

Beth Westburg

I am here to speak to some important issues that you need to consider when making your decision on the existing proposals.

First, according to best practices and I quote, "*An essential role of the 7-11 committee is to consider the district's Facility Master Plan and how a potential school closure could affect, or reinforce, that plan*" I have never seen the district's Facility Master Plan, have any of you? And how do these proposals relate to the Master plan?

Second: According to best practices and I quote: "Government Code sections 65560 et seq. and 65912 et seq. stipulate that land designated as an open-space zone be preserved for park and recreation purposes." In addition, Cal Government code 65566 states "*Any action by a county or city by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated, whether or not pursuant to this part, must be consistent with the local open-space plan.*"

According to the Torrey Pines Community Plan, page 89: "*The possible Joint use of the Del Mar Hills and Del Mar Heights elementary schools should be investigated. The acquisition of either school, should they be declared surplus, shall be initiated under existing state codes.*" Note the word SHALL...not might, not maybe, but ACQUISITION SHALL BE INITIATED. You think Mello Roos is a problem, what about eminent domain?

Third: Can you say CEQA?

I'll paraphrase the best practices regarding CEQAs. A CEQA is required if the receptor school has an increase of more than 25%. And it also addresses the new property use and I quote: "*This is also a good opportunity to assure neighbors that any future use of the school property will be subject to public review and comment and would have to be compatible with local zoning regulations and the California Environmental Quality Act (CEQA).*" I'm not an attorney, but I think this would apply to any change in use including adding a district office and/or maintenance shed to an existing school.

So, if you close Del Mar Hills, you will triggering not one CEQA at the Hills due to a change in use, but a second CEQA at Del Mar Heights due to increased enrollment of 34% and wait, a third CEQA at Carmel Del Mar with increased enrollment of 30%. After going through 3 CEQAs, we would all be experts and broke. But, just because you have a CEQA doesn't automatically mean that the proposed uses would be deemed acceptable.

In addition, according to your lawyer, not only will school closure mean CEQAs and public review, but the coastal commission will get involved. The process could take 12 to 18 months ...or longer and CEQAs are expensive. There are no promises that after this lengthy and costly process, that the district would be granted a zoning change for the Hills and/or approval to increase enrollment at the Heights or Carmel Del Mar.

I could talk about more stuff such as soil conditions at Torrey Hills, safety concerns about schools sharing property with district offices and maintenance sheds, etc. In closing, you are opening up a can of worms by ignoring these items. None of your proposals are

12-14-09

viable. I encourage you to report to the school board that you have completed your review of the properties to the best of your ability and can report that school closure is not an option and neither is adding a district office or maintenance shed to existing schools. In my opinion, none of your proposals are acceptable to the community or worthy of being presented to the school board..

Thank you.

Here is the backup information. *for the record.*

Proposed 2010-2011

	AF	CDM	Heights	Hills	OA	SC	SR	TH	Total	
Oct 2009 Enrollment (includes Special Day Class and Special Day preschool)	472	439	454	329	682	763	446	664	4249	Sept Board Packet
Sixth Grade - Junior High	(85)	(56)	(72)	(56)	(85)	(99)	(53)	(71)	(577)	Sept Board Packet
Transfers in to homesites	5	(11)	(23)	(31)	18	4	7	9	(22)	Intradistrict transfers - S. Weinberg 11/1/09
CDM to Hills/Hts, Hills/Hts to CDM - Net		8	(8)						0	Intradistrict transfers - S. Weinberg 11/1/09
Transfers out to Home sites	(11)	41	8	7	(5)	(8)	(3)	(7)	22	Intradistrict transfers - S. Weinberg 11/1/09
16gjk move from H/H to CDM		78	(31)	(47)					0	S. Weinberg 11/24/2009
Subtotal 1st - 6th 2010-2011	381	499	328	202	610	660	397	595	3672	
Projected Kindergarten	51	61	59	41	105	112	56	101	586	
Adj 16gjk										7-11 Committee Enrollment Report
Special Day Class relocated	11	9	(8)	(1)			(50)			Proposal B
Total Est Enrollment	443	569	368	242	715	772	403	696	4208	
New Enrollment	443	569	610		715	772	403	696	4208	
Modified Capacity (Adjusted for SDC relocation)	660	573	610		712	818	712	888	4973	7-11 committee: School Capacity Information
Percentage Capacity	67%	99%	100%		100%	94%	57%	78%	85%	

