An Overview of the CDE School Site and Plan Approval Process
Acronyms

- **CDE** - California Department of Education
- **CEQA** - California Environmental Quality Act
- **DSA** - Division of the State Architect
- **DTSC** - Department of Toxic Substances Control

- **Phase I** - a screening analysis on potential toxic hazards on a site
- **PEA** - Preliminary Endangerment Assessment (a more detailed screening that includes soil sampling); includes a public comment period
- **Remediation** - the removal or remediation of hazardous materials
Acronyms

- **LEA** - Local Educational Agency such as a school district, county office, or charter school
- **OPSC** - Office of Public School Construction
- **SAB** - State Allocation Board
- **SFPD** - School Facilities Planning Division, California Department of Education
- **Title 5** - California Code of Regulations (CCR), Title 5, Section 14001 et seq.
Background

• California *Education Code*, Section 17251
  – CDE to develop standards for school sites and plans

• Standards are in *CCR Title 5*, sections 14010 and 14030
Background

- DTSC process required for state funded projects
  - California *Education Code*, sections 17213.1, 17213.2, and 17268
  - Exceptions for modernization and minor new construction projects that are eligible for a statutory or categorical exemption under CEQA.
Background

• All public school projects, regardless of funding source, must meet *Title 5* standards

• If state funds are requested, CDE must review projects for *Title 5* compliance

CDE approves sites selected by districts, CDE does not select sites.
Background

• Charter schools not funded from state bond funds are exempt from CCR Title 5 standards (California Education Code, Section 47610)

• Charter schools not funded by state bond funds must meet either local building requirements or DSA requirements [California Education Code, Section 47610(d)—effective January 1, 2006]

• Private schools must meet local building standards, but are not required to meet CCR Title 5 standards (California Education Code, Section 17324)
Site Approval Process Overview

**FACILITY MASTER PLAN**
LEA evaluates short and long term needs

**POTENTIAL SITES**
LEA identifies and evaluates potential sites

**CDE EVALUATION**
CDE evaluates three or more of the potential sites identified by the district

**PREFERRED SITE**
LEA identifies preferred site and prepares required studies for CDE site approval (SFPD 4.01, School Site Approval Procedures)

**LEA submits CDE site approval letter as part of their OPSC funding application**

**CDE SITE APPROVAL**
CDE reviews project and approves if Title 5 standards are met
FACILITY MASTER PLAN

- The district prepared document evaluates
  - Projected enrollment
    - Where is enrollment growth or decline in the district?
    - What grade levels?
  - Capacity and condition of existing schools
    - Can existing schools be expanded?
      - Sufficient acres to support increased population?
FACILITY MASTER PLAN

• Evaluates
  – Education program changes
    • Expand class size reduction
    • Eliminate multitrack year-round education
  – Options for housing students
    • Change grade configuration - i.e. change elementary schools from grades K-5 to grades K-8
  – Modernization of existing schools
    • Repair or replace
FACILITY MASTER PLAN

• Evaluates
  – Financing
    • State funds
    • Local bonds
    • Developer fees
    • Joint-use of land and buildings
POTENTIAL SITES

Resources to identify potential sites

• CDE Publications
  – School Site Analysis and Development Guide
  – School Site Selection and Approval Guide

• Local planning agency
  – Zoning
  – Growth Trends
POTENTIAL SITES

Resources to identify potential sites

• Local Realtor
  – Familiar with land available for sale

• Architect
  – Advise LEA on any site development constraints
CDE EVALUATION

• SFPD staff review
  – Use Form SFPD 4.0 to
    • Evaluate
    • Rank compared to other alternatives
    • Identify issues and constraints
    • Identify additional studies
    • Recommend continued consideration of site
PREFERRED SITE

• In selecting the preferred site, the LEA should consider
  ✓ Safety—first and foremost
  ✓ Compatibility with program needs
  ✓ Comments and recommendations made by CDE during initial review
  ✓ Location
  ✓ Price and ease of acquisition
CDE SITE APPROVAL

- Required studies are listed on the SFPD 4.01, School Site Approval Procedures
- If requesting early site acquisition funds ("contingent site approval") from the SAB, the following are not required:
  - DTSC "final determination" letter
  - Completion of CEQA action
  - SFPD 4.03, School Site Certification
CDE SITE APPROVAL

Required documents
See SFPD 4.01 for full detail

• SFPD 4.0, Initial School Site Evaluation for selected site
• SFPD 4.02, School Site Report
  – LEA summary of evaluation criteria
• SFPD 4.03 School Site Certification
  – LEA certification of compliance with specified codes
CDE SITE APPROVAL

Required documents (continued)

• Legal description and site map
• LEA map
  – Existing and proposed schools
• Site utilization map
  – Conceptual layout of school
  – Particularly valuable for unusually shaped sites or sites with limited street frontage
Required documents (continued)

- **Planning Commission Report**
  - Is site consistent with local land use?
  - LEA governing board can “override” local land use designation

- **Unused Site documentation**
  - Are there any district owned sites that can be used for the project?
CDE SITE APPROVAL

Required documents (continued)

• Master Plan Site Size Documentation
  – How large of a site is needed for the “build out“ of the site.

