



## 7. Recommendations for States and Tribes

### 7.1. Overview

State and tribal involvement and oversight offers many opportunities to enhance the work of local education agencies (LEAs) (see Section 10) and school siting committees (SSCs) (see Section 3.3) in identifying potential sites or structures for schools. This section identifies important steps that states and tribes can take to enhance the capacity of local communities to identify locations for schools that enhance the educational process by providing a safe and healthy environment for children, teachers and staff.

### 7.2. Recommendations for States

States often play an important role in community school site selection decisions, depending on state legislation, regulations and guidance. A number of states (see Section 5.2.1) have developed comprehensive school siting policies, including:

- California: [www.dtsc.ca.gov/schools/index.cfm](http://www.dtsc.ca.gov/schools/index.cfm);
- New Jersey: [www.nj.gov/dep/dccrequest/](http://www.nj.gov/dep/dccrequest/); and
- Washington: [www.ecy.wa.gov/programs/sea/sepa/e-review.html](http://www.ecy.wa.gov/programs/sea/sepa/e-review.html).

At a minimum, state agencies are important resources for communities on siting issues. For example, states often serve as a central repository for expertise in the many complexities associated with choosing the best possible site. This is often the result of promulgated legislation, state regulations or state-specific recommendations related to issues that are relevant to school siting decisions. While individual LEAs may have limited resources for investing in their own specialists, states may be able to help defer the costs of such expertise through centrally located resources that can be made available to all state LEAs. For example, a state-wide listing of environmental professionals licensed or registered with a central state agency can serve as an important resource for LEAs needing highly qualified and well-respected onsite evaluation of potential sites or buildings.

#### ***Policies that Impact the Siting of Potential Sources Near Schools***

States, tribes and localities should evaluate siting and permit processes that influence where potential sources of environmental pollution (see Source categories identified in [Exhibit 6: Screening Potential Environmental and Safety Hazards](#)) may be allowed to locate with respect to schools. While these land use decisions are highly complex and beyond the scope of these guidelines, states, tribes and communities should seek to avoid situations in which new nearby sources of potentially harmful pollutants are sited in such close proximity to schools that they may pose a potential hazard to the school occupants.

Because land for development is becoming less available in many states, officials at the state level in these states often develop comprehensive state-wide or regional land use and development plans. Working together, LEAs and state officials can effectively coordinate to identify appropriate lands for locating schools. Establishment of state-wide school siting policies and guidelines, where they are not currently in place, can help states promote educational, environmental, health and safety objectives associated with school facility construction and renovation. In some cases, states have programs in place that allow them to partially fund projects that meet state school siting guidelines.<sup>63</sup>

### 7.2.1. State Resource Review

Many state agencies have expertise that can contribute to sound school siting decisions and implementation, including departments of education, public health, transportation, planning, parks, community development, historic preservation and environment. Different agencies will likely have staff with complementary knowledge, expertise and skills that can be helpful in various parts of the school siting process. However, it may be challenging for LEAs and local community residents to know which agencies to contact for specific concerns and questions. States are encouraged to share the expertise, available assistance, state-level contacts and responsibilities they have across agencies, and to assign an office or agency to serve as the liaison for school siting questions and assistance. In doing so, states can review whether there are adequate staff resources with appropriate expertise in place to assist local communities with school siting decisions and planning processes and develop a plan to support local school siting efforts, including addressing gaps in staffing and resources as necessary.

Two of the ways states can support local communities in the selection of potential school

<sup>63</sup> For more information on existing state policies, see "50 State Survey," conducted by Rhode Island Legal Services. Available at: [www.childproofing.org/school\\_siting\\_50\\_state.htm](http://www.childproofing.org/school_siting_50_state.htm).

sites are to provide information from existing site inventories to LEAs and to develop policies to support local communities making school location decisions. In addition, states are encouraged to partner with LEAs to build capacity to effectively manage waste or contamination that remains through the implementation of [engineering and institutional controls](#) (see Section 8.15) and [long-term stewardship](#) (see Section 8.16).

There are several important steps that states can take to support development of local capacity for identifying appropriate locations for schools:

- [Improved coordination across state programs](#) (see Section 7.2.2);
- [Staffing and financial resources](#) (see Section 7.2.3);
- [Participation in public meetings](#) (see Section 7.2.4); and
- [Access to state information on school siting](#) (see Section 7.2.5).