Sections/Classrooms	22	24	27		32	34	19	29	187	Proposal B
Required Rooms	9	9	8		5	9	9	10	59	7-11 Room count
Special Day Class	2	2						2	6	Proposal B
Special Day Preschool				10					10	Proposal B
District Offices				15					15	Proposal B
Excess Classrooms	8	(1)	0		1	1	12	8	29	
Total Classrooms	41	34	35	29	38	44	40	49	310	7-11 Room count
Percentage Capacity	80%	103%	100%		97%	98%	70%	84%	91%	

Required Rooms: ESC-4, RSP -1, Childcare, OT/APE (Defined by 7-11 committee as critical rooms that each school should accommodate.)
 Excess Capacity: Classrooms are currently used for ESC, computer labs, PTA rooms, meeting rooms, storage, etc. Number of rooms and usages vary by location.

CEQA Trigger - Enrollment Change > 25% -6% 30% 34% 5% 1% -10% 5%

Current 2009-2010												
School	AF		CDM	Heights	Hills	OA	SC	SR	TH	Total		Source
Sept. 2009 Enrollment	472		419	428	332	682	763	396	646	4138		Sept Board Packet
Special Day Class Students			18	15					12	45		7-11 committee
Special Day Preschool								50				
Total Each School	472		437	443	332	682	763	446	658	4233		7-11 School Capacity
Modified Capacity	677		573	596	449	712	818	712	888	5425		Information
Percentage Capacity	70%		76%	74%	74%	96%	93%	63%	74%	78%		
Operating Cost per Student	\$6,732		\$7,248	\$7,071	\$6,788	\$6,226	\$6,133	\$7,208	\$5,927			7-11 committee
Sections/Classrooms	21		19	20	15	31	34	19	29	188		Sept Board Packet
Required Rooms	9		9	8	8	5	9	9	10	67		7-11 Room count
Special Day Class			2	2					2	6		7-11 Room count
Special Day Preschool								5		5		7-11 Room count
District Offices					2			1		3		7-11 Room count
Excess Classrooms	11		4	5	4	2	1	6	8	41		
Total Classrooms	41		34	35	29	38	44	40	49	310		7-11 Room count
Percentage Capacity	73%		88%	86%	86%	95%	98%	85%	84%	87%		

Required Rooms: ESC-4, RSP -1, Childcare, OT/APE (Defined by 7-11 committee as critical rooms that each school should accommodate.)
 Excess Capacity: Classrooms are currently used for ESC, computer labs, PTA rooms, meeting rooms, storage, etc. Number of rooms and usages vary by location.

Dr. McClain can return to the Committee with specific requirements, such square footage amount, bathrooms, changing areas, etc. Preschool, especially for special needs students need a lot of space. Further Dr. McClain would not entertain two sites, she believes the program is best managed at a single site.

Janet Handzel asked if teachers were happy about this program, and Charlene Komosinski replied that parents of ECC kids would be fine with this typical peer program.

Discussion on tour of district office, maintenance, employee childcare, Del Mar Heights, Del Mar Hills, Carmel Del Mar, Ashley Falls, and Sycamore Ridge Facilities

Committee members stated they are proud and lucky to be part of this district, and the site tours were informative.

Adoption of Charter

Upon motion by Cinda Peck, seconded by Susan Paul, the Charter was unanimously approved as amended. The amended charter as approved is attached.

Appointment/Election of Chair

Jennifer Emberger nominated Bob Shopes as Chair. Bob Shopes accepted the nomination and will serve as Chair of the 7/11 DAC.

Discussion Items

"What If" Scenario

Members can opt to use either the spreadsheet version of the worksheet (Excel), or the narrative version (Word) to fully develop various proposals that would address the criteria as set forth by the committee. Use of these tools should assist members to identify strengths and weaknesses of various scenarios. Mrs. Wayne provided a sample school for the committee's review. Mrs. Wayne stated that the scenario took six hours, it was not a simple task, and she has closed 9 schools using this process.

Committee members can use this as a process to analyze information and present to group and share a similar process. The committee will post the blank template for the working document, and project each scenario onto the screen in open session as it is explained.

