



# Best Practices Guide for Potential School Closure

California Department of Education  
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## Introduction

### **A School is a Community of People**

Communities confronted with the possibility of closing or consolidating schools face an enormous challenge because a school is not just a building. It is the center of a community of students, parents/guardians, staff, and administrators, all of whom would be deeply impacted by the loss of a school site. For all these stakeholders, a school plays an essential role in the routines of their daily lives. For this reason, the decision to close a school can be anguishing, and can profoundly affect parents/guardians, neighborhoods, communities, district personnel, and most importantly, students.

### **Facilities are Central to our Daily Lives**

Without question, a school is, first and foremost, a community of people. School sites provide the indoor and outdoor spaces within which these communities gather. School buildings and classrooms are a critical part of the teaching-learning experience. When communities age, or when birth rates fall, it may become increasingly costly to operate schools efficiently with fewer children. As a result, districts are sometimes fiscally compelled to consolidate the number of schools they can afford to sustain when the district is serving a diminishing number of students. These are difficult fiscal decisions that may impact a district's future for many years.

### **Closing Schools Best Practices Guide**

The School Facilities and Transportation Services Division (SFTSD) of the California Department of Education (CDE) offers this *Best Practices Guide for Potential School Closure (Guide)* to provide school communities facing this challenge with essential information needed and suggestions for best practices when closing a school<sup>1</sup>. Throughout this *Guide* we will reference relevant California *Education Code (EC)* sections, related laws and regulations, as well as practical suggestions and key questions for districts to consider as they contemplate how to navigate this process.

## Districts Under Financial Distress

Effective Sep 6, 2022, *EC* Section 41329<sup>2</sup> places special requirements on districts under financial distress for the school closure process. In April 2023, the California Attorney General (AG) issued an 18-page guidance letter to all school districts explaining the equity and community engagement requirements of *EC* Section 41329<sup>3</sup>. The letter also provided extensive guidance and recommendations for all school districts regarding the school closure process as it relates to federal and state civil rights laws.

Most school districts are not subject to financial distress under *EC* Section 41329, though most will benefit from following its requirements for school closures. However, all districts must abide by federal and state civil rights laws, including the federal Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (See pages 7–8 of the AG’s letter). Therefore, all districts, especially those under financial distress, are strongly encouraged to understand these recent changes. See the “Districts Under Financial Distress” tab, Chapter 6, for more information.

### Disclaimer

Our comments throughout the *Guide* are intended to provide a broad, high-level overview of the requirements and limitations of State law. However, this guidance is not binding on school districts, nor is it intended to provide legal advice. Except for statutes, regulations, and court decisions that are referenced herein, this guidance is exemplary, and compliance with it is not mandatory (see *EC* Section 33308.5). It is therefore essential that a district confer with its own legal counsel throughout this process.

This *Guide* is divided into six chapters.

1. [Engaging the Community](#)
2. [Data, Metrics, and Information](#)
3. [Making the Decision](#)
4. [Implementation and Transition](#)
5. [Disposing of Surplus Property](#)
6. [Districts Under Financial Distress](#)

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<sup>1</sup> References to closing or closure of a school include consolidation of schools. *EC* Section 41329, subd, (a).

<sup>2</sup> Stats.2022, c. 253 (A.B.1912), § 1, eff. September 6, 2022, amended by Stats.2023, c. 131 (A.B.1754), § 28, eff. Jan. 1, 2024.

<sup>3</sup> [Office of Attorney General Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California](#) (PDF)

# Chapter 1: Engaging the Community

## Form a Committee

Committees can serve an essential purpose in the school closure process, helping the district to navigate matters that can be logistically, legally, and emotionally difficult. Committee members can provide perspective. A committee membership that includes trusted leaders from the community can help assure the larger community that the problems leading to school closure are real, the process will be transparent, and the district's intentions are good. Recruiting committee members and preparing them for the task will take time. Therefore, establishing this advisory committee should be done as early as possible. The district has options for forming committees.

- A superintendent committee is formed by the superintendent and is not subject to the Brown Act. This offers more flexibility in size, community representation, and meeting processes.
- A board committee is created by an action of the governing board and is subject to California's open meeting laws, specified in Government Code Sections 54950–54963. Some of these requirements include:
  - Committee meetings must be posted 72 hours in advance.
  - No action or discussion is allowed on any item not appearing on the posted agenda.
  - The committee must allow members of the public to comment on each agenda item.
  - For all committee actions, the vote of each committee member is public.
  - Committee members may not discuss the matters within their purview outside of meetings, if more than a quorum of members is present.
  - The meeting can be recorded by members of the public.

