

**SECTION F:
FACILITIES
DEVELOPMENT**

SECTION F: FACILITIES PLANNING AND DEVELOPMENT

Section F of the NEPN/NSBA classification system contains policies, regulations, and exhibits on facility planning, financing, construction, and renovation. It also includes the topics of temporary facilities and school closings.

- FA** Facilities Development Goals/Priority Objectives
- FAA** Evaluation of Facilities Planning and Development

- FB** Facilities Planning
- FBA** Planning Advisors
- FBB** Enrollment Projections

- FC** Building Accommodations
- FCA** Combining Schools
- FCB** Closing Schools
- FCC** Temporary School Facilities

- FD** Facilities Funding
- FDA** Bond Campaigns

- FE** Facilities Construction
- FEA** Educational Specifications for Construction
- FEB** Architect/Engineer/Construction Manager
- FEC** Use of Consultants in Facilities Construction
- FED** Construction Plans and Specifications
- FEDA** Site Plans
- FEDB** Construction Plans
- FEDC** Construction Equipment and Materials
- FEE** Site Acquisition
- FEF** Construction Cost Estimates
- FEG** Construction Contracts Bidding and Awards
- FEGA** Contractor's Fair Employment Clause
- FEGB** Contractor's Affidavits and Guarantees
- FEH** Supervision of Construction
- FEI** Construction of Recreational Facilities
- FEJ** Construction Records and Reports

- FF** Naming Facilities
- FFA** Memorials
- FFB** Names on Plaques

- FG** Board Inspection and Acceptance of New Facilities

- FH** Staff Orientation to New Facilities

- FI** Public Dedication of New Facilities

- FJ** Facilities Renovations/Improvements

Facilities Development Goals/Priority Objectives

We believe that a quality educational program is affected to a great extent by the environment within which it functions. The development of a quality educational program and school facilities which promote the implementation of the program go hand in hand.

Therefore, it is the goal of Lake George Charter School to provide and maintain the number of facilities needed for the enrollment and the types of facilities supportive of the educational program.

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Lake George Charter School

Closing Schools

As population matures or shifts within the school district, certain school buildings may no longer be needed for their original purpose and should be put to use to benefit the school district or public in other ways. In determining which facility is to be retired for regular school purposes, the Board shall be guided by this combination of factors:

1. **Educational flexibility.** Which school building is least adaptable for housing a modern and flexible educational program?
2. **Neighborhood.** Which school building is most isolated in terms of proximity to the residences of students?
3. **Cost.** Which school building represents the highest cost in terms of upkeep and maintenance?

The Board shall invite the viewpoints of parents and staff in making its decision.

If the Board determines to close a school, it shall first consider other uses that the school district might make of the building. Then it shall consider, in order, its sale to the municipality, to nonprofit educational and civic organizations, or to private entrepreneurs.

The historic value of any building also shall be considered by the Board. In such cases, it may take special action to provide for its preservation.

Adopted March 13, 1978

Revised to conform with practice: date of manual revision

CROSS REF.: DN, School Properties Disposition

Closing Schools

If enrollment patterns make it necessary to close a school, the following procedures shall be followed:

1. Upon determining that a school should be closed, the Board shall instruct the superintendent to notify by letter the parents of students attending the school in question, informing them of the action, the reasons therefor and the arrangements proposed for the education of their children.
2. The superintendent also shall inform the affected staff members and review with them their rights of transfer to other locations. They shall be assisted in obtaining mutually satisfactory assignments.
3. To insure the smoothest possible transition, the Board shall direct that the school scheduled for nonoperation the following year be closed as of the end of the regular school year unless emergency conditions dictate otherwise.
4. If emergency conditions dictate that a school be closed during the regular school year, the Board shall allow the superintendent a period to execute the Board's order. The superintendent shall use this period to work with parents, teachers and administrators in sending and receiving schools to prepare students for the change.

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Temporary School Facilities

Because rented facilities, relocatable units and other emergency school housing usually are inadequate for public school purposes, it is the aim of the Board to have sufficient permanent facilities to meet the needs of school enrollment and the school program.

If circumstances require immediate space which is not available in public school buildings, facilities shall be rented and relocatable structures used only as a temporary, emergency measure. Any such facility must conform to all appropriate state and local building and land use codes, health and fire laws, and environmental standards.