### 7.2.2. Improved Coordination across State Programs

Many existing state programs have the capacity to support local land use decisions related to the siting of schools. States are encouraged to enhance coordination across state programs to assist local communities with school siting decisions. Some key factors for states to consider include:

- Whether the existing state program management structure is able to perform the necessary coordination and supervision between agencies needed to support LEAs in making school siting decisions;
- Which state and/or local agencies can contribute to school siting and the responsibilities of each agency; and
- Whether there are legal and institutional impediments that need to be addressed.

Effective coordination across state programs can help to ensure that the programs with responsibility, knowledge and expertise in healthy schools issues are engaged in the school siting process. A state should consider identifying a point of contact with responsibility for coordinating across state agencies with authorities, responsibilities, programs, policies, guidelines or standards affecting decisions concerning whether and where to build new schools or carry out major expansion of existing facilities, as well as coordinating other school facility issues. States are also encouraged to coordinate with local and regional planning agencies to ensure locations selected for schools meet multiple community goals.

Many states have processes to determine appropriate land and resource uses for sites that have residual contamination after cleanup; these processes may already apply to school siting or may be expanded to apply to school siting decisions. State inventories of assessed or remediated locations or structures as well as those undergoing or planned for assessment and cleanup may be useful to share with LEAs and other state, public or private entities to ensure safe reuses. It is essential that the agency and department responsible for reviewing potential school sites for potential environmental contamination be identified early in the siting process so that they will be appropriately involved.

Local governments with robust environmental, planning and health departments often bear primary responsibility for managing environmental health or contaminated site cleanup programs. However, in many parts of the country, local government resources to support school siting decisions are very limited or perhaps may not even exist. In these cases, the state government frequently provides assistance to the local agency or identifies a suitable third party to manage efforts to determine appropriate land and resource uses for properties with residual contamination. These activities are particularly important in situations where schools may be

constructed on sites with residual contamination to ensure proper maintenance and oversight for any necessary engineering or institutional controls or long-term monitoring.

States may want to consider developing a formal memorandum of understanding between agencies to ensure that staff resources and expertise are available to assist with school siting. For example, the Iowa Department of Historic Resources has a memorandum of understanding with the Iowa Department of Education to provide information about older and historic schools.<sup>64</sup>

### 7.2.3. Staffing and Financial Resources

An assessment of the human and financial resources available in state agencies to support local school siting decisions should address the following questions:

- How can staff with the appropriate expertise assist local communities with school siting decisions and planning processes; and
- How can budgetary or other resource gaps be overcome to safely renovate or site schools?

### 7.2.4. Participation in Public Meetings

State government representation at meetings with the community is important when the state has oversight responsibilities for environmental cleanup or reuse planning. Even when oversight responsibilities have been delegated to local agencies, state government participation can be helpful to ensure that the review process is sound and that communications with the community are effective and to reinforce that the special sensitivities of children were considered as part of the school location selection process.

<sup>64</sup> State Historical Society of Iowa, "Historic Preservation." Accessed on September 16, 2011. Available at: [www.iowahistory.org/historic-preservation/](http://www.iowahistory.org/historic-preservation/).

### 7.2.5. Access to State Information on School Siting

States should consider developing a publicly available, easily accessible website/database to provide a centralized source of information pertinent to school evaluation and selection, including:

- Policies and procedures for site location evaluation and review, including state-specific guidance for evaluation of candidate sites, if available;
- Public involvement guidelines;
- Mapping and other resources to assist in evaluation of potential school locations;
- Records of location reviews (e.g., findings, description of site remediation activities, institutional and engineering controls, decision documents for cleanup and documentation of sites that meet standards for residential use); and
- Surveys of historic properties, including schools, case studies and awards given for historic renovation, reports about costs of renovation vs. costs of new construction.

### 7.2.6. State Oversight Roles

State environmental regulatory agencies may oversee assessment and cleanup activities for properties enrolled in their voluntary cleanup programs. Many states have adopted risk-based cleanup actions and determine level of cleanup needed based on proposed reuse. Institutional control tracking programs may be a part of their program oversight as well. However, this state regulatory oversight does not relieve the LEAs or private property owners of their responsibility to manage their property, monitor and maintain land use controls and ensure safe site reuse.