Conference with DMUSD legal counsel

Ty Dorward with Best, Best & Kreiger, addressed the Committee. Mr. Dorward informed the committee that technically classroom facilities are not subject to local regulations and are preempted by state regulations and state over-site. However, administration uses and other non-educational purposes would not be subject to the same type of preemption by the state. A General CEQA checklist applies to any discretionary approval--the district and the district's board. An Environmental Impact consultant would help school going through all items-- biological, agricultural, public services, traffic, infrastructure, water, and any other special

services the public agency. That type of study is always subject to public review. Any Environmental Impact Report or CEQA require a public agency to make findings in the report on any environment impact. Interplay with coastal commission is needed for any development in a defined coastal zone. Traffic and beach access are typical things the coastal commission looks at, and these also tie into an EIS. Certain projects are exempt from a CEQA if they not large enough.

Mr. Dorward was asked if a CEQA would likely be required if we significantly alter the current use. At the time the Board of Trustees makes a discretionary approval, they would need then a study. This is not a quick process, permitting and environment processes may be 1 to 1 ½ years, although there is a possibility of exemptions. Technically, this is not the committee's concern, but an issue for the school board. Committees make a recommendation but are not usually responsible for EIR, etc; the governing board would look into that. In the study of school closure, Mr. Dorward suggested that the committee move forward, understanding that a review based on a set of completed and accepted recommendations would be undertaken at the close of deliberations. Until then, the issue is unclear. A consultant to review the potential action would review the outcomes and assist in determining the appropriate legal steps following intent to act.

Mrs. Wayne mentioned it might be prudent to have a consultant waiting in the wings.

Dr. McClain asked Mr. Dorward if there was any advantage to keeping regular ed children on a site as a district renovates. Mr. Dorward would have to look into that issue but doesn't think a school district could say because it kept a school operating in one portion of the building the entire project is not subject to EPA, etc., regulations. Dr. McClain stated that it is very difficult to re-open a school after it was closed to regular ed students for a time.

Information Items

Report from the Surplus Property Committee August 2005

Cinda Peck was also on the Surplus Property Committee in 2005, and she stated that this committee has a different and more complex task.

Items for July 16 Meeting:

Additional detail from Business Services on potential cost savings of closing a school.

Any previous analysis or proposal to split upper and lower grades between Del Mar Hills and Del Mar Heights.

Request for meeting change from August 6 to August 3 to finish earlier than 3:00 p.m., and request to change August 20 to August 24, prior to noon (child care using PAC at noon).

Adjournment

Upon motion by Bob Shopes, seconded by Susan Paul, it was unanimously approved to adjourn at 5:30 p.m.

**7/11 DISTRICT ADVISORY COMMITTEE
PURSUANT TO EDUCATION CODE SECTION 17387**

Minutes of Regular Meeting
Thursday, July 2, 2009
3:00 p.m.



Del Mar Hills Academy
14085 Mango Drive, Del Mar, CA 92014

Organizational Items

Call to Order – *Time: 3:04 p.m.*

Present: All members of the 7-11 committee were present, Gayle Wayne, Facilitator, Jennifer Emberger, Janet Handzel, Wayne Harris, Susan Paul, Cinda Peck, Bob Shopes, Randy Wheaton, and Shirley Bales, administrative assistant.

Dr. Sharon McClain, Superintendent, Charlene Komosinski, Director of Child Care, Todd Boteler, DMUSD Webmaster, Sherry Forte, Executive Assistant to the Superintendent, were present, attorney Ty Dorward, as well as community members Martha Cox, Mary Farrell, and Audrey Levine.

Flag Salute - led by Shirley Bales

Approval of the Agenda

Upon motion by Bob Shopes, seconded by Susan Paul, the Agenda was unanimously approved.

Approval of the Minutes

Regular Meeting June 18, 2009

Upon motion by Bob Shopes, seconded by Wayne Harris, the Minutes were unanimously approved, as amended.

Public Comment

Martha Cox, retired school district employee, spoke to encourage the 7/11 DAC to consider the merits of a Pre-K, K-1 or K-2 for all Hills/Heights resident students at Del Mar Hills plus the location of the entire district administration center and employee child care at Del Mar Hills; and then consider all resident Grades 2-6 or Grades 3-6 students be assigned to Del Mar Heights.

Public Communication

Comments for Consideration by the 7/11 Committee--handout from Martha Cox.

Old and New Business, Presentations

Clarification from Pupil Services and Child Care on special education/typical student preschool capacity needs—Presented by Dr. Sharon McClain, Superintendent, and Charlene Komosinski, Director of Child Care

Dr. Sharon McClain clarified to the 7/11 DAC the reasoning behind the preschool proposal. DMUSD currently has special ed preschool housed at Sycamore Ridge school. Sycamore Ridge does not have facilities available to integrate special needs preschool students into regular classrooms with typical peers.