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Facilities Funding

The Charter Board may submit to the registered qualified electors of the charter school, at any regular school election or at a special election called for the purpose, the question of contracting a bonded indebtedness for any of the following purposes:

1. Acquiring or purchasing building or grounds.
2. Enlarging, improving, remodeling, repairing or making additions to any school building.
3. Constructing or erecting charter school buildings.
4. Equipping or furnishing any school building, but only in conjunction with a construction project for a new building or for an addition to an existing building or in conjunction with a project for substantial remodeling, improvement or repair of an existing building.
5. Improving school grounds.
6. Funding floating indebtedness.
7. Acquiring, constructing or improving any capital asset that the charter school is authorized by law to own.

Before such a bond election, the specific needs for facilities shall be made clear to the general public, and careful estimates will be made as to the amounts required for the sites, buildings and equipment.

Following approval by the voters, the bonds to be issued will be advertised in newspapers and national financial journals, the date of issue being coordinated with tax collection dates, payments on bonds then shall already outstanding and favorable market conditions. Disposition of the bonds then shall be accomplished by public sale on the basis of sealed bids. The Charter Board reserves the right to reject any and all bids.

The bond and interest fund of the charter school comes directly and solely out of the levy of taxes initiated by the successful bond election. In anticipation of interest and principal payments, the Charter Board will adopt annual resolutions authorizing the withdrawal from the bond and interest fund of the amounts needed to meet the payments due and the deposit of such moneys with the depository for honoring the bonds and interest coupons presented for payment.

The building fund is the fund authorized by the approval of the bond issue. The initial receipts from the sale of bonds are deposited in this fund, and actual expenditures for sites, buildings and equipment are made from it. The Charter Board will adopt an annual budget resolution authorizing the withdrawal from the fund of the amounts needed to meet the payments due architects, contractors and other individuals or firms. The Charter Board shall receive periodic reports on the expenditures made from this fund as compared with the original appropriations for the various projects included.

LEGAL REFS: C.R.S. 22-30.5-401 et seq. (*Charter School Capital Facilities Financing Act*)
C.R.S. 22-41-110 (*payment of bonds*)
C.R.S. 22-41.5-101 et seq. (*weakening of debt limitations*)
C.R.S. 22-42-101 et seq (*bonded indebtedness*)
C.R.S. 22-45-103(1)(b) & (d) (*bond redemption and special building and technology funds*)
C.R.S. 29-14-101 et seq. (*Bond Anticipation Note Act*)

CROSS REF: FDA, Bond Campaigns
LBDA, Facilities Planning and Funding for District Charter Schools

Note 1: The last citation above refers to that section of the law which allow a charter school to issue bond anticipation notes as an interim debenture before the Board approves the sale issuance of any bonds authorized by a bond election.

Note 2: In addition to the purpose of acquiring or constructing schools, moneys in the special building fund can be used to purchase and install instructional and informational technology including expenditures for software and staff training related to the new technology. A vote by eligible elections approving a levy of up to 10 mills for up to three years is required.

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Lake George Charter School

Bond Campaigns

Any special election to authorize bonded indebtedness shall be held on the first Tuesday in November in odd-numbered years in conjunction with the regular biennial school election or on general election day in even-numbered years.

If other jurisdictions that have overlapping boundaries or the same electors as the school district are conducting an election on the same day, the county clerk and recorder shall conduct the election as a coordinated election to allow voters to vote on all ballot issues at one polling place. The decision whether the election will be conducted as a polling place election or by mail ballot is one which shall be made by the county clerk.

The election shall be conducted pursuant to an intergovernmental agreement between the district and the county clerk and recorder [*optional language; add if applicable—*for each county in which the district has territory]. The agreement shall allocate responsibilities between the county clerk and the district for the preparation and conduct of the election and shall be signed no less than 60 days prior to the election. The Board shall designate a school election official to whom some election responsibilities may be delegated pursuant to the agreement.

As an alternative, the district may have the option of conducting the election by mail ballot in accordance with rules promulgated by the secretary of state when the county clerk is conducting a polling place election. This decision should be made after consultation with the county clerk.

Expenditures of any school district funds or in kind services to otherwise inform voters about election issues must be specifically authorized by the Board. The district may dispense a factual summary which includes arguments both for and against the proposal without any conclusion or opinions in favor of or against any particular issue addressed by the summary.

(Adoption date)

LEGAL REFS.: Constitution of Colorado, Article X, Section 20
C.R.S. 1-1-101 through 1-13-108 (Uniform Election Code of 1992)
C.R.S. 1-45-117 (Fair Campaign Practices Act)
C.R.S. 22-41.5-101 *et seq.*
C.R.S. 22-42-101 *et seq.*
C.R.S. 22-54-108

Architect/Engineer/Construction Manager

The Board shall employ a registered architect, engineer or construction manager to design the plans of each proposed building, building addition or extensive renovation.