#### **Environmental evaluation**

LEAs should work with state governments to ensure all sites proposed for construction of new schools, renovation of an existing building for

school use or expansion of existing schools have received appropriate environmental approval from the state agency prior to construction. Sites should be assessed prior to acquisition or donation to determine if there is potential environmental contamination onsite or at neighboring sites that could pose health or environmental risks to children, faculty or staff, and for their impacts on transportation, air quality and accessibility.

Where proposed sites adjoin or abut a location that has environmental or public health concerns, LEAs should seek out the appropriate planning, environmental and health review to ensure that a potential site would be an appropriate and safe location for a school.

#### **Cleanup procedures**

Although most states do not have school siting procedures that specifically apply to site investigation, sampling, cleanup, determination of appropriate land and resource uses and long-term stewardship, many do have these policies and practices in place that apply more generally to sites being considered for reuse. In general, cleanups are tailored to meet the intended reuse. Locations which are to be used for schools should be cleaned up to levels that support residential use. In the event that residual contamination remains on the site, engineering and institutional controls to prevent exposure and a clear, documented long-term stewardship plan should be in place at the location. For more information see the [Environmental Review Process](#), Section 5.

#### **Meaningful public involvement**

[Meaningful public involvement](#) (see Section 3) throughout the school siting process is of critical importance. Plans for public involvement should be formalized prior to initiating the identification of potential school sites. Details of site assessment processes, findings, cleanup decisions (e.g., scope, procedures, findings), land use restrictions ([engineering and institutional controls](#), see Section 8.15) and subsequent school construction plans should be provided to the public and subject to community involvement and public notification.

It is important for LEAs to develop a [communications plan](#) to ensure effective public involvement (see Section 3.4).

### **Local capacity to manage institutional and engineering controls**

States should establish standards to assess the capacity of any party for management of institutional or engineering controls at potential school locations. The standards should be designed to ensure the long-term integrity of any institutional or engineering controls put in place at potential school sites where residual contamination or offsite hazards to be mitigated exist. The capacity to manage engineering and institutional controls should consider the following:

- Availability of accurate information on the location or extent of institutional and engineering controls, perhaps provided on a map;
- Establishment of, and participation in, a [one-call system](#) (see Section 10) to protect against human exposure to contaminated soil;
- Establishment of a mandatory monitoring program to routinely review institutional and engineering controls to ensure their continued effectiveness;
- Establishment of enforceable institutional controls, which require compliance;
- Establishment of informational institutional controls that effectively disseminate information on the location of controls, compliance status and monitoring reports to interested stakeholders, especially parents, state and local environmental officials;
- Long-term budget commitment to provide funds for the operation and maintenance of institutional and engineering controls, including required training of staff responsible for maintaining controls;

- Tracking of expenditures associated with institutional and engineering controls by the LEA so that historical expenditures can be used to refine planning estimates for the cost of maintaining institutional and engineering controls;
- Using more than one institutional control (i.e., “layering”) to improve overall reliability and effectiveness for managing the amount, concentrations, toxicity and other characteristics of the residual waste or contamination; and
- Availability of a process to report malfunctions of controls.

### **7.2.7. State Policy Review**

States are encouraged to review existing laws, policies and regulations addressing school siting to determine whether changes are needed to encourage improved school siting decisions. Such a review of existing policies across state agencies would help identify gaps and outdated policies that no longer serve state goals and objectives. Education, health, environmental, planning, and transportation agencies, as well as others, such as the State Historic Preservation Officer, should work together to consider how existing regulations, policies and guidelines influence or affect decisions about school renovation, remodeling or the siting of new schools. Review of existing guidelines or policies may focus on those related to the following general topics:

- Community involvement and public participation in school siting and renovation decisions;
- Long-range school facilities plan;
- School funding of new construction or to support existing school renovation;
- Prohibitions on state reimbursement of land costs that force communities toward the lowest cost sites, regardless of potential environmental challenges;

- School size formulas or requirements for lot size and access to recreational areas;
- Minimum school enrollment requirements;
- Environmental evaluation and associated costs;
- Environmental cleanup (including cleanup standards and long-term stewardship site controls) and associated costs;
- Community use of schools (and joint use of community resources such as libraries, theaters, parks and ball fields);
- Energy efficiency;
- Sustainable development; and
- Emergency preparedness and sheltering plans.

