolbuildings.org/building/prerequisites/maintenance\\_cap\\_planning](http://www.massschoolbuildings.org/building/prerequisites/maintenance_cap_planning))
- Maintenance and Capital Planning Best Practices  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building\\_With\\_Us/Eligibility\\_Period/Maint\\_Cap\\_Plan/Maintenance\\_Best\\_Practices\\_4\\_21\\_11.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfiles/Building_With_Us/Eligibility_Period/Maint_Cap_Plan/Maintenance_Best_Practices_4_21_11.pdf))

**New Mexico.** School districts that receive state funding are required to maintain a maintenance plan, following the NMPSA guide documents. New Mexico’s Adequacy Planning Guide provides a description of the standard, followed by “best general planning practices” that illustrate the standard and focus on function, long-term operations/maintenance/sustainability, long-term energy costs, and construction costs. To further improve local maintenance practices, New Mexico allows an increase of up to 5% state funding for districts that have exemplary maintenance practices. New Mexico quantifies effective maintenance on a school-by-school basis utilizing a Facility Maintenance Assessment Report (FMAR) that scores from 0% to 100% with 70% considered adequate. The FMAR tool was developed by New Mexico.

**Reference:**

- Adequacy Planning Guide  
([http://ped.state.nm.us/ped/CODocuments/Adequacy\\_Planning\\_Guide\\_12-14-07\\_Chg\\_4.pdf](http://ped.state.nm.us/ped/CODocuments/Adequacy_Planning_Guide_12-14-07_Chg_4.pdf))
- Preventative Maintenance Program Guidelines  
([http://www.nmpsfa.org/facility\\_management/preventive\\_maintenance\\_planning.htm](http://www.nmpsfa.org/facility_management/preventive_maintenance_planning.htm))

**New York.** The State of New York does not have facility operations and maintenance standards. However, Part XI of the Manual of Planning Standards is reserved for a future section on these issues, particularly: life-cycle costs, operation considerations, maintenance considerations, recovery after flooding, response to violations, security and vandalism prevention, design for security, materials, and lighting. The SED OFP provides a Comprehensive Maintenance Plan Template for school district use.

**Reference:**

- Preventative Maintenance Planning  
([http://www.nmpsfa.org/facility\\_management/preventive\\_maintenance\\_planning.htm](http://www.nmpsfa.org/facility_management/preventive_maintenance_planning.htm))
- Comprehensive Maintenance Plan Template  
([http://www.p12.nysed.gov/facplan/forms/Comprehensive\\_Maintenance\\_Plan\\_052005.xls](http://www.p12.nysed.gov/facplan/forms/Comprehensive_Maintenance_Plan_052005.xls).)

**Ohio.** School districts are required to have a maintenance plan and must raise the equivalent of one-half mill for each dollar of local valuation toward maintenance. The Ohio School Facility Commission (OSFC) provides school districts with maintenance planning training as well as access to a system to schedule and plan maintenance projects. A Maintenance Plan Advisors (MPA) is hired by the school district to provide a detailed Maintenance Plan to service, maintain, and prolong the life of the new or renovated facilities using the district's set-aside maintenance fund. A Maintenance Plan is required to receive credit under OSFC's programs. This comprehensive plan serves to fulfill the goal of obtaining the maximum return on investment for newly acquired assets. Using a web-based tool, the Maintenance Plan advisor creates an exhaustive list of every asset requiring maintenance in the building.

**Reference:**

- Ohio School Facilities Commission  
(<http://osfc.ohio.gov/>)

**Texas.** The State of Texas places no maintenance requirements on school districts.

**Reference:** n/a

**Washington.** The school construction assistance program provides incentives for school districts to locally fund maintenance and capital renewals. Between 1993 and 2008, school districts were required to spend 2% of building replacement value on maintenance and capital renewals each year in the last 15 years of a 30 year life-cycle in order to be eligible for modernization funding. This has since been changed to a performance-based requirement whereby LEAs determine their own spending levels, but if reported conditions assessments are consistently very poor the school district can become ineligible for state modernization funds. Districts are obligated to maintain their buildings for 30 years before they are eligible for state modernization funds.

**Reference:**

- School Facilities Manual, Chapter 11 (describes the responsibilities and guidelines for facilities management)  
(<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf#Chapter11>)

## **Standards and/or Guidelines for Charter School Facilities**

### **California.**

Charter schools requesting state capital funds from the State Allocation Board must be approved by the CDE for compliance with the site and plan standards in Title 5. Charter schools applying for Charter School Program grants must meet the CDE (Title 5), DSA

and OPSC standards. Otherwise Charter schools can choose whether to meet DSA or local building standards.

Charter schools not requesting capital funds from the SAB may choose to comply with local building standards or have approval from the Division of the State Architect. The issue of charter schools meeting local land use requirements and having the ability to override local zoning is a matter of on-going legislative and judicial discussion.

**Reference:**

- California Code of Regulations, Title 5, Department of Education  
(<http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>)

**Colorado.** Charter schools must follow the same standards as traditional public schools when applying for state capital funds.

**Reference:**

- 1 CCR 303-3 5.2.4 Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(3), Division of Public School Capital Construction Assistance, BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM, Article 5.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6100&fileName=1%20CCR%20303-3>)

**Florida.** All buildings in Florida, including charter schools, are required to meet the states minimum building and fire safety codes (Chapter 553 and 663, respectively, of the Florida Statutes). Conversion charter schools (defined as a charter school that is housed in a former traditional public school facility) shall utilize facilities that comply with the State Requirements for Educational Facilities (SREF) provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facility. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district (Section 1002.33(19), Florida Statutes).