For this integrated special needs/typical peer preschool, the District desires 22 classrooms:

- 16 preschool and 2 childcare classrooms,
- 1 Occupational Therapy/Adapted PE,
- 1 Speech Room,
- 1 Meeting Room, and
- 1 Assessment Room/Office

The 16 classrooms would each hold 15 typical students plus 3 special needs students, serving children age 3 and up. Two classrooms would be used for the infant/toddler employee childcare currently housed at Shores. Employee Childcare currently closes at 4 pm, but the proposed Preschool would stay open until 6 pm.

District preschool would serve children 3 and up.

Currently, special ed impacts the DMUSD general fund for over \$3M. Those are expenses DMUSD is mandated to pay. The federal government required to pay 40%, but they have never paid over 18%. Remaining funding comes from the general fund. If we have typical peers, those students would pay a fee, which would help support program.

Dr. McClain stated that with the capital improvement money from the sale of the Shores property, this is DMUSD's one opportunity to set up this program. The \$8M from the Shores sale cannot be spent on staff; it may only be spent on capital improvements with a 5-year or longer life. This money may be used to renovate facilities for a District Office and can also be used for preschool since it is also a capital expenditure.

Gayle Wayne asked about financial implications. Dr. McClain replied that Manhattan Beach School District had a similar preschool to the one proposed which nets about \$300K to its general fund. Manhattan Beach further has 400 students on a waiting list because of its credentialed teachers and specialists. Charlene Komosinski stated that she knows students in DMUSD who go to other districts because DMUSD does not have the facilities.

Bob Shopes wondered about a phase-in to the full program, since it may not open at full capacity. Dr. McClain stated the program would phase-in, but wishes to set aside enough room at start-up to avoid bringing in portables or displacing other students in the future.

California Department of Education

Closing a School Best Practices Guide

Introduction

The decision to close a school is anguishing. It profoundly affects parents, neighborhoods, communities, district personnel, and, of course, students. It affects relationships, routines, and cherished territorialities. In short, it alters not only district operations but also lives.

A decision not to close a school, however, amidst circumstances of declining enrollment and economic necessity, can be imprudent. And while the immediate effects of closing a school may be painful, the long-term effects can be beneficial to everyone.

Indeed, the process of closing a school is difficult, but if done correctly, it becomes less difficult. This "Closing a School Best Practices Guide" (CASBPG) will hopefully make the process easier.

The CASBPG is divided into five chapters:

- Gathering facts
- Deciding which school to close
- Making the decision
- Making the transition
- Disposing of surplus property

Chapter 1: Gathering facts

Gather the facts. The decision to close a school must be based upon hard, empirical evidence that leads to a broadly supported, incontrovertible conclusion—the district cannot afford to keep a particular school(s) open without cuts elsewhere (budget, staffing, etc.). This conclusion must be program-based upon such factors as projections of declining enrollment, critical district financial circumstances, facility conditions, educational program quality, costs of unnecessarily keeping underutilized facilities open, feasible options to closing a school, anticipated fiscal relief from school closure, and possibility, property disposition (see Chapter 5 for information on property disposition).

Form a committee to gather the facts. It is a legislative intent, but not a mandate, for a district to have and use a District Advisory Committee (DAC) "before decisions are made about school closure" (*Education Code Section 17387*). But whether an intent

or a mandate, the advice is good. The job of the superintendent and board members is to evaluate facts, not gather them. And the process of gathering the facts must be as credible, transparent and non-political as possible. So, at the very least, the DAC, often referred to as 7-11 Committee (due to legislative requirements of at least 7 but no more than 11 members) should be involved in the fact-finding necessary for an informal recommendation about school closure. *Education Code* Section 17389 suggests who should be represented on this committee.

X An essential role of the DAC is to consider the district's Facility Master Plan and how a potential school closure could affect, or reinforce, that plan. It may be necessary to revise that plan based upon the fact-finding conclusions.