States may also consider developing policies, guidelines or regulations with local health jurisdictions to involve them in approval of school sites, and states should provide local communities with information related to state policies that pertain to siting decisions.<sup>65</sup>

Public health policies should promote school sites that do not lead to harmful environmental exposures and that do facilitate physical activity, healthy behaviors and healthy communities. Schools located in the neighborhoods of the students they serve will have an increased number of children who walk, bike or take public transit to and from school and will provide families with access to playgrounds and facilities that encourages physical activity outside of school time. Policies related to environmental review should facilitate assessment of locations before an LEA purchases or leases a property. State policies, laws and regulations can promote these goals in a number of ways, including:

- **Encourage the creation of long-range school facilities plans** (see Section 4.2.1) by LEAs, including LEA guidance on how these plans can

<sup>65</sup> For more information on existing state policies, see “50 State Survey,” conducted by Rhode Island Legal Services. Available at: [www.childproofing.org/school\\_siting\\_50\\_state.htm](http://www.childproofing.org/school_siting_50_state.htm).

involve stakeholders and community members and complement comprehensive plans and other planning efforts at the municipal (and state) levels. One resource is California’s Guide to Long-Range Facilities Plan ([www.cde.ca.gov/ls/fa/sf/longrangeplan.asp](http://www.cde.ca.gov/ls/fa/sf/longrangeplan.asp));

- **Do not require minimum number of acres for school sites.** Acreage requirements can prevent LEAs from using smaller sites within neighborhoods and force them to build schools on large tracts of lands on the outskirts of communities. The Council of Educational Facility Planners International ([www.cefpi.org/](http://www.cefpi.org/)) has abolished its “minimum acreage standards” policy but many states still have now-outdated laws based on this policy in effect;
- **Encourage communities and LEAs to plan and develop joint use agreements** for libraries, parks and ball fields for efficient use of available land;
- **Do not favor larger enrollment schools,** which are challenging to build within neighborhoods, in formulas for education funding allocations;
- **Do not favor new construction over renovation** of existing schools in school construction funding formulas (often called the two-thirds rule or “60 percent” rule). Renovation and modernization could help achieve educational objectives by creating school environments that support improved academic achievement by helping to alleviate the backlog of repair and maintenance projects. In a study conducted in the Los Angeles Unified School District ([www.edfacilities.org/pubs/LAUSD%20Report.pdf](http://www.edfacilities.org/pubs/LAUSD%20Report.pdf)), researchers found that

improvements in the quality of school facilities led to an increase in student performance;<sup>66</sup>

- **Consider true long-term costs of a site assessment/investigation**, including land acquisition, initial construction, long-term busing costs and other transportation costs, improvements to the utilities and street network around the school, long-term site location monitoring and maintenance costs in policies on estimating costs for renovation versus construction;
- **Encourage efficient location of schools and judicious use of busing** through school busing reimbursement formulas and busing radius policies;
- **Consider “walkability” infrastructure** (e.g., adequate sidewalks, absence of traffic hazards, safe routes to schools);
- **School funding mechanisms at the state level should allow time for proper analysis** and consideration of suitable sites for construction, particularly at sites where environmental concerns are involved;
- **Provide technical support to LEAs during the environmental review.** Policies of state health and environmental agencies should allow for and encourage LEAs to partner with state agencies in conducting a thorough environmental review; and
- **Encourage public involvement throughout the siting process.**

In addition to policies related to environmental review and cleanup, relevant policies include those that promote public health and take into account the impact of proposed or existing offsite sources on existing schools.

<sup>66</sup> Jack Buckley, Mark Schneider and Yi Shang, “LAUSD School Facilities and Academic Performance,” Los Angeles Unified School District, Unpublished report prepared as part of Building Educational Services Together initiative, 21st Century School Fund, Washington, DC. Accessed on September 16, 2011. Available at: [www.ncef.org/pubs/LAUSD%20Report.pdf](http://www.ncef.org/pubs/LAUSD%20Report.pdf).

### 7.3. Recommendations for Tribes

Tribes are sovereign entities and play a central role in community school site decisions when an existing or potential school site is situated in Indian country or on other tribal lands. This role may also depend on what type of school is being built, and whether a community, tribal or Bureau of Indian Education school is on trust or tribal lands. School siting decisions on tribal lands may also depend on federal and tribal legislation, regulations and guidance or memoranda of understanding with state and local governments. Tribal government coordination with federal, state and local governments, as appropriate, is also desirable. Tribal agencies can be critical resources for communities on siting issues.