**Reference:**

- The 2015 Florida Statutes, Title XLVIII, K-20 EDUCATION CODE, Chapter 1002, STUDENT AND PARENTAL RIGHTS AND EDUCATIONAL CHOICES, 1002.33, Charter schools.  
([http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String&URL=1000-1099/1002/Sections/1002.33.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String&URL=1000-1099/1002/Sections/1002.33.html))
- State Requirements for Educational Facilities (SREF)  
(<http://www.fldoe.org/finance/edual-facilities/state-requirements-for-edual-facilitie>)
- Facilities Requirements for Charter Schools  
(<http://www.fldoe.org/edfacil/charters.asp>)

**Maryland.** There are no specific state standards for charter school facilities. The state relies on the local school boards' acceptance of charter school facilities.<sup>21</sup> The Maryland

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<sup>21</sup> Education Article §4-115(b) Annotated Code of Maryland contains requirements that local school systems (including charter schools) shall obtain approval from the State Superintendent on the acquisition of real property by lease for use as a public school. Procedures include: the local school system shall inspect and approve the site for use as a public school prior to

Department of Education also has a “Sample List of Facilities Requirements for Charter Schools”:

- Occupancy permit from County with required approvals including but not limited to:
  - Fire marshal/life safety code
  - Americans with Disabilities Act (ADA) accessibility
  - County health department code
  - County electrical building code
  - Environmental compliance including:
    - Asbestos Hazard Emergency Response Act (AHERA)
    - Lead Contamination control Act
- Any other County requirements
- Any State charter school requirements not on this list
- Updated Pressure Vessel Inspections and Certificates
- Technology to ensure access to school system main server and software programs necessary for administrator, secretary, and Special Education staff, at minimum
- Communication system so that teachers can communicate with main office from classrooms for emergency announcements as required in Negotiated Agreement
- Assurance that mechanical systems provide adequate ventilation in occupied areas
- Traffic flow plan to ensure safety of charter school students, families, and staff while minimizing impact on surrounding community
- Prior to release of funds for rent payment:
  - Copy of lease agreement
  - Provisions in agreement that protect school system
  - Copy of insurance policy that provides protection for school system and charter school

**Reference:**

- “Sample List of Facilities Requirements for Charter Schools” (based on list developed by Frederick County Public Schools, November 2004), p. 127  
([http://marylandpublicschools.org/NR/rdonlyres/D86B35E8-691B-4E27-B7DA-E2BBF0B36242/33515/MDCharterSchoolModelApp\\_2012\\_.pdf](http://marylandpublicschools.org/NR/rdonlyres/D86B35E8-691B-4E27-B7DA-E2BBF0B36242/33515/MDCharterSchoolModelApp_2012_.pdf))

**Massachusetts.** There are no specific state standards for charter schools facilities. Because the state does not fund charter school facilities, they are not required to obtain state facility approval.

*Reference:* n/a

**New Mexico.** According to New Mexico law, new or relocating charters must be in facilities of at least the average condition of all schools as measured by the wNMCI. Prior to occupancy, charters are required to create educational specifications defining the necessary physical attributes of a facility required to support their educational purposes as defined in their charter agreement. Each charter school is then given a wNMCI score indicating their deviation from their individual educational adequacy

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submission of the request for approval to the State Superintendent; the local school system or charter school shall obtain all approvals required by the fire marshal and other State and local agencies prior to submission of the request for approval to the State Superintendent; the Maryland State Department of Education may inspect the site and may require review by other State agencies as a part of its evaluation of the lease; and the State Superintendent shall approve or disapprove all applicable leases in writing.

requirements. For charters occupied prior to 2010, the state has produced a chart that shows the facility standards waived until the educational specifications are established.

**Reference:**

- Charter & Alternative School Analysis Variance  
([http://www.nmpsfa.org/pdf/MasterPlan/Charters/Charter-Alternative\\_Sch\\_Variance\\_09-05-08.pdf](http://www.nmpsfa.org/pdf/MasterPlan/Charters/Charter-Alternative_Sch_Variance_09-05-08.pdf))

**New York.** The authority for code compliance of charter school facilities depends on when the charter was issued and where the charter school is located in accordance with the following:

- All charter schools located in New York City are subject to the New York City Code as enforced by the City regardless of when the charter was issued. All local laws, rules, codes, regulations and ordinances are applicable. All building permits and Certificates of Occupancy will be issued by the city.
- All charters issued for schools under the original 200 cap will be subject to the local code enforcement jurisdiction in which the school is located. The local authority having jurisdiction will review plans and specifications and issue building permits and certificates of occupancy. Those charter facilities are not subject to the NYSED's Manual of Planning Standards.
- All charters issued above the original cap of 200 and located outside of New York City will be subject to the State Education Department as the Authority Having Jurisdiction for code compliance. The Manual of Planning Standards will apply, and all building permit applications and certificates of occupancy will be issued by Facilities Planning after the completion of our typical process (Manual pg 17-18).<sup>22</sup>

**Reference:**

- Manual of Planning Standards, pg 17-18  
(<http://www.p12.nysed.gov/facplan/documents/MPS-2014.pdf>)

**Ohio.** The Ohio Charter Law Guidebook contains requirements for charter school facilities, which includes three main sections: a) Contractual requirements; b) Health and safety regulations; c) acquiring and disposing of facilities.

**Reference:**

- Ohio Charter Law Guidebook,  
([http://www.oapcs.org/files/u115/OAPCS\\_CLawGB\\_FINAL.pdf](http://www.oapcs.org/files/u115/OAPCS_CLawGB_FINAL.pdf))

**Texas.** Texas does not have any specific standards for charter schools. They are required to comply with local building, health, and safety codes that apply to educational facilities.