Better still, the DAC should be expanded to include a cross-section of community members who have an interest in and may be affected by school closures. The Oak Grove School District in Santa Clara County called this expanded school-closure committee "The School Consolidation Task Force." Members of the following groups were considered for inclusion in this task force:

Business community Professional groups Labor organizations Municipal governments Teachers and administrators Religious organizations Recreational entities Collective bargaining groups Student representatives Public agencies Environmental planners Civic organizations Land owners/brokers Parents Parent groups Service organizations Demographers

Keep in mind that the DAC should have a balanced, cross-section of members, but a committee of too many members may be cumbersome and not efficient. In any case, it is important that this expanded school-closure committee be perceived as objective and independent from suspected school board or other political agendas. So it is best to have a membership mostly of volunteers (although a paid chairperson or facilitator is useful), making sure, though, that they are responsible citizens. The superintendent and school board members should not be included on the DAC or the expanded, school-closure committee. The Los Angeles County Superintendent of Schools recommends the expanded, school-closure committee's leadership to be an outside consultant, or an administrator from the district's central office. The committee itself can also elect one of its members to be the leader. The DAC leader can be appointed by a board member; however, this is least desirable.

DAC meetings are subject to the Ralph M. Brown Act. See *Government Code* Section 54952.3.

Decide what facts to gather. Members of the board of education should charge the expanded, school-closure committee with making a recommendation about school closures after it has completed specific inquiries and tasks. The scope of these tasks is broad and includes:

- determining enrollment projections and their impact on surplus space;
- inventorying the capacity and conditions of existing facilities;
- determining per-student operating cost at each facility;

- considering uniqueness of the educational program at each site;
- evaluating specific schools considered for closure (see Chapter 2);
- identifying specific new environmental/safety concerns for each site;
- determining cost-savings projected for each school considered for closure;
- identifying housing/transportation options for displaced students;
- considering cost benefits of varying property disposition/use options;
- recommending transition strategies;
- making specific recommendations about specific school sites to the board, and
- assessing the impact of school closure on district's insurance coverage.

Consider options. During the fact-finding process, the expanded, school-closure committee should consider alternatives to closing schools. Creating additional need for classrooms or eliminating unnecessary classrooms can affect decisions about school closure. Some of the alternatives as listed below do not involve real cost savings if this is the focus of reasons for school closure:

- expand class-size reduction to create a need for more classrooms;
- dispose of excess portables or leased facilities;
- close surplus classrooms;
- restructure grade configurations to balance school enrollment;
- reorganize attendance boundaries;
- use surplus classrooms for other district functions;
- enter into joint-use/joint occupancy agreements;
- convert to community day school use;
- convert to a small high school;
- lease for use as charter school (Proposition 39);
- shift to full-day kindergarten;
- initiate universal pre-school program; and
- consult with National Trust for Historic Preservation.

Chapter 2: Deciding which school(s) to close

Decide schools to be considered for closure. Of course, there are many factors to weigh when selecting schools for possible closure. The most obvious criterion, a school with declining enrollment, is not necessarily the best. Consider other factors, too:

The condition of a school facility - a modernized school, one in good repair, and/or one that has technological capacity or other educationally innovative features may be the best school facility in the district, in spite of its declining enrollment. It may be better to close an at-capacity but physically mediocre school;

The operating cost of a school - operating costs may vary from school to school. Some schools use energy more efficiently, some schools need less maintenance, and some schools have minimal transportation costs. Factor

these operating costs into decisions about which school to close;

The capacity of a school to accommodate excess students - displaced students must be housed elsewhere in the district, so choosing a school site that has unused classrooms or the capacity to add portables, without encroaching on playground/playfield space, is critical. Another important consideration is the ability of the school's essential, core facilities --- library, multipurpose room, cafeteria, gymnasium, toilets --- to accommodate additional students. While there may be room on a school site to add portable classrooms, there may be no room for all those students to use, say, the lunchroom at the same time.

The administration building, also, must be considered since it may have to accommodate expanded services and personnel;

Special program facilities - special programs, such as providing services for special education students, require special facilities. Closing a school that may have a large capital investment in these special facilities may not be cost effective if those specialized facilities need to be rebuilt elsewhere;

Environmental factors - a school's surroundings may have changed since it was first opened. Zoning may have been relaxed to allow nearby, undesirable businesses to move in (i.e., liquor stores, adult bookstores, air-polluting manufacturers, industries that produce or store toxic chemicals), or there might be new environmental hazards (i. e., pipelines, high voltage power lines, fuel storage tanks, airport runway extensions, etc.) that now compromise the safety of the students at a school. the schools chosen to remain open must be safe schools.