None of these requirements are necessarily problematic, but the district may wish to consider to what extent a formal board committee structure might best meet the community's needs.

## What about the District Advisory Committee?

If the decision is made to close a school, [EC Section 17388](#) permits districts to form a District Advisory Committee (DAC) “to advise the governing board in the development of districtwide policies and procedures” related to school closure. While optional, districts are strongly encouraged to form a DAC to assist in the process. This committee has specific size and membership requirements. (See Chapter 5) These size and membership requirements may be a constraint in the early phases of the process. The district will want to determine to what extent the DAC committee requirements will serve the district early in the process.

As an option, the district may want to begin with the end in mind by recruiting people for a less formal superintendent committee, but who can later serve on a DAC. That way, committee members will already be well-informed when the DAC is created, but are brought together under a different committee structure that is not subject to the limitations of [EC Section 17388](#) for the initial phase. Or, as an alternative, districts may wish to do both —create two committees:

- Create the DAC to support the school closure decision and then continue afterwards to fulfill its role to guide the district’s decision regarding the disposition of any surplus property.
- Create a superintendent-formed advisory group with a larger and more diverse representation that will inspire confidence in the community.

## **Start the Community Conversation**

After the committee and its leadership are established and trained, and the process design is complete, the district can begin to engage the community. [EC Section 17387](#) states the Legislature’s intent “to have community involvement before decisions are made about school closure or the use of surplus space...” Involving the community means more than simply reporting to them. Involvement suggests dialogue, both sharing information and listening to community perspective, questions and ideas.

While not binding on most school districts, following [EC Section 41329](#) could help all school districts fulfill the Legislature’s intent by ensuring that the school district’s school closure process:

- Involves parents/guardians early and throughout the process.
- Is well-informed by a comprehensive range of measures.
- Is sensitive to diverse perspectives.
- Builds trust with marginalized communities.
- Intentionally explores potential disproportional harm to any demographic groups.

At the first community meeting, the district will be well-served if stakeholders, and especially parents/guardians, feel welcomed and have a clear understanding of the following: 1) the district’s financial challenges; 2) the process and timeline; 3) the roles and authority of everyone involved; and 4) how the district will keep stakeholders informed. An opportunity for community members to ask questions is essential.

## **A Note on Language Translation**

The Federal Elementary and Secondary Education Act (ESEA) specifies that certain parental notifications be sent in an understandable and uniform format, and, to the extent practical, be provided in a language that the parents/guardians can understand. Other federal laws, such as the Individuals with Disabilities Education Act (IDEA), contain similar requirements for translation efforts by schools. In California law, [EC Section 48985](#) requires that when 15 percent or more of the students enrolled in a public school speak a single primary language other than English, “all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the public school or school district shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.”

## **Understanding the Role of the Governing Board**

When large groups of people engage in a community engagement process, it can create the misperception or illusion that the process is democratic, or a consensus-building approach to problem solving. Participants may think it is implied that if a majority of an advisory group reaches wide agreement on a recommendation, that recommendation will be accepted or approved by the school board. But that may not happen, and that can lead to frustration and distrust.

Great care should be taken to explicitly inform everyone involved that the school board will make the decision; that authority is clearly established in [EC Section 35160](#). In addition, most members of a school community know that school board members are locally elected, and therefore may perceive that the board is accountable to its constituents. That is true. However, school boards must balance that representational role with two others:

- Enforcement role: The board must ensure the district is compliant with the law. They may not take action to direct the district to do something the community wants if that action is contrary to law.
- Fiduciary role: The board is responsible for ensuring the long-term financial health and viability of the school district. It cannot take action that puts the district in financial jeopardy. Indeed, it is the fiduciary role that requires the board to explore the possibility of school closure.

Balancing what the community wants (representational role), what the law requires (enforcement role), and what the district can financially afford to do (fiduciary role) is difficult under normal circumstances, and much more challenging when dealing with matters as sensitive as potential school closure. It may help if everyone understands that these responsibilities constitute just some of the variables the governing board must consider when making a final decision.

## **Key Questions for Engaging the Community**

- Which committee structure makes the most sense for our community?
- How can we ensure that our committee is diverse and provides a balanced representation of our community?
- Who are the trusted messengers in our district?
- What qualities do we need in a facilitator to address the unique characteristics of our school community?
- In addition to meeting our legal requirements, how shall we balance inclusiveness, practicality, and cost in determining the number of languages for translation?
- How can we ensure all stakeholders understand the board's role as final decision-maker and still emphasize the importance of the committee's advisory role to ensure the best outcome?
- How do we design the initial communication and meetings to set the proper tone for the process?