**Reference:** n/a

**Washington.** Washington has no specific standards for charter school facilities.

**Reference:** n/a

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<sup>22</sup> Charter schools under SED jurisdiction will be treated in the same manner as all other school projects and will be reviewed on a first in-first out basis. Please contact the Office of Facilities Planning to determine which charter schools are subject to SED jurisdiction, and to verify specific information and documents required for project review. If the proposed school is located in a leased building, approval from the local Building Code Authority will be required in addition to the SED approval.

## State Funding for Local Facilities Expenses

**California.** After LEAs respond to initial CDE comments, the CDE reviews final plans and, contingent on their sufficiency, issues an approval letter, clearing the way for a funding request to the Office of Public School Construction (OPSC) and the State Allocation Board (SAB) (as part of the School Facility Program (SFP)).

**Reference:**

- School Facility Program, Office of Public School Construction  
([http://www.documents.dgs.ca.gov/OPSC/Publications/Handbooks/SFP\\_Hdbk.pdf](http://www.documents.dgs.ca.gov/OPSC/Publications/Handbooks/SFP_Hdbk.pdf))  
(<http://www.dgs.ca.gov/opsc/home.aspx>)

**Colorado.** In 2008, the Colorado Legislature established the Building Excellent Schools Today (BEST) capital construction grant program, a competitive grant program open to all public school districts, charter schools, institute charter schools, BOCES (Board of Cooperative Educational Services), and the Colorado School for the Deaf and Blind.<sup>23</sup> Grant applications are reviewed on a yearly cycle and recommended for funding by the Capital Construction Assistance Board (CCAB) to the State Board of Education, consisting of nine appointed members. The BEST legislation aimed to prioritize addressing health and safety issues by providing funds to rebuild, repair, or replace the state's most dangerous and most needy K-12 facilities in the state.

Each local school district has an annually calculated Minimum Match Criteria that determines its local-state funding share, as outlined in statute (C.R.S. 22-43.7-109(9)). The local share percentage is determined by local capacity and past effort using seven criteria that are averaged together: assessed value per pupil relative the state average; median household income relative to the state average; bond redemption fund mill levy and debt capacity relative to the state average; percentage of pupils enrolled in the school district who are eligible for free and/or reduced-cost lunch; unreserved general fund balance; bond capacity remaining and bond election effort and success over the past 10 years.

The CCAB can take into account a number of other factors in reviewing the applications, including: the amount of local match, whether the school district has been placed on state financial watch, overall condition of existing facilities, project cost per pupil, project lifecycle, condition index scores, and local planning and funding capacity (CCR 1 303-3(6)). Following its review of all project applications, the CCAB submits an annual list of prioritized projects to the State Board of Education for final funding approval.

**Reference:**

- Colorado Revised Statutes, Title 22, EDUCATION, Section 43.7-109(9), Financial assistance for public school capital construction – application requirements - evaluation

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<sup>23</sup> BEST funding timeline:  
<http://www.cde.state.co.us/sites/default/files/CCABESTTimelineFY2014-15.pdf>

criteria – local match requirements. P. 779  
([http://tornado.state.co.us/gov\\_dir/leg\\_dir/olls/2013TitlePrintouts/CRS%20Title%202022%20\(2013\).pdf](http://tornado.state.co.us/gov_dir/leg_dir/olls/2013TitlePrintouts/CRS%20Title%202022%20(2013).pdf))

- 1 CCR 303-3(6) Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(3), Division of Public School Capital Construction Assistance, BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM, Article 6.  
(<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6100&fileName=1%20CCR%20303-3>)

**Florida.** Since 2011, the State of Florida has not been providing dedicated state funds for local school facilities. Prior, the primary state funding program had been the Public Education Capital Outlay (PECO) program, funded by gross tax receipts on utility services. PECO funds were primarily been used for remodeling, repair, maintenance, and repair of existing PreK-12 facilities. When PECO funds are available, each school district is required to create a capital outlay plan, which is then submitted to the State Board of Education. The individual district plans are then compiled into a Legislative budget request. PECO funds provide the equivalent revenue of a two-mill property rate (0.2 percent). The funds cannot be used for any competition type facilities (such as football fields, tennis courts, or bleachers) outside of what is necessary for students to fulfill physical education curriculum. An exception to this can be made for multi-school football stadiums. Similar rules exist for performing arts facilities.

PECO funds shall not be used for the construction of football fields, bleachers, site lighting for athletic facilities, tennis courts, stadiums, racquetball courts, or any other competition-type facilities not required for physical education curriculum. Regional or intradistrict football stadiums may be constructed with these funds provided a minimum of two high schools and two middle schools are assigned to the facility and the stadiums are survey recommended. Sophisticated auditoria shall be limited to magnet performing arts schools, with all other schools using basic lighting and sound systems as determined by rule. Local funds shall be used for enhancement of athletic and performing arts facilities.

**Reference:**

- The 2015 Florida Statutes, Title XLVIII, K-20 EDUCATION CODE, Chapter 1013, EDUCATIONAL FACILITIES, 1013.64, Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.  
([http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1013/Sections/1013.64.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1013/Sections/1013.64.html))

**Maryland.** Once a year, all of Maryland's 24 county-wide school districts submit a Capital Improvement Program (CIP) request and a facility master plan, ranking proposed projects in a locally-generated priority order. Maryland's Interagency Committee on School Construction (IAC) staff review each project, determine eligibility, and follow the school district's priorities as much as possible to make their own list of top recommendations for funding to the IAC board. The IAC in turn submits the recommendations to the Board of Public Works (BPW, consisting of the Governor,

Treasurer, and Comptroller) for approval. The IAC funds new construction, renovation, and building systems replacements.