In cases where tribal members attend schools outside of Indian country, tribes will want to coordinate with state and local governments about siting nearby schools. The balance of this section will focus on situations where schools are being sited inside Indian country.

In addition to the critical role of the local [school siting committees](#) (SSCs) (see Section 3.3) in identifying potential sites for new school construction, tribal involvement and oversight offers many advantages. For example, tribes can be a central repository for expertise in the many nuances associated with choosing the best possible site, thereby ensuring that the site will not only be suitable from the perspective of environmental health and safety, but will also respect the local traditions and customs of the community.

Working together, LEAs and tribal level officials, possibly in conjunction with states, can more effectively coordinate to determine appropriate lands for locating schools. Establishment of tribal school siting policies and guidelines, where they are not currently in place, can help tribes promote educational, environmental, health and safety objectives associated with school facility construction and/or renovation.

### 7.3.1. Review Tribal Expertise

Tribal councils and/or several tribal agencies, including departments of education, public health, transportation, historic preservation and environment, can play an important role in school siting decisions and implementation along with local governments. Different agencies will likely have staff with complementary knowledge, expertise and skills that can be helpful throughout the school siting process. Tribes are encouraged to share existing inventories of contaminated sites with local communities to assist with assessment of potential school locations ([www.epa.gov/schools/siting/resources](http://www.epa.gov/schools/siting/resources)) and to help to identify locations that may require the use of [engineering and institutional controls](#) (see Section 8.15) and development of a clearly documented long-term stewardship plan to meet standards for residential use. Local residents may not know which agency to contact for specific concerns and questions, so tribes are also encouraged to coordinate across programs and to assign an office or agency to serve as the liaison for community members.

There are several important steps that tribes can take to support development of local capacity for identifying appropriate locations for schools:

- [Coordination across tribal programs](#) (see Section 7.3.2);
- [Staffing and financial resources](#) (see Section 7.3.3);
- [Participation in public meetings](#) (see Section 7.3.4); and
- [Access to information on school siting](#) (see Section 7.3.5).

### 7.3.2. Coordination across Tribal Programs

Enhanced coordination across tribal programs with responsibility for healthy schools can play an important role in informing local school siting decisions. Among the institutional questions that tribes should consider with respect to school siting are:

- Which tribal or other agencies need to be involved in school siting; and
- Are there legal or institutional impediments that need to be addressed?

Some tribal governments have established processes to determine appropriate procedures for addressing sites that have residual contamination after cleanup. In other cases, tribes work with federal partners to address these issues. It is essential that the agency and department responsible for reviewing potential school sites for potential environmental contamination is identified early, so that they will be appropriately involved throughout the siting process. Tribes are also encouraged to coordinate with local and regional planning agencies to ensure locations meet multiple community goals.

Tribes are encouraged to identify a point of contact with responsibility for coordinating across agencies with authorities, responsibilities, programs, policies, guidelines or standards affecting decisions concerning whether and where to build new schools or carry out major expansion of existing facilities, as well as coordinating other school facility issues.

Tribes may want to consider developing a formal memorandum of understanding with different government agencies (federal, state, local) to ensure that staff resources and expertise are available to assist with school siting.

### 7.3.3. Staffing and Financial Resources

An assessment of the human and financial resources available in tribal agencies should address the following questions:

- How can staff with the appropriate expertise assist local communities with school siting decisions and planning processes; and
- How can budgetary or other resource gaps be overcome to safely renovate or site schools?

#### 7.3.4. Participation in Public Meetings

Tribal government meetings with the community are especially important when environmental review activities need discussion with the community. Even when oversight responsibilities have been delegated to local agencies, tribal government participation can be helpful to ensure that the review process is sound and that communications with the community are effective, and to reinforce that the special sensitivities of children were considered as part of the school location selection process.

#### 7.3.5. Access to Information on School Siting

Tribes should consider developing a publicly available, easily accessible website/database to provide a centralized source of information pertinent to school evaluation and selection, including:

- Policies and procedures for site evaluation and review;
- Public involvement guidelines;
- Mapping and other resources to assist in evaluation of potential school locations;
- Records of location reviews (e.g., findings, description of site remediation activities, institutional and engineering controls, decision documents for cleanup and documentation of sites that meet standards for residential use); and
- Surveys of historic properties, including schools.