## Chapter 2: Data, Metrics, and Information

There are many factors to weigh when considering schools for closure. Deciding which facts to gather and how the information will be organized will dramatically impact how stakeholders will perceive the school closure study process.

Governing boards of school districts in financial distress are required by [EC Section 41329](#) to conduct an equity impact analysis based on nine sets of criteria as part of its consideration of school closures or consolidations. The proposed data must be shared with the public at regularly scheduled board meetings to obtain public input on the data used for the analysis of school closures.

However, even for school districts not bound by it, [EC Section 41329](#) provides a comprehensive framework for facilities-related data that may be considered for community input and analysis. Two key practices for collecting and organizing facility-related data may strengthen the community's role.

- Sharing the data plan with stakeholders before beginning collection and analysis provides the opportunity for feedback and input from the community.
- Providing visual displays of data—an effective method for communicating complex information—can improve transparency, lead to a better understanding of the facts and build trust.

### Nine Criteria

The following categories of metrics from [EC Section 41329\(a\)\(1\)](#) are binding upon districts in financial distress, but are also recommended for all districts. For each, the SFTSD has included facility- and transportation-related considerations,

examples, resources, possible data points and documents to assist districts as they gather data and develop equity impact metrics that suit their local needs.

### **1. Condition of a School Facility**

Begin gathering facts and data by conducting an inventory of the capacity and conditions of each of the district's school facilities. The [Facility Inspection Tool \(FIT\)](#) revised in July 2022, is a useful device the district may use to analyze each school's condition. The FIT has been developed by the California Office of Public School Construction to determine if a school is in "good repair," as defined by *EC* Section [17002, subd. \(d\)\(1\)](#), and to identify areas of a school site that need repair based upon a visual inspection of the site. The FIT could serve as a basis for facility condition metrics to be collected and analyzed. This tool is required by all districts as part of the [School Accountability Report Card \(SARC\)](#) to assess specific school conditions, including the safety, cleanliness, adequacy, and needed maintenance to ensure good repair. Aggregating this data would be a logical first step to begin comparing school facility conditions.

Facility condition evaluations can be completed accurately when district and school leaders regularly visit and assess every school site and use the structure of the FIT rather than limiting the assessment to the previous year's SARC. An objective, unbiased, recent assessment of the condition of each school facility has many dimensions to it, and there are additional practices that districts can consider using, such as reviewing facility master plans for a more comprehensive facility assessment. To support this important work, districts may also consider the option to contract for the services of consultants, demographers, or legal counsel.

Possible Data Points:

- Age of the facility
- Number of repair requests for each school site
- Age of equipment
  - Kitchen
  - Technology infrastructure
- Planned future construction and the cost of building code upgrades

Documents to Consider:

- Facilities Master Plan (FMP)
- FIT
- SARC
- Maintenance records
- School bond program

### **2. Operating Costs and Associated Savings**

Operating costs will vary from school to school, based on a variety of factors. Some schools use energy and utilities more efficiently, require less maintenance, or have minimal transportation costs in comparison to others. Additional facility-related costs, like capital projects, student services, and essential operations, should be factored in when developing this metric. The goal is to provide the committee, the school board, and the community with an accurate, fair analysis and comparison of the total operating cost of each school site using a range of factors, often expressed as total cost per pupil.

Possible Data Points:

- Staffing costs
- Energy and utility costs
- Maintenance costs
- Site-specific bond obligations
- Transportation costs

Documents to Consider:

- Budgeted and actual expenses
- Salary schedules
- Special reserves
- Bond documents

### ***3. Capacity to Accommodate Excess Pupils***

If one or more schools close, the district must determine which remaining sites would have the capacity to accommodate the displaced students. A primary consideration would be the total capacity and adequacy of each school site's core facilities—library, multipurpose room, cafeteria, kitchen, gymnasium, restrooms, physical education, and outdoor space—to accommodate additional students. For example, while there may be room on a school site to add portable classrooms, there may be no capacity for additional students to use essential spaces, such as the lunchroom, at the same time. In addition, the administration building must be considered, since it may have to accommodate expanded services and personnel. Therefore, choosing a school site that has unused classrooms or the capacity to add portables, without encroaching on playground and playfield space, is an important consideration.