The state share of project funding in the CIP is set three years at a time for each school district, based on several factors relative to local wealth and student enrollment information. The state share is higher in lower-wealth school districts. Statute sets the minimum state funding for any project at 50% of eligible costs. Funding formula for new construction and renovation in the CIP is set in Code of Maryland Regulations 23.03.02.06. The IAC administers two other annual funding programs (Aging Schools Program, Qualified Zone Academy Bond program), which provide funding for smaller projects, without a required local funding match. In addition, there have been special funding initiatives in recent years (with a local match) for projects that address energy efficiency, air conditioning, and school security.

**Reference:**

- Code of Maryland Regulations, Title 23, Board of Public Works, Subtitle 03, Public School Construction, Section 02, Administration of the Public School Construction Program, Article 6, Maximum State Construction Allocation. 23.03.02.06 (<http://www.dsd.state.md.us/comar/comarhtml/23/23.03.02.06.htm>)

**Massachusetts.** In 2004, the State Legislature created the Massachusetts School Building Authority (MSBA), a quasi-independent government authority, to fund capital improvement projects in K-12 public schools. The MSBA oversees the entire non-entitlement competitive grant program, which is funded by a dedicated revenue stream of one penny from the state's 6.25 percent sales tax. In January through April of each year, the MSBA accepts Statements of Interest (SOI) from school districts for construction, addition/renovation, and repair grants for individual schools.

A funding reimbursement percentage rate is calculated each year for each local school district, adjusted for relative wealth (using indicators of community income, local property values, and free/reduced lunch enrollment). Reimbursement percentages range from 31 percent to 80 percent, with additional incentive reimbursement points available based on project characteristics.<sup>24</sup>

The MSBA's focus is on cost containment and creating a sustainable program of state assistance, focused on need and urgency. The program requires detailed project and lifecycle cost analysis to be done for the projects it funds. MSBA places a heavy emphasis on the Feasibility Study, which includes facilities assessments and budget implications for alternative capital projects.

**Reference:**

- MSBA's Feasibility Study Guidelines (<http://www.massschoolbuildings.org/sites/default/files/edit->

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<sup>24</sup> Model School Program (up to 5 points), Newly Formed Regional School District (up to 6 points), High Efficiency Green School Program (up to 2 points), Best Practices for Routine and Capital Maintenance (up to 2 points), Overlay Zoning (MGL 40R or 40S) (up to 2 points), Use of CM-at-Risk (up to 1 point), Renovation/Re-use of Existing Facilities (up to 5 points), and Establishing a Maintenance Trust (up to 1 point with district match).

contentfile/Build%20With%20Us/Module%203%20-%20Feasibility%20Study/Module%203%20Feasibility%20Study%20-%20Rev1.pdf)

- Statement of Interest Frequently Asked Questions ([http://www.massschoolbuildings.org/2014\\_SOI\\_FAQs](http://www.massschoolbuildings.org/2014_SOI_FAQs))

**New Mexico.** New Mexico's school facility funding is prioritized to bring local school facilities up to minimum conditions defined by the state's adequacy standards. Following court order, the facility adequacy standards were developed to establish a standards-based approach to ensure all schools meet minimum facility conditions. Using the Weighted New Mexico Condition Index (wNMCI), all schools are ranked annually based on their adequacy to support their educational purposes (a lower percentage score is better). Based on anticipated revenue from the oil and gas severance tax and the estimated cost of eligible projects, notices are sent to school districts to solicit grant applications. Funding preference is given to a range of schools that are considered the most deficient in the state, normally between 50 and 100. They are invited to apply for funding to remedy the deficiencies and meet the adequacy standards. Awards are made in July of each year. For projects it chooses to fund, New Mexico matches local funds on a sliding scale from 10-100% based on local wealth. When a district decides not to apply for funding, they are eligible to apply again the next year.

**Reference:**

- New Mexico Statutes Annotated, Section 22-24 (1978), "Public School Capital Outlay Act" (<http://www.nmlegis.gov/sessions/00%20Special/FinalVersions/hb0031.html>)

**New York.** Following the 13-year litigation, *Campaign for Fiscal Equity v State*, the New York legislature developed the State Building Aid program in 2007 that is targeted to building needs. Projects are eligible for state funding if they are properly authorized locally and contribute to the instruction or transportation of students.

State Building Aid funding is based on a Maximum Cost Allowance formula: State Building Aid = project Building Aid Units x Construction Project Cost Index x Regional Cost Factor x District Building Aid Ratio. Building Aid Units (BAU) are assigned to the project by grade level or category and for new or existing space as defined by the Education Commission. BAUs are multiplied by the construction cost index (updated monthly by the New York State Labor Department), which equals the Maximum Cost Allowance. The Maximum Cost Allowance is then multiplied by the school district's Regional Cost Factor (which takes into account regional cost differences in materials and labor) and the district's Building Aid Ratio (based on the full value of property in the district and the number of students in the district, varying from 0% in the wealthiest districts to as high as 90% in the poorer districts).

**Reference:**

- State Building Aid Guidelines ([http://www.p12.nysed.gov/facplan/publicat/building\\_aid\\_guidelines\\_072804.html](http://www.p12.nysed.gov/facplan/publicat/building_aid_guidelines_072804.html))

**Ohio.** Following a lawsuit, the Ohio Legislature established the Ohio School Facilities Commission (OSFC) in 1997 to oversee the state’s school facility funding program and committed to helping school districts serving the lowest-income communities first. Annually, the state ranks school districts based on three-year averages of assessed wealth within each district per enrolled student (“valuation per pupil”). Each year, school districts are notified that they are eligible to participate in the classroom facilities assistance program. The district may enter into a planning process or defer to a future year. The state program does not focus on individual projects, but instead commits to addressing every school building within the school district, for a district-wide solution. The district also may elect to segment their project. Once the district-wide facility master plan is finalized, the school district puts their share of the funding up to local bond vote. If successful, the state enters into a project agreement and quarterly releases the funds necessary to complete the project.

