Policy 7131: Relations With Local Agencies **Status:** ADOPTED

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CSBA NOTE: Education Code 35275 requires the Board to meet with local park and recreation authorities to coordinate planning, design and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities; see AR 7150 - Site Selection and Development. In addition, Government Code 65352.2, as added by AB 1367 (Ch. 396, Statutes of 2001), encourages collaboration between districts and cities and counties by authorizing meetings between those agencies to discuss methods of coordinating planning, design and construction of facilities.

The Governing Board recognizes the importance of collaborating and communicating with other local agencies in order to provide the best possible school facilities and to allocate facility resources in an effective and efficient manner. The Board and district staff shall consult and coordinate with local agencies as required by law and whenever the expertise and resources of these agencies can assist the district in the planning, design and construction of facilities.

Following notification by a city or county of proposed action to adopt or substantially revise a general plan, the Board may request a meeting with the local planning agency to discuss possible methods of coordinating planning, design and construction of new school facilities and school sites. (Government Code 65352.2)

CSBA NOTE: Government Code 65995, as amended by SB 50 (Ch. 407, Statutes of 1998) essentially repeals, until 2006, the Mira/Hart/Murrietta line of case law which had granted cities or counties the authority to deny development projects based on a determination as to whether the schools were adequate to meet the demands created by the development. Although that authority has been repealed, districts may still wish to encourage cities/counties to include language in the city/county general plan regarding adequacy of school facilities so that the language is in place upon the expiration of SB 50's restrictions. The following paragraphs are optional.

The Superintendent or designee shall monitor land development proposals within district boundaries and shall ensure that an exchange of accurate information is maintained with city/county planning staff regarding the impact of land development on the district's educational programs and facility needs.

Recognizing that available funds may not suffice to eliminate overcrowding in district schools caused by new development, the Board urges the city/county to adopt in its general plan or other appropriate planning documents, to the extent permitted by law, a provision which ensures that adequate school facilities will be available.

Notifications to Other Local Agencies

CSBA NOTE: Government Code 65971 requires the Board, upon making the findings described below, to notify the city council or board of supervisors of the city or county in which the district is located. If the city council or board of supervisors concurs in these findings, Government Code 65972 requires that the development be denied unless specific overriding factors exist or the city or county, by ordinance and as a condition of approval, imposes specific land and/or fee

requirements on the developer to fund interim facilities. Although Government Code 65972 and 65972 may have been preempted by the provisions in SB 50, it is recommended that, if the conditions exist, districts make the findings below and consult legal counsel, as appropriate.

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

1. That conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions

2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exists

The above notice shall specify the mitigation measures considered by the district and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school construction under applicable state law. (Government Code 65971)

CSBA NOTE: Government Code 53094 has long authorized Boards to render, by a 2/3 vote of its members, a city or county zoning ordinance inapplicable to a proposed use of property by the district, as long as the proposed use of the property is for classroom facilities. See E 9323.2 - Actions by the Board. However, Government Code 53094, as amended by AB 1367 (Ch. 396, Statutes of 2001), now requires that, prior to taking such an action, the district must notify the city or county planning commission of the acquisition of a new school site (Public Resources Code 21151.2) or the adoption of a facilities needs analysis or master plan (Government Code 65352.2).

The Superintendent or designee shall notify the appropriate city or county planning agency of the adoption of a school facility needs analysis or facilities master plan, the acquisition of a school site, or other action regarding school facilities in accordance with law.