There are additional considerations when determining the capacity to accommodate excess pupils. Adequate playground space is also important. For example, if 40 kindergarten students are moved to a new site, they will need enough kindergarten playground space to accommodate them. Please see [the CDE Physical Education Guidelines for Elementary Schools](#) and for [Middle and High Schools](#). With the implementation of Universal Prekindergarten (UPK), districts will also need to determine which schools can accommodate Transitional



Kindergarten (TK) and Kindergarten students that require larger-sized classrooms of 1,350 square feet.

Possible Data Points (for total pupil capacity at a school site):

- Core facilities (e.g., administration buildings, library, multipurpose room, cafeteria, kitchen)
- Restrooms (number of toilets per child)
- Physical education and outdoor space
- Parking and drop-off traffic design and capacity

Documents to Consider:

- Facility Master Plan
- Architectural drawings for each site

#### **4. Special Programs**

Special programs, such as special education, speech, or school psychologist services, may require special facilities. Closing a school that has a large capital investment in these special facilities may not be cost-effective if those specialized facilities would need to be rebuilt elsewhere. The uniqueness of the educational programs at each site should also be considered while evaluating specific schools considered for closure.

There can be site-related or themed schools based on innovative facility design, such as Career and Technical Education (CTE) schools, Science, Technology, Engineering and Math (STEM) schools, and magnet schools. These facilities are unique and may be hard to replicate at other sites. Districts may want to evaluate how eliminating or displacing certain programs could have a greater impact on access for high-needs students. If a school with such programs were to be closed, to what extent can the facility conditions be created at another site, and at what cost?

Possible Data Points:

- The number of students in classes and courses with special facilities in schools being considered for closure.
- The unduplicated count of these students.
- The availability of comparable facilities at other sites.

Documents to Consider:

- Local Control and Accountability Plan (LCAP)

#### **5. Environmental Factors**

The schools the board chooses to remain open must be located in safe environments. Identifying environmental/safety concerns for each site is essential because a school's surroundings may have changed since it was first opened. Zoning may have changed to allow a wider range of businesses to move into the area that may pose safety concerns (e.g., liquor stores, air-polluting manufacturers, industries that produce or store toxic chemicals), or there might be new environmental hazards (e.g., gas pipelines, high-voltage power lines, fuel storage tanks, freeway on-ramps, airport runway extensions) that now compromise the safety of students at a school. To see an outline of potential hazards for schools to assess, please see *California Code of Regulations*, [Title 5, Section 14010](#).

Another resource for districts to consider as they develop metrics for environmental factors is the U.S. Environmental Protection Agency (EPA) website [Healthy School Environments](#). The resources on the EPA website include [The Healthy Schools Checklist](#), a voluntary assessment adapted from materials in the brochure [Sensible Steps to Healthier School Environments](#). The checklist may help districts assess current environmental factors and health conditions in schools.

Possible Data Points:

- A review of the environmental changes that impacted each school after its construction.
- Title 5 Section 14010 for assessment of potential hazards.

Documents to Consider:

- "Healthy Schools Checklist" (EPA)

## **6. Balance of Pupil Demographics and Disproportionality**

Closing a school and redistributing its students may change student demographics and could adversely affect some schools and students more than others. Districts can use this opportunity to improve current demographic inequities districtwide, but, at a minimum, should not exacerbate these inequities.

Possible Data Points: Student demographics, including, but not limited to:

- Race and ethnicity
- Pupils with disabilities
- English learners
- Foster youth or students experiencing homelessness

Documents and Sources to Consider:

- [DataQuest \(CA Department of Education\)](#)

- [CBEDS: California Basic Educational Data System](#)

## **7. Transportation Needs of Pupils**

Getting children safely to and from school is a concern for districts and parents/guardians and changes to transportation can deeply affect families. To the extent possible, the decision to close a school should balance the cost savings in transportation relative to the hardship it may cause families impacted by the school closure.

Safe walking and biking 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 parking, traffic patterns, existing drop-off, pick-up, and bus loading areas at the schools designated to receive additional students. Development of a crossing guard program, safe routes to school, and pedestrian, vehicle, and bicycle policies are recommended by the CDE.