Ethnic balance - closing a school and redistributing its students should change as little as possible the ethnic balance in schools throughout the district. Closing some schools will more adversely affect ethnic distribution than others;

Transportation - part of the decision to close a school should be based upon what transportation costs will be saved, and what new transportation costs will be incurred, once a school is closed and its students redistributed. Insuring that there can be safe walking routes for the displaced students to the new school reduces transportation costs and provides a healthy addition to the school day. It is also important to consider the adequacy of existing drop-off/pick-up and bus loading areas at the schools designated to receive additional students;

Neighborhoods - having a neighborhood school is a part of every parent's sense of well being (not to mention the savings associated with transportation costs). The availability of nearby schools to the ones chosen for closure can lessen the impact of displacement and loss of connection to the new school;

Education program - educational programs are generally mobile; programs and staff can move from site to site. But there can be site-related high achievement schools based upon innovative facility design, a particularly fortuitous dynamic among staff, and just the right mixture of students. Often these high achievement schools are unique and perhaps may be hard to reconstruct elsewhere. On the other hand, there can be historically low-performing schools. Such sites may be good candidates for closure providing an opportunity for re-distributing the students and staff;

Aesthetics - often the presence of an attractive, well-designed, well-kept school can

be a source of student and neighborhood pride, an asset to the community, as well as an educational asset. Of course, decisions about school closure are much more complex than just considerations of "appearance," but the physical aspect is important and should not be overlooked in the process of consideration;

Value - if maximizing revenue from the sale or lease of surplus schools is integral to decisions regarding which school to close, then, of course, a property appraisal and assessment of the interests in and proposed uses for the property are vital. The appraisal and assessment must state that it complies with Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Standards Board of the Appraisal Foundation. The expected value realized from a closed school should be measured not just in revenue but also in community enhancement (see Chapter 5 for limitations of how revenue from the sale or lease of property can be used).

Chapter 3: Making the decision

Make the decision. Based upon the expanded school-closure committee's analysis and conclusion, the superintendent will make a recommendation to the school board. At this stage, the recommendation may have become modified based upon input from the superintendent's cabinet or other district staff.

Once the recommendation has been presented to the board, the superintendent should conduct public hearings. This should be done as soon as possible. In addition to an open school board meeting, each potential site that may be affected, those considered for closure, as well as those designated to receive a particularly heavy increase in enrollment as the result of school closures, should be the site for a series of public hearings.

Ideally, members of the community will have been included in the expanded school-closure committee so there will have been some communication and input from and to the community. Nevertheless, these meetings, especially for school closures, will be emotional, especially if they are perceived by parents that the meetings are a formality and not genuine attempts at meaningful communication. At the very least, the district should be represented by the superintendent and an assistant, a school board member from the area which includes the school to be affected, the site principal, and a member of the expanded school-closure committee. Other invited guests might include a representative from the PTA, media personnel, school site council members, and community dignitaries. Consider using a moderator to effectively manage time and control statements from the audience. Firm time lines for comments should be set and enforced. A district representative, perhaps a facilitator or someone from the expanded, school-closure committee, should be designated as the district liaison for all future school -closure communication. This shields, but only partially, rancor from being directed in subsequent weeks at district personnel and/or board members.

Representatives from the district should be candid about the facts behind the consideration for school closure. Graphically illustrate such data as declining

enrollment figures, site-specific operating costs, and overall district financial difficulties. talk about what is at stake: specific programs, reduced class sizes, instructional material reductions, even district financial solvency and academic performance. Demonstrate how academic standards can be maintained (or improved), special programs (e.g., special education, after school, GATE, etc.) continued, and new transportation needs accommodated. Explicitly show how school closure is a solution, or part of the solution, to a serious problem.

Also, be prepared to discuss proposed uses for the closed schools (see Chapter 5 for information on property disposition). While parents will be keenly involved in discussions about closing "their" school, the school's neighbors, whether parents or not, will express great concern about proposed uses of "their" closed school. At this point in the process, the district may not know what the planned use for the closed school may be, but this is a good opportunity to hear about community concerns. These concerns typically are explicit statements about what they do not want the school property used for. This is also a good opportunity to assure neighbors that any future use of the school property will be subject to public review and comment and would have to be compatible with local zoning regulations and the California Environmental Quality Act (CEQA).

After the public meetings, the board should consider, as an action item, a board resolution based upon the superintendent's recommendation to close a specific school. the superintendent's recommendation will have been based upon the expanded school-closure committee's findings, which may or may not have been modified after the public hearings.

Follow legal provisions. Neither the *California Education Code* nor the *California Government Code* requires a district to take specific steps when closing a school. There are, however, some codes and regulations that obliquely apply. These codes are listed below: (Codes and procedures for disposing of property are discussed in Chapter 5.)

