

Regulation 7111: Evaluating Existing Buildings

Status: ADOPTED

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The Superintendent or designee shall periodically evaluate the adequacy and design of existing district facilities to determine whether they meet the needs of the instructional program, provide a healthful and pleasing environment for students and staff, and fulfill legal requirements for safety and structural soundness, access for the disabled and energy conservation.

Note: Education Code 17291 authorizes the district, under certain circumstances, to request a waiver of the requirements of Education Code 17280-17316 and 17365-17374 for portable school buildings. Effective September 30, 1997, Education Code 17291 and 17292 extend the time period under which certain portables may be used and discontinues the waiver process. After that date, nonconforming portables built after December 19, 1979 may be used until September 30, 2007 if they meet specified conditions, including compliance with Department of Housing and Community Development criteria and reinspection by the State Architect. In addition, on or before September 30, 2007, the Board must certify that any such portables it may have in use at that time will no longer be used as school buildings.

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports to the Governing Board that a district building is unsafe for use, the Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The Board shall establish a system of priorities for the repair, reconstruction or replacement of unsafe school buildings. (Education Code 17367)

Note: Education Code 17371 indicates that Board members are not personally liable for damages caused by an unsafe building if the Board complies with Education Code 17365-17394. Protection from liability begins when the Board initiates action to comply with Education Code 17367. See BB 9260 - Legal Protection.

Energy Efficiency

When evaluating existing buildings, the Superintendent or designee shall arrange for the preaudit and postaudit of school buildings by utility companies or independent energy audit firms to the extent that these services are available. Information provided by these services shall be used to determine the cost of retrofitting the buildings and the savings which may result from adding insulation, making design modifications or using other energy-conserving devices. The district may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17651-17653)

Report of Existing Building Capacity

Note: As added by SB 50 (Ch. 407, Statutes of 1998), Education Code 17071.10-17071.40 require districts wishing to participate in the new construction program added by that legislation, to submit to the State Allocation Board a one-time report of existing school building capacity when the district applies for funding. Education Code 17071.25, as added by SB 50, and the implementing regulations of the State Allocation Board, 2 CCR 1859-1859.106, set forth the formula for calculating the building capacity. The district's use of portable classrooms and year-round programs are two of the several factors used in the calculation. The calculations contained in the district's report will be used as the baseline for eligibility determinations pursuant to the new funding program. The following optional section is for use by districts desiring to participate in the new program.

The district shall submit a one-time report of existing school capacity to the State Allocation Board. The district's, or where appropriate the attendance area's, existing school capacity shall be calculated pursuant to the formulas set forth in Education Code 17071.10-17071.40 and in 2 CCR 1859-1859.106.