Possible Data Points:

- Number of students bussed before and after school closure
- Number of students with access to public transportation routes
- School locations and impacts on the district as a whole
- Impacts on protected student groups. For example, special education students have unique transportation needs that may be impacted.
- Analysis of school closure impact on transportation costs

Documents and Sources to Consider:

- [Comprehensive School Safety Plans](#) are required, in [EC Sections 32280–32289.5](#), to include safe arrival and departure of students, parents/guardians, and staff. The CDE’s [Compliance Tool for a Comprehensive School Safety Plans](#) is an optional tool designed to assist schools in developing and updating these plans.
- [The National Center for Safe Routes to School \(NCSRTS\)](#) offers tools and resources to support the study and implementation of Safe Routes to School programs.

## **8. Aesthetics and Impact on the Surrounding Community**

The presence of an attractive, well-designed and well-kept school can be a source of student and neighborhood pride, and an asset to the community. An abandoned and poorly managed school facility can have a negative impact on the surrounding neighborhood. Vacant school buildings may become vulnerable to crime and vandalism if they appear abandoned, or if there is an absence of regular maintenance of the facility.

School districts can play a key role in shaping a community's identity, culture, and sense of belonging, within its attendance area, as well as for the larger geographic and municipal region it serves. As a good community partner, the district's governing board may want to be mindful of the impact that school closures will have on the neighborhoods that house the students who might be displaced by a school closure and consider the costs and benefits of different property disposition and use options.

Engaging with a diverse group of community members who offer perspective into the needs of the neighborhood can lead to collaborative solutions for services and programs that could potentially be housed at a vacant school site.

Possible Data Points:

- Number of abandoned buildings within each school's attendance area
- Community input and surveys

Documents and Sources to Consider:

- Local city planning department
- Commercial real estate groups
- Chambers of Commerce

## ***9. Impact on Feeder School Attendance Patterns***

School districts can use demographic studies as a tool to evaluate enrollment trends and projections. This may provide information on possible boundary changes that may impact feeder school attendance patterns. Some districts may have a board policy about pupil enrollment at school sites. For instance, if a district emphasizes operating similarly sized schools, then boundary changes could be needed to lessen the impact, as opposed to placing all the students at one school.

Possible Data Points:

- Demographic studies
- Facilities capacity reports

Documents to Consider:

- Certification of school patterns

## **Other Criteria and Considerations**

### ***Valuation of a School Site***

Another factor to consider when closing school facilities is value. If maximizing revenue from the sale or lease of surplus schools is integral to decisions regarding which school(s) to close, an appraisal and assessment of the interests in, and proposed uses for, the property might be a critical data point. 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.

### **Requirements of CEQA**

Closing or consolidating a school which results in transfer of students to other existing schools may constitute a project subject to the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code (PRC) 21080.18, CEQA does *not* apply “if the only physical changes involved are categorically exempt...” Examples of categorical exemptions include but may not be limited to:

- A physical change of minor additions to existing schools that increases student capacity—including the use of portables—by no more than 25% of the original student capacity or ten classrooms, whichever is less. See 14 CCR Sec. 15314.
- Changes in a school’s grade configuration which do not result in changes to student transportation. See 14 CCR Sec. 15322(b).
- Replacement or reconstruction of existing schools ... which do not increase capacity by more than 50%. See 14 CCR Sec. 15302.

However, there are exceptions that may negate the ability to use the categorical exemptions (e.g., cumulative impacts, scenic highways, hazardous waste sites, historic resources). See 14 CCR Sec. 15300.2. School districts should consult with legal counsel to ensure the district is compliant with the requirements of CEQA as it applies to its school consolidation / closure plans.

### Key Questions for Data, Metrics, and Information

- Did we have effective community input on data selection?
- Do we have the data we need to support a comprehensive analysis?
- Have we made the data as easy to understand as possible?

## Chapter 3: Making the Decision

### Generating Options

With data gathered and analyzed, districts can begin to creatively develop viable options and strategies for optimizing the district's resources to best meet students' needs. School closure is a complex challenge, and districts will use multiple strategies to design a comprehensive solution. Some examples are provided here, but this list is by no means exhaustive.

- Enrollment strategies: including reorganizing attendance boundaries or restructuring grade configurations to balance school enrollment
- Alternate district-use strategies: including using surplus classrooms for other district administration or converting the site to a small high school or community day school
- Non-district use strategies: including leasing to a charter school or entering a joint-use agreement with other community organizations
- Civic strategies: including consulting with National Trust for Historic Preservation

## **Setting Criteria**

In addition to generating creative ideas, the district will also need to establish criteria for evaluating those options. In other words, what conditions must the proposed solutions meet? Some example criteria might include the following:

- The solution cannot significantly increase facility costs (or must reduce cost by a certain percentage).
- The solution must improve racial integration in the district.