#### 7.3.6. Tribal Oversight Roles

Tribes are encouraged to identify and document tribal roles and responsibilities for long-term oversight early in the school siting process. If a site that has not been cleaned up to standards for residential use is selected for a school, tribal agencies may oversee the environmental review to ensure that institutional and engineering

controls and the long-term stewardship plan are sufficient to prevent exposures to environmental hazards. Alternatively, this role may be shared with or delegated to a local agency or other partner, provided the partner can demonstrate the capacity to manage these important issues.

#### *Environmental evaluation*

LEAs should work with tribal governments to ensure that all sites under tribal jurisdiction that are proposed for renovation of an existing building for school use, construction of new schools or expansion of existing schools have received appropriate environmental approval from the tribal agency prior to construction. Sites or buildings should be assessed prior to acquisition or donation to determine if there is environmental contamination onsite or at neighboring sites that could pose health or environmental risks to children, faculty or staff. Federal review may also be needed.

#### *Cleanup procedures*

Although most tribes do not have procedures that specifically apply to investigation, sampling, cleanup, determination of appropriate land and resource uses, and long-term stewardship of potential school locations, they often do have policies and practices in place that apply more generally to locations being considered for reuse. Locations selected for use as schools should be cleaned up to standards for residential use. Cleanups should also follow cleanup plans that have clearly delineated contamination and verify that cleanup efforts have been effective. In the event that a site does not support residential use because of residual contamination, institutional controls (and possibly engineering controls) may be a necessary component of the cleanup. Because the purpose of [institutional and engineering controls](#) (see Section 8.15) is to prevent exposure to contaminants and protect the integrity of the cleanup, effective management of institutional and engineering controls is critical to ensuring that a site can be used safely.

### **Meaningful public involvement**

**Meaningful public involvement** (see Section 3) throughout the school siting process is of critical importance. Tribes should ensure that their public involvement requirements will effectively involve the community, and plans for public involvement should be formalized prior to initiating the identification of potential school sites. Details of site assessment processes, cleanup decisions (e.g., scope, procedures, findings), land use restrictions (**engineering and institutional controls**, see Section 8.15) and subsequent school construction plans should be provided to the community and subject to public notification and comment. It is important for LEAs to develop a **communications plan** to ensure effective public involvement (see Section 3.4).

### **Local capacity to manage institutional and engineering controls**

Tribes should establish standards to assess the capacity of any party for management of institutional or engineering controls at potential school locations. The standards should be designed to ensure the long-term integrity of any institutional or engineering controls put in place at potential school sites where residual contamination or offsite hazards to be mitigated exist. The capacity to manage engineering and institutional controls should consider the following:

- Availability of accurate information on the location or extent of institutional and engineering controls, perhaps provided on a map;
- Establishment of, and participation in, a **one-call system** (see Section 10) to protect against human exposure to contaminated soil;
- Establishment of a mandatory monitoring program to routinely review institutional and engineering controls to ensure their continued effectiveness;
- Establishment of enforceable institutional controls, which require compliance;

- Establishment of information on institutional controls that effectively disseminate information on the location of controls, compliance status, and monitoring reports to interested stakeholders, especially parents, tribal and local environmental officials;
- Long-term budget commitment to provide funds for the operation and maintenance of institutional and engineering controls, including required training of staff responsible for maintaining controls;
- Tracking of expenditures associated with institutional and engineering controls by the LEA so that historical expenditures can be used to refine planning estimates for the cost of maintaining institutional and engineering controls;
- Using more than one institutional control (i.e., “layering”) to improve overall reliability and effectiveness for managing the amount, concentrations, toxicity and other characteristics of the residual waste or contamination; and
- Availability of a process to report malfunctions of controls.

### **7.3.7. Tribal Policy Review**

Tribes are encouraged to review existing laws, policies and regulations addressing school siting to determine whether changes are needed to encourage improved school siting decisions. Such a review of existing policies across tribal agencies would help identify gaps and outdated policies that no longer serve state goals and objectives. Education, health, environmental, planning and transportation agencies, as well as others, such as Historic Preservation Offices, should work together to consider how existing regulations, policies and guidelines influence or affect decisions about school renovation, remodeling or the siting of new schools. Review of existing guidelines or policies may focus on those related to the following general topics:

- Community involvement and public participation in school siting and renovation decisions;
- Long-range school facilities plan;
- School funding of new construction or to support existing school renovation;
- Prohibitions on tribal reimbursement of land costs that force communities toward the lowest cost sites, regardless of potential environmental challenges;
- School size formulas or requirements for lot size and access to recreational areas;
- Minimum school enrollment requirements;
- Environmental evaluation and associated costs;
- Environmental cleanup (including cleanup standards and long-term stewardship site controls) and associated costs;
- Community use of schools (and joint use of community resources such as libraries, theaters, parks and ball fields);
- Energy efficiency;
- Sustainable development; and
- Emergency preparedness and sheltering plans.