• LEA Determinations and Findings
  – Public Resource Code Section 21151.8 and Education Code 17213
  • Site is not a former waste disposal site
  • Site is not a hazardous substance release site
  • Site does not contain high pressure pipelines
  • Identify hazardous air emitters within ¼ mile.
  • Identify major roadways within 500 feet
CDE SITE APPROVAL

Required documents (continued)

• Geological and other Environmental Hazards Report
  – Includes:
    • Seismic faulting
    • Liquefaction
    • Flood
    • Dam inundation
CDE SITE APPROVAL

Required documents (continued)

- DTSC approval
  - Phase I - "No Action"
  - PEA Testing - "No Further Action"
  - "Further Actions" can include
    - Remediation prior to construction
    - Remediation during construction
      - Methane barriers and venting
      - Removal or containment during grading
CDE SITE APPROVAL

- CEQA compliance
- Joint-use agreement (if applicable)
  - Shared field areas and facilities
- Final determination from the Office of Airports, CalTrans (if applicable)
  - For sites within two nautical miles of a runway
    - Within two miles does not disqualify a site, but triggers CalTrans review
CDE SITE APPROVAL

Required documents (continued)

• Other studies (if applicable)
  – noise, traffic, railroads, pipelines, electric transmission lines, flooding
CDE SITE APPROVAL

Approval letter

• Valid for five years
• Can be reevaluated if conditions change
  – Different CEQA determination
  – Changes in surrounding land use
CDE SITE APPROVAL

Approval letter (continued)

• Provides information for OPSC funding application
  – Number of acres approved
  – CDE recommended acres
Keys to Successful Site Selection

- Early involvement of the CDE field representative
- A facility master plan that is directing the LEA's construction program
- Coordination and collaboration with local city and/or county
- Planning and coordinating studies to minimize total approval time (i.e. parallel track various studies such as geological reports and DTSC clearance)
Plan Approval Process Overview

EDUCATIONAL SPECIFICATIONS
LEA develops Educational Specifications

DEVELOPING THE PLANS
LEA submits preliminary plans to CDE (design development) to CDE

PRELIMINARY PLANS
LEA resolves CDE concerns

CDE PLAN APPROVAL
CDE reviews project and approves if Title 5 standards are met

LEA submits CDE approval letter as part of their OPSC funding application
EDUCATIONAL SPECIFICATIONS

• Links the program need to the facility design
• See CDE Publication
  – Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
DEVELOPING THE PLANS

• Examples of Standards – *CCR Title 5, Section 14030*
  – Educational Standards
    • Standard classroom 960 square feet
    • Kindergarten classroom 1350 square feet
    • Adequate space for physical education
  – Safety Standards
    • Cars, buses, and pedestrians separated
    • Fume hoods and deluge showers
PRELIMINARY PLANS

• Preliminary Plan Review
  – Submit at 50% of drawing
  – Allows needed revisions to be done early in planning process
  – Provides for faster final plan review

• CDE Preliminary review letter specifies
  – Required changes per Title 5
  – Suggested changes
CDE PLAN APPROVAL

- District submission includes
  - Final plans
  - Responses to preliminary comments
  - Certifications (SFPD 4.07 form)
  - DTSC determination (if needed)
CDE PLAN APPROVAL

Approval letter

• Valid for two years
• Can be reevaluated if conditions change
  – Different CEQA determination
  – Change in project scope
CDE PLAN APPROVAL

Approval letter (continued)

• Provides information for OPSC funding application
  – Project scope
  – Project capacity
  – CDE recommended acres
Keys to Successful Plan Approval

• Early involvement of the CDE field representative
  – Discuss process and project scope
• Ensure your design professional has read *Title 5* standards
• Confer with city/county for off-site improvements
  – Sidewalks, driveways, utilities
Keys to Successful Plan Approval

• Project Scoping
  – What CEQA action is needed?
    • Negative Declaration?
    • Exempt?

• Is DTSC approval needed?
  – Required for state funding for new construction projects not "statutorily or categorically exempt" from CEQA [California Education Code, sections 17268(b) and (c), 17213.1, 17213.2]
    – Allow sufficient time to implement any required response action
Resources for School Design

- *Title 5* requires schools to be well-lighted and conducive to learning
  - Indoor air quality
  - Lighting
  - Ventilation
  - Acoustics

- CDE does not have standards for these areas
Resources for School Design

The LEA should consider the following "best practices" and professional standards

– American National Standards Institute (ANSI)

– American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
Resources for School Design

• Collaborative for High Performing Schools (CHPS)
  http://www.chps.net/

• The Council of Educational Facility Planners International (CEFPI)
  http://www.cefpi.org/
CDE Address and Web Site

California Department of Education
School Facilities Planning Division
1430 N Street, Suite 1201
Sacramento, CA 95814
(916) 322-2470
http://www.cde.ca.gov/ls/fa/
Other CDE Web Site Resources

- California *Code of Regulations, Title 5*
- Sample resolutions
- Hazard evaluation guidance
- Publications
- Project application form
- SFPD Staff Assignments