## **Board Discernment**

There is wisdom in [EC Section 41329](#), which requires boards to: (1) present preliminary recommendations and listen to community feedback at one meeting, and (2) wait until a subsequent meeting to announce a final decision that includes an explanation of how input was incorporated into the decision. While not binding on districts that are not under financial distress, this two-step process could give the board time to think and reflect. If board members feel pressured to reach a decision at the same meeting in which they first hear community feedback, which may be emotionally charged, they may be challenged to incorporate input and modify a complicated decision with limited time. This may be especially true if tensions are high.

## **Announcing the Decision**

Board meetings are public and in this digital age, information can be disseminated immediately and broadly. Districts should assume that whatever is decided will be communicated quickly throughout the entire community. Therefore, when announcing the board's decision, the district would be wise to

have a thoughtful and comprehensive message ready to share with the entire community as soon as possible after the board announces its decision.

Most importantly, districts will want to ensure *all* families are informed of the decision. Not all families have the technology or Internet access to receive digital communication. Districts may want to utilize a service that documents which families have received the communication. In addition to written and digital communication, the board and superintendent may also want to have trusted messengers meet with key groups, including school staff and parents/guardians. District staff may also need to convene transition plan meetings for parents/guardians of students with special needs.

When sharing the board's decision, the communication will need to address key questions with clarity and empathy. At a minimum, information may include answers to the following questions:

- Which schools are being closed and why?
- How will students be reassigned to other schools?
- How will teachers be reassigned to other schools?
- What will be the transition timeline?
- Who will be the first point of contact for parents/guardians and staff?

Finally, district leaders should be prepared for confusion and frustration. During difficult change, leaders should not assume that messages are heard, understood, and internalized upon the first hearing. It will be critical to provide ongoing communication and consistent messaging.

## **Informing the California Department of Education**

To ensure that the school being closed does not continue to appear as open in the CDE's County-District-School (CDS) database, notify the CDS administration of the closure. The district's CDS coordinator should use the Online Public Update for Schools [OPUS-CDS application](#) for school closures. This closure notification will prevent the CDE from providing communications, testing materials, or funding to the closed school.

## **Key Questions for Making the Decision**

- Did we create a range of possible options?
- Did we consider community input?
- Do we have clear, prioritized criteria to evaluate the options?
- Did we prepare the board for making and communicating the decision?

# Chapter 4: Implementation and Transition

Once the decision to close one or more schools is concluded, the next phase of implementation and transition begins. It will be critical for the district to continue regular communication throughout the transition. The *Education Code* does not dictate the process by which school districts implement the board's decision. Below, we summarize our facility-related recommendations and some of the best practices from California school districts for preparing students and staff to move to a new school.

## Consider Creating a Transition Team

A transition team can support everyone by coordinating information and tasks to be completed for the transition. These teams could include district administrators, school leadership, facility and maintenance staff, teachers, office staff, parents/guardians, and even students.

At school sites designated for closure, the Transition Team may do the following:

1. Coordinate and support textbook and instructional material inventory, movement, and allocation.
2. Organize the movement of furniture and equipment.
3. Identify any equipment that may have been procured via a federal grant, as specific requirements will apply. (See Chapter Five: Disposal of Surplus Property)

At school sites designated to receive additional students, the Transition Team may:

1. Complete an inventory of facility capacities at the sites designated to receive additional students. The transition team can help identify what modifications at the school site may be necessary to accommodate more students. For example, these might include student drop-off and pick-up procedures, or the extent to which the school lunch schedule and dining area can fully accommodate the projected enrollment.
2. Develop welcome packets for new families, including a school map, a student handbook, and a staff directory.
3. Create a Frequently Asked Questions resource for the receiving school site(s), which might include:
  - Where is the drop-off/pick-up location for parents/guardians who drive children to school?
  - What are the bus routes and schedules for each school receiving new students?
  - Where is the school office?
  - Where are the bathrooms?
  - Where are the water faucets?



- Where are the classrooms (by grade)?
  - Where are school lunches provided and where do students eat?
  - Where is the playground appropriate for kindergarten, primary, and upper elementary students?
  - What are the options for before- and after-school care on campus?
4. Organize a field trip for students to the school they will be attending before the transition. Give students a campus tour and make them feel welcome.
  5. Host a welcome party for parents/guardians new to the school site. This is an opportunity to orient them to the facility, but more importantly, to integrate parents/guardians into the school community.