Priority Order of Funding List

Segmenting

Each school district pays a percentage of total project cost, adjusted by the local property valuation per pupil. Typically the local share is total project cost multiplied by the eligibility ranking list percentile.

**Reference:**

- Ohio Revised Code Chapter 3318: School Facilities  
(<http://codes.ohio.gov/orc/3318>)

**Texas.** Texas’ program does not fund school construction directly, but instead focuses on helping school districts lower their interest rates and repay local debt service. To receive Instructional Facility Allotment (IFA) funds, school districts apply annually and Texas Education Agency (TEA) then ranks all of the applications in order of local property wealth per student, based on average daily attendance (ADA). Each year, projects are awarded until state funds are exhausted. The state also operates the Existing Debt Allotment (EDA) program, another program that assists districts in lowering tax rates and repaying debt service.<sup>25</sup> Eligibility for the EDA program is based upon the first date of debt service payments on a bond issue. Bonds for which the first payment was made on or before September of odd-numbered years will be eligible for EDA funds for the following biennium until the bonds have been repaid or refunded. The state also operates multiple programs including a bond guarantee program,<sup>26</sup> the

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<sup>25</sup> Created by the Texas Legislature in 1999, the EDA program provides tax rate equalization for local debt service taxes. By providing a guaranteed yield on interest and sinking fund (I&S) taxes levied by school districts to pay the principal of and interest on eligible bonds, the program guarantees a specific amount of state and local funds per student for each cent of tax effort up to \$0.29 per \$100 of assessed valuation. Currently, the guaranteed yield for EDA provides \$35 per student in average daily attendance (ADA) per penny of tax effort.

<sup>26</sup> The Bond Guarantee Program (BGP) allows for bonds that are properly issued by a school district or open-enrollment charter school to be fully guaranteed by the corpus of the Permanent School Fund (PSF), on approval by the commissioner of education. The guarantee has received “AAA” ratings from the major bond rating services and replaces the need for private bond insurance.

Science Laboratory Grant Program,<sup>27</sup> and the New Instructional Facility Allotment<sup>28</sup> (NIFA). The IFA provides funds to school districts to assist with debt service payments on qualifying bonds and lease-purchase agreements for instructional facilities (the state does not fund debt service on non-instructional facilities such as bus barns, administration-only buildings, or athletic facilities).<sup>29</sup> State IFA aid provides a guaranteed yield of \$35 per penny of tax effort per unweighted ADA. The state local and share are adjusted annually based on changes in ADA, property values, and amount of eligible debt service. State aid is guaranteed for the life of the debt. Low wealth school districts that do not pass local facility bond measures do not receive any facilities funding benefit from the state. The EDA program provides funds to repay qualifying bonds, but does not provides funds for lease-purchase agreements. EDA funding is based on the same formula yields as the IFA program. The IFA and the EDA are collectively the primary source of state funding for school facilities.

**Reference:**

- Texas Education Code: Chapter 46, Subchapter A, Instructional Facilities Allotment (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.46.htm>)
- Commissioner's Rules: 19 Texas Administrative Code §61.1032, Instructional Facilities Allotment ([http://www.tea.state.tx.us/index2.aspx?id=5516&menu\\_id=645&menu\\_id2=789](http://www.tea.state.tx.us/index2.aspx?id=5516&menu_id=645&menu_id2=789))
- Texas Education Code: Chapter 46, Subchapter B, Existing Debt Allotment (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.46.htm>)
- Commissioner's Rules: 19 Texas Administrative Code §61.1031 (<http://ritter.tea.state.tx.us/rules/tac/ch061cc.html>)

**Washington.** The State of Washington's K-12 Capital Budget and the School Construction Assistance Program provides policy direction for school preservation, facility management activities, high performance school buildings, and district organization by providing grants to school districts for construction and modernization of their facilities. Only projects that are to receive state funding must be reviewed by the OSPI for compliance with applicable state and local regulations. Eligibility is determined based on demonstration of projected unhoused students (new construction) (WAC 392-343) and condition and age of buildings (modernization) (WAC 392-347).

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<sup>27</sup> House Bill 2237 as enacted by the 80th Texas Legislature created the Science Laboratory Grant Program to provide competitive grants to school districts for the purpose of constructing or renovating high school science laboratories where the existing district science laboratories are insufficient in number to comply with the curriculum requirements imposed for the recommended and advanced high school programs under the Texas Education Code, §28.025(b-1)(1).

<sup>28</sup> The NIFA is for new schools, provides campus startup support for opening a new facility through an average daily attendance (ADA) reimbursement for the first two years of the schools (\$250 per student in ADA in the first year of operation, plus \$250 for each additional student in ADA in the second year. Total state amount is limited in statute to \$25 million per year, plus an additional \$1 million for high schools. However, this program has not been funded since 2011. [http://www.tea.state.tx.us/index2.aspx?id=5524&menu\\_id=645&menu\\_id2=789](http://www.tea.state.tx.us/index2.aspx?id=5524&menu_id=645&menu_id2=789)

<sup>29</sup> [http://www.tea.state.tx.us/index2.aspx?id=5516&menu\\_id=645&menu\\_id2=789](http://www.tea.state.tx.us/index2.aspx?id=5516&menu_id=645&menu_id2=789)

While Washington's K-12 facility funding program is voluntary and largely first, come first served, the statute makes a provision for the SPI to rank and prioritize submitted projects (based on the priority list in WAC 392-343-500 through 392-343-535) when total state funds are insufficient to meet school construction needs requested by LEAs (WAC 392-343-054/056). The priority system uses a single scale of point values and ranks both growth-related projects and condition-related projects (see Manual pg 27-30).