Tribes may also consider developing policies, guidelines or regulations with local health jurisdictions to involve them in approval of school sites, and tribes should provide local communities with information related to tribal policies that pertain to siting decisions.<sup>67</sup>

Public health policies should promote school sites that do not lead to harmful environmental exposures and that do facilitate physical activity, healthy behaviors and healthy communities. Schools located in the neighborhoods of the

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students they serve will have an increased number of children who walk, bike or take public transit to and from school and will provide families with access to playgrounds and facilities that encourages physical activity outside of school time. Policies related to environmental review should facilitate assessment of locations before an LEA purchases or leases a property. Tribal policies, laws and regulations can promote these goals in a number of ways, including:

- **Encourage the creation of long-range school facilities plans** (see Section 4.2.1) by LEAs, including LEA guidance on how these plans can involve stakeholders and community members and complement comprehensive plans and other planning efforts at the municipal (and tribal) levels. One resource is California’s “Guide to Development of Long Range Facilities Plan” ([www.cde.ca.gov/ls/fa/sf/longrangeplan.asp](http://www.cde.ca.gov/ls/fa/sf/longrangeplan.asp));
- **Do not require minimum number of acres for school sites.** Acreage requirements can prevent LEAs from using smaller sites within neighborhoods and force them to build schools on large tracts of lands on the outskirts of communities. The Council of Educational Facility Planners International ([www.cefp.org/](http://www.cefp.org/)) has abolished its “minimum acreage standards” policy but some tribes may still have now-outdated laws based on this policy in effect;
- **Encourage communities and LEAs to plan and develop joint use agreements** for libraries, parks and ball fields for efficient use of available land;
- **Do not favor larger enrollment schools,** which are challenging to build within neighborhoods, in formulas for education funding allocations;
- **Do not favor new construction over renovation** of existing schools in school construction funding formulas (often called the two-thirds rule or “60 percent” rule). Renovation and modernization could help achieve educational objectives by creating

school environments that support improved academic achievement by helping to alleviate the backlog of repair and maintenance projects. In a study conducted in the Los Angeles Unified School District ([www.edfacilities.org/pubs/LAUSD%20Report.pdf](http://www.edfacilities.org/pubs/LAUSD%20Report.pdf)), researchers found that improvements in the quality of school facilities led to an increase in student performance;<sup>68</sup>

- **Consider true long-term costs of a site assessment/investigation**, including land acquisition, initial construction, long-term busing costs and other transportation costs, improvements to the utilities and street network around the school, long-term site location monitoring and maintenance costs in policies on estimating costs for renovation versus construction;
- **Encourage efficient location of schools and judicious use of busing** through school busing reimbursement formulas and busing radius policies;
- **Consider “walkability” infrastructure** (e.g., adequate sidewalks, absence of traffic hazards, safe routes to schools) in tribal school funding policies;
- **School funding mechanisms at the tribal level should allow time for proper analysis** and consideration of suitable sites for construction, particularly at sites where environmental concerns are involved;
- **Provide technical support to LEAs during the environmental review.** Policies of tribal health and environmental agencies should allow for and encourage LEAs to partner with tribal agencies in conducting a thorough environmental review; and

<sup>68</sup> Jack Buckley, Mark Schneider and Yi Shang, “LAUSD School Facilities and Academic Performance,” Los Angeles Unified School District, Unpublished report prepared as part of Building Educational Services Together initiative, 21st Century School Fund, Washington, DC. Accessed on September 16, 2011. Available at: [www.ncef.org/pubs/LAUSD%20Report.pdf](http://www.ncef.org/pubs/LAUSD%20Report.pdf).

- **Encourage public involvement throughout the siting process.**

In addition to policies related to environmental review and cleanup, relevant policies include those that promote public health and take into account the impact of proposed or existing offsite sources on existing schools.