Moving is physically and mentally demanding. Transitions take time. The district may benefit by continuing the work of the Transition Team long after the physical changes are completed. A transition team can check in with students, parents/guardians, and staff to support the transition until the relocated students, staff, and families no longer feel new or displaced.

### **Key Questions for Implementation and Transition**

- Have we confirmed that all families have been informed?
- Do we have a clear transition plan for reassigned students and staff?
- Do we have a proactive plan to welcome students and staff to their assigned schools?
- Do parents/guardians and staff have a designated contact for questions?
- Did we provide support for district staff impacted by the decision?

## **Chapter 5: Disposing of Surplus Property**

Once the decision has been made to close a school, the board will need to determine what to do with the empty school buildings and property. District property that is not occupied, not maintained, or not secured can expose the district to increased liability. For example, someone injured on the property could file a claim against the district. The board’s fiduciary responsibility and enforcement role requires the board to ensure that the school district is compliant with the law and minimizes the risk of liability.

### **District Advisory Committee (DAC) Option and Requirement**

If not formed during the community engagement process, [EC Section 17388](#) permits the board to appoint a DAC “to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings, which is not needed for school purposes.”

If a decision is made to sell, lease, or rent the property, Section 17388 *requires* the formation of a DAC prior to such sale, lease or rental (unless conditions specific to [EC Section 17391](#) are met).

The size of the DAC is limited to between 7 and 11 persons, and must provide a balanced representation, including: the district's ethnic and socio-economic composition; the business community; landowners and surrounding neighbors near the school; and those with expertise in environmental impact, legal contracts, building codes, and land-use planning. Representation for parents/guardians may include, but is not limited to, District English Learner Advisory Committee (DELAC), English Learner Advisory Committee (ELAC), a school site council, or a Parent Teacher Association. For student representation, consider the voice of English language learners, special education students, and socioeconomically disadvantaged students.

## Options and Limits

When districts have surplus property, they have three basic options:

1. *Repurpose the property.* For example, the school site could be used for administrative offices. Repurposing the site creates flexibility by potentially reducing operation costs while retaining ownership of the property for potential future use.
2. *Lease the property.* Leasing allows the district to generate ongoing revenue and retain ownership of the property for potential future use.
3. *Sell the property.* This allows the district to reduce their liability and to generate potentially significant one-time revenue.

For both the lease and sale of property, school districts are bound by Article 4 of *EC* sections [17455–17484](#). These laws are extensive, covering a range of requirements. For example, there are restrictions regarding:

- Notification timelines and right of first refusal offers (*EC* sections 17457.5, 17459, 17464, and 17465).
- Securing and opening bids (*EC* sections 17472–3).
- Use of proceeds of a sale or lease of surplus property (*EC* sections 17462–17463.7).

Note that there are exceptions. For example, *EC* Section 17463 creates special dispensation for the use of funds for districts with enrollments of fewer than 10,001, if certain conditions are met. *EC* Section 17463.5 provides an exception for certain school districts with outstanding emergency loans that the use of the proceeds from the sale or lease of surplus real estate can be used to service, reduce, or retire the debt on the emergency appropriation.

## Waivers

Some sections of the *EC* can be waived by the State Board of Education (SBE). Requesting waivers to these requirements can help districts ensure that the outcome of its surplus property process reflects the needs and interests of the local school community.

General information about the waiver process can be found on the [General Waiver Request](#) web page. Information on model waiver language for the sale or lease of property can be found on [the sale or lease of property](#) web page.

Waivers are submitted to the SBE online, and applications should be completed several months before the requested effective date to allow time for consideration and a determination by the SBE.

To submit an application for a waiver, the district's governing board must complete the following:

- Conduct a properly noticed public hearing on the waiver request ([EC Section 33050\(a\)](#)), at which the public may testify on the waiver proposal.
- Explain the methods used to notify the public (e.g., local paper, postings at school sites, etc.).
- Include information about the school district, the requested starting and ending dates, and the specific *EC* sections to be waived, in part or in whole.
- Include a written rationale and desired outcome, explaining the circumstances or desired goals that led the district to request a waiver of statute.
- Include evidence of the governing board's approval of the waiver application.

[EC Section 33051\(a\)](#) specifies conditions under which the SBE may *not* approve the waiver. Broadly, these include the following:

- Failing to address the educational needs of students.
- Substantial increase in State costs.
- Jeopardizing student or personnel protections, or parent involvement.
- Failure to include appropriate advisory committees or bargaining units in the development of the waiver.