The basic funding formula is determined by multiplying three factors: 1) eligibility based on projected enrollments and square footage thresholds; 2) annual statewide construction cost allowance per square foot; and 3) local cost share ratio percentage based on average assessed property value per student. Wealthier areas have a lower state match ratio. For more specificity, see Table 2.1 of the Manual (pg 22).

**Reference:**

- Washington Administrative Code, Title 392, Superintendent of Public Instruction, Chapters 343-347  
(<http://apps.leg.wa.gov/WAC/default.aspx?cite=392>)
- School Facilities Manual, pg 22  
(<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf>)

## Technical Assistance Provided by States to Local School Districts

### California.

The California Department of Education (CDE), School Facilities and Transportation Services Division (SFTSD) compiles research and provides general technical assistance and guidance for public school facilities planning, design and funding. Outreach includes presentations, workshops and conferences and the use of social media.

Upon request of a school district, CDE shall also provide assistance in the evaluation and utilization of existing facilities and the justification of the need for school sites, new facilities and rehabilitation (Ed. Code 17070.55) and provide a survey of building needs and information relating to the impact of hazardous substances, solid waste, safety, hazardous air emissions etc. (Ed. Code 17251e and f).

The California Department of Education School Facilities Planning Division provides general guidance for California public schools related to facilities and funding. The division approves all school construction and renovation plans against the standards in Title 5. The Division has 27 staff persons.

**Colorado.** The Colorado Department of Education Division of Public School Capital Construction Assistance (CCA) offers limited technical assistance to local school districts. The Division reviews master plans and project plans and places a strong focus on working with school districts to design for space efficiency, making buildings smaller

(from a cost perspective) and minimizing life cycle costs in their projects. The Division has produced a few webinars on facility planning best practices.<sup>30</sup> The Division has 7.5 staff persons.

**Florida.** The Florida Department of Education's Office of Educational Facilities provides technical support and information for all issues related to educational facilities planning, funding, construction, and operations throughout Florida's K-20 Education System. The Division has 18 staff persons. The Office conducts trainings on state codes and standards<sup>31</sup> and plan review and technical assistance.<sup>32</sup>

**Maryland.** State agency staff provide ongoing technical assistance to local school district planners to produce adequate facility master plans, to locate appropriate sites, to plan for current and future capital needs, to interpret State requirements, to develop design documents, and to procure and execute projects. There are a total of 31 staff persons within the Interagency Committee on School Construction (IAC) structure (which comprises the Public School Construction Program (PSCP) and the State Departments of Education (MSDE), Planning (MDP), and General Services (DGS)).<sup>33</sup> The PSCP is a separate agency that reports to the Board of Public Works rather than the State Board of Education; the IAC structure allows the four agencies to collaborate on school construction issues. Staff participate in each school districts' educational specifications planning committee. The IAC's Administrative Procedures Guide includes the guidance documents for local school districts, along with regulation.<sup>34</sup>

**Massachusetts.** MSBA staff work closely with school districts when they are invited to participate in that year's state facility grant program. They first collaborate on a detailed feasibility study of proposed projects. The MSBA (and other state agencies assisting on facilities) has 42 staff persons. The MSBA technical assistance places a strong focus on working with school districts to minimizing life cycle costs in their projects.

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<sup>30</sup> <http://www.cde.state.co.us/cdefinance/CapConstBEST>

<sup>31</sup> <http://www.fldoe.org/edfacil/eftatran.asp>

<sup>32</sup> <http://www.fldoe.org/edfacil/constdoc.asp>

<sup>33</sup> "Each agency performs critical functions in the administration of the Public School Construction Program and development of the annual Capital Improvement Program. The Maryland State Department of Education (MSDE) reviews projects for alignment with local and State educational programs and good architectural practice; the Department of General Services reviews projects for constructability, conformance with State construction and procurement practice, and eligibility for State funding; the Maryland Department of Planning reviews project sites, enrollment projections and conformity of proposed projects with State and local planning and growth policies; and the Public School Construction Program provides overall coordination as well as fiscal management of State funding". Source: FY 2014-2015 Public School Construction Program Capital Improvement Program <http://www.pscp.state.md.us/CIP/2015/ENTIRE%20CIP%2012-23-13.pdf>

<sup>34</sup> [http://www.pscp.state.md.us/APG/reviseapgindex.cfm /](http://www.pscp.state.md.us/APG/reviseapgindex.cfm/)  
<http://www.dsd.state.md.us/comar/searchall.aspx>

**New Mexico.** Once a school district agrees to participate in the facility funding program, the NMPSFA becomes a partner in the design, planning, construction, and administration phases. State technical assistance places a strong focus on working with school districts to minimizing life cycle costs in their projects. The NMPSFA provides guidance documents and templates, which show itemized facilities by cost. The NMPSFA has 51 staff persons. The NMPSFA provides a number of tools for school districts to use in facility planning, funding, project development, and facility management.<sup>35</sup>

**New York.** The New York State Education Department provides little technical assistance with facilities, focusing mainly on code compliance. The NYSED has 20 staff persons.

**Ohio.** When school districts are invited to participate in the state's funding program they are provided a facility condition assessment report for each facility, a ten-year enrollment projection and a draft master plan. Based on the data districts suggest options they would like to consider. The OSFC develops master facility plans to respond to the district request that considers existing inventory and projected enrollment and allows school districts to weigh the costs of consolidating, renovating, and closing buildings, as well as new construction. The OSFC has 70 staff persons.

**Texas.** Texas state agencies provide little to no technical assistance to local school districts. The Texas Education Agency has 2 staff members who work full-time on facilities and 1 staff member who is partially dedicated to facilities. The Texas Association of School Boards provides some technical assistance resources for local facilities planning.