In selecting architects, engineers or construction managers, the following criteria shall be considered:

1. Experience in school construction
2. In special situations, such as facilities for the handicapped, evidence of relevant experience
3. Creative design ability
4. Technical knowledge to control the design so that the best results are obtained for the least amount of money
5. Executive and business ability to oversee the proper performance of contracts
6. Proven ability in all of the major phases of planning and construction: predesign planning, schematic design, design development, bidding and construction
7. Ability and temperament to work cooperatively with others; willingness to consult with staff on educational specifications
8. Extent and experience of architectural staff in relation to the scope of the planned project

The architect, engineer or construction manager shall be selected by the Board on the basis of the above criteria. The Board shall contact its school attorney prior to entering into a contract with the architect.

Adopted March 13, 1978

Revised to conform with practice: date of manual revision

LEGAL REFS.: C.R.S. 12-4-101

C.R.S. 12-4-102

Construction Contracts Bidding and Awards

Any construction project may be advertised and competitive bids solicited. All construction projects shall be advertised and competitive bids solicited after plans and specifications have been approved by the Board of Education and all other required approvals received.

All projects to be bid shall be advertised in a paper of general circulation within the district at least 10 days prior to the date set for the opening of bids. The advertisement shall state that drawings and specifications may be procured by any qualified builder interested in participating in open competitive bidding for the construction of school buildings.

Each bidder shall be required to submit with his bid a bidder's bond in a sufficient amount to be determined by the estimated cost of the project in order to insure that the lowest responsible bidder accepts the contract.

No bid for the construction, alteration or repair of any building shall be accepted if it does not conform to the specifications furnished.

The contract shall be awarded to the lowest responsible bidder whose bid is in accordance with the plans and specifications and who has provided the required security.

In determining contractor responsibility, the following factors shall be considered: possession of or access to appropriate financial, material, equipment and personnel resources to meet contractual specifications and requirements; satisfactory record of performance and integrity; bonding ability and cae requirements, and ability to legally contract with the district. Contractors may be required to provide specific information necessary to establish responsibility.

The Board shall take the bids under advisement rather than arriving at an immediate selection, allowing ample time for careful study by the architect, school administrative officials and the attorney for the school district.

The Board reserves the right to reject any and all bids in whole or in part, to waive irregularities or technicalities and to accept the bid which appears to be in the best interest of the district.

Whenever two or more bids of equal amount are the lowest submitted by responsible bidders pursuant to the advertisement, the Board may award the contract to any one of the bidders as it may determine by the exercise of its discretion.

The Board shall not enter into a construction contract unless an appropriation has been made for the project as required by law.

The contractor shall receive monthly payments for the work completed less a percentage to be determined to insure completion. The final payment shall be due only after the acceptance of the project by the Board, completion of the items to be corrected and following publication as provided by state law.

Current practice codified October 1996

Adopted: date of manual revision

LEGAL REFS.: C.R.S. 24-18-201
C.R.S. 24-91-101 *et seq.* (Construction Contracts with Public Entities)
C.R.S. 38-26-101
C.R.S. 38-26-105
C.R.S. 38-26-106

CROSS REFS.: BCB, Board Member Conflict of Interest
FEGB, Contractor's Affidavits and Guarantees

Contractor's Affidavits and Guarantees

Construction contractors doing business with the school district shall be required to provide the district with such bonds or other acceptable securities as the law or the Board may require equal to the amount of the contract.

Such bonds shall be conditioned upon the faithful performance of the contract and also shall provide that if the contractor or his subcontractor fails to pay for labor, materials or other supplies used in performance of the work, the surety will pay for the same in an amount not exceeding the sum specified together with interest as provided by law.

All construction contracts shall provide for retention of at least 10 percent of any progress or partial payments pending completion of the project or projects involved on such terms and conditions as approved by the Board and authorized by law.

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LEGAL REFS.: C.R.S. 24-91-102 through 24-91-110 (Construction Contracts with Public Entities)
C.R.S. 38-26-101
C.R.S. 38-26-105
C.R.S. 38-26-106

Naming Facilities

Elementary schools shall be named by location whenever possible. Schools may be named after individual persons who have been outstanding in educational endeavor or who have furthered the cause for better schools and educational programs. Such persons must be retired from active participation in educational activities.

Names may be presented by petition, by chosen committees or by other representative groups in the area. The Board shall have the final decision in the naming of the school. The Board shall officially name a school on or before the the bid is let for construction of the school.

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