Education Code Section 17387 specifies the Legislature's intent that there be community involvement "before decisions are made about school closure or the use of surplus space..." While this Section specifies a legislative "intent," not a mandate, its application is common sense and should be an integral part of school-closure decisions (see "Form a Committee" above for recommended membership and responsibilities).

Education Code Section 17388 mandates that the governing board appoint a District Advisory Committee (DAC) (often referred to as the "7/11 Committee") to advise the governing board in the development of district-wide policies governing the use of disposition of surplus property. Even though the DAC's responsibilities are specific to decisions after a school has been closed, those decisions should be made in concert with decisions about which schools, if any, to close. to restrict the DAC to post facto responsibilities is to neglect an integral component in the difficult decisions of school closure. DAC meetings are subject to the Brown Act and must be open to the public.

Education Code Section 17389 defines the required composition of the DAC.

X Government Code sections 65560 et seq. and 65912 et seq. stipulate that land designated as an open-space zone be preserved for park and recreation purposes. Schools being considered for closure located on land zoned (or rezoned) as "open space" will have a limited market value compared, say, to land zoned as "residential" or "commercial."

X The California Code of Regulations, Title 5, sections 90-101 define a district's responsibility to avoid racial segregation among its schools. Decisions about school closure and subsequent student placement should not exacerbate racial isolation.

X The CEQA would consider the decision to close a school a "project," but typically a project eligible for a "statutory exemption," allowing the district to file a "Notice of Exemption." However, if a receptor school site---that is, the school which will accommodate those students displaced by the school closure---has an increase in enrollment by more than 25 percent or the addition of ten or more classrooms, whichever is less, then a more formal CEQA analysis may have to be initiated. Also, CEQA may apply to the subsequent sale or lease of a closed school. Because the CEQA process is specialized, it is best to consult with counsel on a case-by-case basis.

Chapter 4: Making the Transition

Obviously, once the decision to close a school is made, complicated transitions begin. But communication begins first. In fact, the district should be prepared right after the board's decision to announce to parents, staff, and the community that the decision to close a school has been made.

Many districts suggest that the first group to be notified that a school has been planned for closure should be that school's staff. While this is a good idea, it is important to understand the likelihood of quick staff-to-parent networks of communication. And because it is better for parents to find out from the district office rather than from information leaked by sources elsewhere, intensive district-to-parent communication should begin at about the same time as the school staff meetings. Of course, decisions to close a school should not be announced to parents without the ability to specify what their replacement school will be.

The methods of district-to-parent communication include press releases, newsletters, Web sites, and community meetings. Each announcement should include a summary of the process and reasons leading to the school closure decision, the transition time line, and district contact information. Communication by any means should occur often.

The most important method of communication, however, is a direct mailing to each affected household, identifying the replacement school and reiterating important time lines, projected transportation arrangements, and who the district contact will be. The direct mailing should also request a reply, verifying that the information has been received and understood. Parents can be given a choice of response methods: returning a form that has been included in the mailing, responding to a specified e-mail address, or phoning the district's school closure contact person. In turn, the

district should keep a log to record who has replied. Eventually, those parents who haven't responded need to be phoned. This way the district can be assured that every parent has been informed.

School staff meetings should be on site and as reassuring as possible. Again, reasons for the decision to close the school should be presented and then the staff transition plan introduced. Any staff transition plan should begin with opportunities to request new placement sites. However, collective bargaining agreements (defining first-preference criteria) and district decisions about staff balance (this can be a factor of enrollment or the desire to create a certain teacher dynamic at a school) may preclude everyone's getting a first choice.

At the school staff meetings, staff should be encouraged to schedule visits to the schools where they may be placed. This will give staff the opportunity to start putting roots down in a new environment and to learn about any specialized program for which they may require training.

Another important step is forming a district transition team. This team should monitor the progress of student and staff assignments to the replacement sites, oversee textbook and instructional material allocation, insure that facilities are adequate (both in number and condition) to accommodate additional students at the new sites, and move or store furniture or equipment as needed for the transition.

The district transition team should also complete an inventory of the essential facilities at the sites designated to receive additional students. Toilets, multipurpose rooms and lunch rooms, playground space and apparatus, parking lots, and gymnasiums are typically built to accommodate a specific planned enrollment. Once that base enrollment is surpassed and open space converted into classroom space, those essential facilities may become inadequate. Adding toilets, scheduling multiple lunch periods, rewriting physical education curricula, redrawing playground areas, and reconfiguring parent drop-off and bus loading areas may be some of the needs associated with moving additional students onto existing campuses.