**Washington.** OSPI provides technical assistance throughout the school districts long-range and near-term planning, including as they prepare their Study and Survey Report. Once the district obtains school construction project funding approval they continue to receive technical assistance throughout the planning, construction, and occupancy of a facility/building. The OSPI has 13 staff persons working in facilities. The state has created a number of resources to assist school districts in facility planning, located in the Facilities Recourses Assistance Center for School Districts webpage (<http://www.k12.wa.us/SchFacilities/ResourceAssistanceCenter/default.aspx>) that includes tools for: planning; design; bidding; construction; occupancy and post-occupancy; and asset preservation.

## Data and Information States Collect on Condition and/or Qualities of K-12 School Facilities

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<sup>35</sup> [http://www.nmpsfa.org/facility\\_planning/facility\\_pn.htm](http://www.nmpsfa.org/facility_planning/facility_pn.htm)

**California.** The State of California does not have a statewide inventory of school facilities. Under the new LCFF, California school districts must demonstrate annually that their facilities are “clean, safe, and functional” in good repair per *California Education Code* §17002(d) by self reporting conditions using the Facility Inspection Tool (FIT) created by the state’s Office of Public School Construction. The FIT does not require school districts to inventory all their spaces but includes a rubric for a visual self-assessment of 15 facility elements.

**References:**

- *California Education Code* §17070.75 and §17002(d) (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=17001-18000&file=17070.10-17070.99> ; <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=16001-17000&file=17000-17009.5>)
- Office of Public School Construction Good Repair Standards (<http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx>)

**Colorado.** The State of Colorado conducted a statewide inventory and conditions assessment of all school buildings in 2010. Colorado school districts are required to include updated inventory and conditions assessments data on their existing facilities when they apply for state facility funding. When project applications for state funding are received each year, the state uses the conditions assessment data to help evaluate the project’s prioritization among all applications for state funding.

**Reference:**

- 1 CCR 303-3(5) 1 CCR 303-3 (5) Code of Colorado Regulations, Title 1, DEPARTMENT OF EDUCATION, Section 303(3), Division of Public School Capital Construction Assistance, BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM, Article 5, Applications. (<http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6100&fileName=1%20CCR%20303-3>)
- Division of Public School Capital Construction Assistance, Colorado Department of Education Statewide Facility Assessment (<http://www.cde.state.co.us/cdefinance/CapConstAssessment.htm>)

**Florida.** Florida maintains a space inventory and lifecycle information database of K-12 facilities called the Florida Inventory of School Houses (F.I.S.H.) that is publically available on the internet. Each school district superintendent and board chair must annually certify the accuracy of their information in F.I.S.H. Certification is required to ensure that all data used for analyses of need, assessments of meeting class size reduction standards, reporting requirements to the legislature and other governing bodies, and reports provided to the public are made using accurate and current facilities information.

At least every five years an educational survey is conducted by the school district as required by state statute 1013.31(1); professional staff architects and facilities managers from Florida Department of Education, Office of Educational Facilities, visits school districts across the state, that are completing a new five year educational plant survey that year. The school district’s survey must be submitted as a part of the district

educational facilities plan defined in 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

The state does approve or deny the educational plant survey based on SREF and COFTE projections 1013.03(10)a, 1013.31 (1)(c). This is for new construction, renovated and remodeled spaces.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, or the Chancellor of the State University System, as appropriate, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. [1013.64\(6\)](#); compare total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and adult educational programs comply with needs documented by the Department of Education; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

(c) Review and validation.—The Department of Education shall review and validate the surveys of school districts and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by

the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

**References:**

- The 2015 Florida Statutes, Title XLVIII, K-20 EDUCATION CODE, Chapter 1013, EDUCATIONAL FACILITIES.  
([http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1013/1013ContentsIndex.html&StatuteYear=2015&Title=%2D%3E2015%2D%3EChapter%201013](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1013/1013ContentsIndex.html&StatuteYear=2015&Title=%2D%3E2015%2D%3EChapter%201013))
- Florida Department of Education, Office of Educational Facilities, F.I.S.H.  
(<http://www.fldoe.org/edfacil/fish.asp>)

**Maryland.** Maryland maintains an inventory of all public school buildings in the state, with information on building age, size, utilization, state investments, and condition of building maintenance. Legislation requires that starting in 2008, all Maryland school districts were required to complete facility assessment surveys every four years that include: 1) condition of school buildings; 2) adequacy of school buildings to support educational programs; and 3) cost to upgrade facilities to specified criteria. However, funding has not been provided to conduct the facility assessments. The state would compile the assessments and reports into composite statewide findings, but would not release any individual school data. Facility assessment data would be publicly accessible on the internet.

**Reference:**

- Code of Maryland Regulations, Title 13A, State Board of Education, Subtitle 1, State School Administration, Section 2, State Superintendent of Schools, Article 4, Facilities Assessment Survey. 13A01.02.04.  
(<http://www.dsd.state.md.us/comar/comarhtml/13a/13a.01.02.04.htm>)
- Facility assessment data  
(<http://www.pscp.state.md.us/fi/MainFrame.cfm>)

**Massachusetts.** Every five years the Massachusetts School Building Authority (MSBA) conducts a statewide facility needs survey, as instructed by state statute. The first Needs Survey was completed in 2005, establishing a centralized database of school building condition information. The most recent update was 2010. Professional staff architects and facility managers visit schools across the state to make general conditions assessments. When a school district applies for state facility funding by submitting a Statement of Interest (SOI), they must provide information on facilities conditions and justify why they are bringing specific projects forward as being among their facilities with the greatest need. MSBA staff confirm this information prior to recommending projects for funding approval.