For additional questions about the process or the status of applications, contact the CDE's Waiver Office by emailing [Waiver@cde.ca.gov](mailto:Waiver@cde.ca.gov).

## **What about Equipment at a Closed School Site?**

Some equipment may not be wholly owned by the district. For example, there may be limits on how a district may dispose of kitchen equipment used for the Free and Reduced Price Meal program if purchased with federal funds. For equipment acquired with federal funds, districts may need to follow the

requirements of Title 2 of the *Code of Federal Regulations*. Section 200.313(e) specifies that the district must request disposition instructions from the federal awarding agency if: (1) required by the terms and conditions of the federal award; or, (2) equipment has a current, per-unit, fair market value greater than \$5,000. Section 200.313(e) further specifies under which conditions:

- The district may retain, sell, or transfer title of the equipment to an eligible third party.
- The federal awarding agency would be entitled to compensation for its attributable percentage of the current fair market value of the property.

## Key Questions

- How shall the board seat members of a DAC committee?
- How can we ensure that our DAC committee is diverse and provides a balanced representation of our community?
- How can the district ensure that the DAC explores the full range of possibilities available to the district?
- Has the district consulted with legal counsel regarding the disposition of its surplus property and equipment to ensure all regulations are followed?
- If vacated property is to be retained by the district, how will it be secured and maintained?

## Chapter 6: Districts Under Fiscal Distress

### A New Law

In September 2022, Governor Gavin Newsom signed into law Assembly Bill (AB) 1912 (Bonta), now codified in [EC Section 41329](#), which requires school districts under financial distress to conduct: a) a community engagement process, and b) an equity impact assessment, before school closures or consolidations. A school district under financial distress is defined as one with an emergency apportionment ([EC Section 41320.2](#)), a trustee ([EC Section 43120.1](#)), or an administrator ([EC Section 43126](#)) appointed relating to the emergency apportionment.

### Guidance from California's Attorney General

In April 2023, the California Attorney General (AG) issued an 18-page letter to all California school districts explaining the requirements of [EC Section 41329](#) for schools under financial distress. The letter also provides extensive guidance and recommendations for all school districts regarding the school closure process as it relates to state and federal anti-discrimination law, and the opportunity to improve equity and justice for all students. The full text of the AG's April 2023 letter can be found at the [Office of the Attorney General](#) website.

There are several high-level themes in the AG's letter to which school districts under financial distress may want to pay close attention.

- The letter focuses on federal civil rights and California's anti-discrimination mandates as they pertain to school closures.
- Reorganizing schools within a district, often due to declining enrollment, is an opportunity to address current and/or historically disproportionate harm to minority and/or marginalized classes of students.
- The process through which the district analyzes its schools and proposes some for possible closure must engage the community throughout the process, not just report to them. ([EC Section 41329](#)).

The AG's letter is organized into four sections.

- "Section I of this guidance sets forth a financially distressed district's AB 1912 legal obligations and best practices for all school districts for deep and meaningful community engagement throughout a closure, reassignment, and school redesign process."
- "Section II discusses legal requirements and best practices for all districts related to developing equity and disproportionality impact metrics in connection with school closures."
  - Within Section II, on pages 8-13, the AG provides several examples of possible data sets for local educational agencies (LEAs) to consider for the equity impact analysis. The data should include racial /ethnic profile data to provide a comprehensive view of where the district can take action to improve equity among school facilities district-wide.
  - CDE suggests that this racial/ethnic data be compared to other enrollment, financial, and facility data to uncover any correlation that may need further investigation. For example, the AG suggests comparing the racial/ethnic profile of each school site with: (a) the type and cost of prior modernization, and/or (b) the funds raised at each site for special purposes.
- "Section III discusses legal requirements and best practices for all districts related to the closure decision process and transition plan."
- "Section IV discusses a financially distressed district's legal obligations and best practices for all districts in publicly announcing the closure and transition plans."

Many school districts may begin the process of considering school closure before [EC Section 41329](#) applies to them. However, the best practice recommendations provide important equity considerations that all LEA superintendents and elected board members should understand.

## **Disclaimer**

This guidance is not intended as legal advice, nor is it binding on school districts. Except for statutes, regulations, and court decisions that are referenced herein, this guidance is exemplary, and compliance with it is not mandatory (see *EC* Section 33308.5). The CDE therefore strongly recommends school districts under financial distress study [EC Section 41329](#) and the AG April 2023 letter carefully, and consult with their own legal counsel before initiating any school closure process.