Chapter 5: Disposing of school property

A vacant school site and empty buildings are district liabilities. They still require upkeep, maintenance, security, and insurance coverage (in fact, empty buildings may raise insurance costs). Unless the district foresees reopening the schools in the near future or is willing to financially support a vacant-school liability, closed schools should be leased, re-used, or sold outright.

Keep in mind that leasing a school, as opposed to selling it, allows a school district to retain it as a resource in case enrollment increases, as it often does, and facilities are needed again.

But there are statutes governing to what purposes the proceeds from the sale or lease of the property can be used and to whom district property must first be offered. In fact, the California *Education Code* has numerous relevant sections as listed

below.

The district must appoint a DAC (the "7/11 Committee" discussed above) to advise the governing board in the use or disposition of school buildings and vacant sites not needed for school purposes (see *Education Code* Section 17388). As stated above, it is best if this committee is involved at the very beginning of discussions about school closure, but it is a legal mandate that the committee be formed and consulted about the use of school property once closure decisions have been made.

The district must also keep in mind that the proceeds from the sale or lease of surplus property generally have restricted uses. *Education Code Section 17462* is important in this regard. It begins by stating that the proceeds from the sale of district property must be used for capital outlay purposes or maintenance of district property, and that the proceeds from the lease with an option to purchase district property may be deposited in a restricted fund used for routine repair of district facilities. This language excludes the ability to use funds for general fund purposes, but it does not mention how proceeds from the lease without an option to purchase can be used.

But *Education Code Section 17462* goes on to say that these funds may be deposited into the general fund if the governing board and the State Allocation Board determine that the district has "no anticipated need for additional sites or building construction for the next ten years," and has "no major deferred maintenance requirements." For a district to give up state assistance for new construction, modernization, and deferred maintenance money for ten years usually serves as a deterrent from requesting these property disposition proceeds to be transferred to the general fund.

There are exceptions to the restricted use of funds described above. *Education Code Section 17463* creates special circumstances for districts with enrollments of fewer than 10,001. And *Education Code Section 17463.6* creates an exception for the Santee School District, the Valley Center-Pauma Unified School District, and the Capistrano Unified School District, allowing them to divert part of the proceeds from the sale of disposed property to the general fund.

In addition to limitations being placed on how the proceeds from the sale or lease of surplus property can be used, there are requirements specifying to whom the property must first be offered. These restrictions are complicated. Many can be waived by the State Board of Education, but the items listed below cannot: (These apply to property disposed through outright sale or through lease with an option to purchase)

Land must first be made available for use for low-income housing and for park and recreation purposes (*Education Code Section 17459*);

Land must be made available to specified park and recreation departments (*Education Code Section 17464[a]*).

Other pertinent *Education Code* sections that prescribe the manner in which property can be disposed are summarized here. These sections can be waived by action of the State Board of Education:

Land must be offered in writing to the Director of General Services, Regents of the

University of California, Trustees of the California State University, the county and city, any public housing authority; by public notice to various public agencies and non-profit charitable institutions. A time line to reply to the public notice is specified as 60 days after the final public notice. (*Education Code* Section 17464[b]);

The board must by a 2/3 vote adopt a resolution to lease or sell specific pieces of property, must specify a minimum price, and must fix a time at which sealed proposals will be received and considered (*Education Code* Section 17466);

The board at an open meeting shall accept the highest sealed bid (*Education Code* Section 17472);

The board shall accept oral bids at an open meeting and shall accept the highest bid (if the highest bid is oral, then it must exceed the price or rental terms by at least 5 percent) (*Education Code* Section 17473).

It is important to consider seeking waivers to those sections above that may prevent the district from choosing the most desirable new owner or lessee of its surplus property. The obligation a district has to its community is sometimes more important than realizing the highest price from district property. It is essential that a district first confer with legal counsel prior to initiating the sale or lease or property.

Conclusion

Hopefully, this "Closing a School Best Practices Guide" will guide and aid you and your district through an arduous, difficult task. A sample time line is included (Attachment A) to assist you. This time line should be modified to suit your districts unique needs. For additional information or if you have questions, contact the California Department of Education, School Facilities Planning Division, at 916-322-2470.

[Attachment A - Suggested School Closure Time Line \(XLS; 18KB; 1p.\)](#)

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