**Reference:**

- 963 CMR 2.0  
[http://www.21csf.org/best-home/docuploads/policy/28MA\\_SchoolBuildingAuthority.pdf](http://www.21csf.org/best-home/docuploads/policy/28MA_SchoolBuildingAuthority.pdf)
- MSBA Needs Survey [http://www.massschoolbuildings.org/programs/needs\\_survey](http://www.massschoolbuildings.org/programs/needs_survey)

- Statement of Interest Frequently Asked Questions:  
[http://www.massschoolbuildings.org/2014\\_SOI\\_FAQs](http://www.massschoolbuildings.org/2014_SOI_FAQs)

**New Mexico.** The New Mexico Public School Facilities Authority (NMPSFA) maintains the New Mexico Weighted Condition Index (wNMCI) (the “Index”), to rank each school’s relative educational facility adequacy needs against all other schools in the state. Schools with the greatest highest wNMCI (lower is better) have preference to available state funding. The wNMCI combines the school (campus) average facility condition index (FCI) score (bricks-and-mortar), with a measure of deviation from educational adequacy, or the facility’s capacity to support the educational purposes (educational adequacy). Each school’s with NMCI score, including charters, is based on conditions reported by school districts and observations made by state inspectors. School districts are responsible for maintaining and updating their conditions assessments via a web-based portal known as the Facility Assessment Database (FAD). Districts log into the FAD to check the facility condition index information against their own, and submit corrections for verification. The online database was custom built for the state by a software vendor.

**Reference:**

- 6.27.30.1 NMAC
- Adequacy Standards
- Facility Assessment Database (FAD):  
<https://facility.vfafacility.com/facility/login.jsp?SiteID=4850&debug=>
- Construction Information Management System
- Post-Occupancy Evaluations

**New York.** As part of their 5 Year Plans, every school district in the State of New York is required to complete a facility conditions inventory and assessment. These were first required in the 2000-2001 school year. The assessment includes existing conditions, as well as the work needed to keep the facilities safe and operable for the following five years. Future capital projects expended by the district must be based on the findings of this survey. New York City schools have their own system of facility assessments.<sup>36</sup>

**Reference:**

- Manual of Planning Standards (2014):  
<http://www.p12.nysed.gov/facplan/documents/MPS-2014.pdf>
- 5 Year Plan Guidelines  
[http://www.p12.nysed.gov/facplan/five\\_year\\_plan/five\\_year\\_plan.html](http://www.p12.nysed.gov/facplan/five_year_plan/five_year_plan.html)

**Ohio.** Ohio established a statewide inventory and conditions assessment of K-12 facilities in 1990. Annually, Ohio school districts are ranked by local wealth from lowest-to highest-income. This ranking considers three years of income-adjusted valuation per pupil thus reducing the dramatic shifts in district rank. Starting with the poorest districts first, the state contacts the district to initiate a district-wide facilities assessment and master plan. The number of districts contacted depends on that year’s program budget. To assist in this process, the Ohio School Facilities Commission (OSFC) was formed, with

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<sup>36</sup> <http://schools.nyc.gov/community/facilities/>

the intent of having a standardized assessment of all the schools in the state over time. The assessment data is used to establish the scope of Ohio's district-wide solution when contributing to local school facilities capital expenses; when the state decides to provide funding, it works with the local school district to bring every school facility in the district up to the standards as detailed in the Ohio School Design Manual (OSDM). When invited to participate, school districts are provided a facility condition assessment report for each facility, a ten-year enrollment projection and a draft master plan. The OSFC utilizes professional architects/engineers to assess the current facility condition, which is captured on a web-based assessment tool that compares the facility condition against 23 building systems. Educational adequacy is also evaluated. School districts review and provide input to the building condition assessment. A master facility plan is then developed to define a scope and budget to address the district wide facility needs. Based on the data, districts suggest options they would like to consider.

**Reference:**

- Ohio School Design Manual  
[ftp://ftp.osfc.ohio.gov/Communications/OSDM/2015/\\_2015\\_OSDM\\_ALL.pdf](ftp://ftp.osfc.ohio.gov/Communications/OSDM/2015/_2015_OSDM_ALL.pdf)

**Texas.** Texas does not maintain a statewide inventory or conditions assessment of school facilities.

**Reference:** n/a

**Washington.** When applying for state facility funds, Washington school districts must update their facility inventory and conditions assessment in their Survey and Study report (discussed in next section). State statute requires that school districts provide basic facility space information to the Office of the Superintendent of Public Instruction (OSPI) (facility name, address, gross square footage, gross square footage of instructional space, date of construction/additions/modernizations, and grade spans served). The OSPI has recently developed a new, digital statewide database inventory of school facilities. Completion of the inventory is expected to take another 3 years and will contain building-level information.

Washington schools must be built to LEED or WSSP and LEAs are also required to complete an energy conservation report for new construction, additions, and/or modernization projects, which will be reviewed by the Department of General Administration (WAC 392-343-075). LEAs must report energy and water utility usage for five years after occupancy. Guidelines are provided in Chapter 8 of the Manual.

**Reference:**

- WAC 392-341-010 <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-341-010>
- School Facilities Manual  
<http://www.k12.wa.us/SchFacilities/pubdocs/SchoolFacilitiesManual2011.pdf>
- Inventory and Condition of Schools <http://www.k12.wa.us/SchFacilities/Inventory.aspx>
- School Facilities Information Portal <https://eds.ospi.k12.wa.us/GIS/Facilities/index.html>
- Building Condition Evaluation Manual  
<http://www.k12.wa.us/SchFacilities/Publications/pubdocs/BuildingConditionManual.pdf>



# Appendix C: Full Text of *California Code of Regulations*, Title 5 (as of January 1, 2016)

## 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.
- 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.
  - 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.
- 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)(1)(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/cabling 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.
  - 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.
  - 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.
- I. **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 ratio between relocatable classrooms and permanent classrooms for regular education students.
  3. Side-by-side school sites are not considered integrated.
- 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*.