

Suggested Changes to 3000 Series Board Policies and Administrative Regulations

Number	BP/AR	Title	Suggested Changes
3280	BP	Sale or Lease of District-Owned Real Property	<p>(BP revised) Education Code 17455 authorizes the sale, or lease for up to 99 years, of any district real property together with any personal property located thereon without approval of the voters within the district. To do so, the property must not or will not be needed by the district and the district must follow the procedures stated in Education Code 17387-17391. Pursuant to Education Code <u>17387-17391</u>, before surplus real property is sold or leased, the Governing Board must appoint an advisory committee to advise the Board on the disposition of such property. Education Code <u>17388</u> and <u>17391</u> establish exceptions from this requirement. As amended by SB 820 (Ch. 110, Statutes of 2020), Education Code <u>17391</u> adds an exception, until July 1, 2024, for the sale or lease of property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction. Education Code <u>17389</u> requires that the advisory committee be representative of specific groups within the community and be composed of not less than seven nor more than 11 members (commonly referred to as a "7-11 committee"). See the accompanying administrative regulation for further information on the composition and duties of this committee.</p>
3313.3	AR	Design Build Contracts	<p>(AR new) As an alternative to the more traditional design-bid-build process or a lease-leaseback process, the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code <u>17250.10-17250.55</u>. As defined by Education Code <u>17250.15</u>, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education</p>

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			Code <u>17250.15</u> and <u>17250.25</u> provide that such contracts may be awarded to either the low bid or best value, as defined. Pursuant to Education Code <u>17250.50</u> and <u>17250.55</u> , this authority applies to bid requests issued on or after July 1, 2016 and will be repealed January 1, 2025 unless legislation is enacted to delete or extend that date.
3320	AR	Claims and Actions Against the District	(AR revised) The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against entities, including school districts. In City of Stockton v. Superior Court, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract. Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable condition of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate. Pursuant to Government Code 935, district claims procedures may include a requirement that a claim be presented and acted upon in accordance with those procedures as a prerequisite to a lawsuit. Failure to include such a requirement may subject the district to increased liability.
3515	BP/AR	Campus Security	(BP/AR revised) Policy updated to clarify that audio capability of surveillance equipment should be disabled in accordance with state law prohibiting the recording of conversations unless the parties to the conversation may reasonably expect

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			<p>that the communication may be overheard or recorded, and to reflect a National Institute of Justice recommendation that signage state that the district's surveillance system may or may not be actively monitored. Regulation adds section on "Locks" reflecting requirement for state-funded new construction projects, as well as certain modernization projects, to include locks that allow classroom doors to be locked from the inside. Regulation also adds strategies to increase adult presence and supervision on campus and to provide staff training in emergency response.</p>