

SECTION 6

FACILITIES

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6.01 FACILITIES PLANNING

1. The School Board is responsible for the regular operation and orderly development of its physical plant. For this reason, the Board will concern itself with both short and long-range planning as it relates to the properties of the District. To this end, the Board will follow the policy of having before it at all times a long-term building program to serve as a guide for capital improvements.
2. The Board will monitor the evaluation of existing facilities in terms of capacity and function;
3. The projection of life expectancy of facilities and maintenance costs;
4. Enrollment projections and community development patterns;
5. Site availability and acquisition;
6. Changing instructional requirements and services.
7. The Board will maintain a five (5) year facilities plan. This program will be subject to systematic study, revision, and extension from time to time, and the respective construction projects will be acted upon individually when proposed for implementation.
8. The Board's building program will be designed to provide adequate facilities to conduct full time elementary and secondary education programs for all students residing in the District.

9. The building program will be based upon specific Board policies that have been and will continue to be modified to conform to changes in the curriculum, availability of construction funds, and changes in enrollment.

6.02 FACILITIES CAPITALIZATION PROGRAM

To finance the facilities program, the Board, as established by law, may at its discretion authorize an annual tax levy not to exceed 3 dollars per thousand dollars on the taxable valuation of the District for the capital outlay fund. The Board may also issue and sell capital outlay certificates. Money received from the sale of these certificates will also be placed in the capital outlay fund.

The capital outlay fund is a fund provided by law to meet expenditures in excess of one thousand dollars¹ or more for the acquisition or lease of or additions to land, existing property, plant, equipment and the purchase construction of, additions to and remodeling of facilities. It may also be used for installment or lease-purchase payments for the purchase of real property, plant or equipment, where the installment or lease purchase contract does not exceed 20 years, and for the payment of the principal and interest of capital outlay certificates. When used for the purchase of capital outlay certificates and the payment of installment or lease-purchase contracts, the total accumulated unpaid principal balances cannot exceed three percent of the taxable valuation. A school district, which contracts its student transportation or provides reimbursement for mileage may expend from the capital outlay fund an amount not to exceed fifteen percent of the contract amount. The capital outlay fund may also be used to purchase textbooks, instructional software, the purchase of warranties on capital assets if the warranties do not include supplies. The District may transfer from its capital outlay fund to its general fund an amount not to exceed forty-five percent of the total tax revenues deposited in that fund during the current school fiscal year.

Construction of new facilities, or of additions to facilities which will require advertising for bids, must have a public hearing at least 10 days prior to the advertisement of any contract specifications. Following this public hearing and approval of the Board, the District may use the capital outlay fund for payment of the new construction or addition, however, the District may not change the originally advertised use of the fund without holding another public hearing.

In accordance with law, the Board will develop and maintain a five-year plan on the annual projected revenues and expenditures for the capital outlay fund. The projected expenditures will itemize the projected costs for new or additional facilities.

Legal References:

¹ Any purchase of one thousand dollars or less may be paid out of the general fund.

SDCL 13-16-6 (Definition and use of capital outlay fund)
SDCL 13-16-6.1 (Bidders on installment purchases or lease)
SDCL 13-16-6.2 (Capital outlay certificates authorized)
SDCL 13-16-6.3 (Hearing on installment purchase)
SDCL 13-16-6.4 (Referendum petition and election on installment purchase)
SDCL 13-16-7 (Additional tax levy for certain funds or obligations)
SDCL 13-16-8 (Bond and certificate proceeds placed in capital outlay fund)
SDCL 13-16-9.3 (Public hearing for use of capital outlay fund)

6.03 BOND CAMPAIGNS

In accordance with law, the Board by resolution may determine that the District should issue negotiable bonds. These bonds may only be used for the purposes of:

1. Refunding any bonded indebtedness which is or is about to become due and payable or whenever such indebtedness can be refunded at a lower rate of interest to fund any judgment or outstanding warrants;
2. Raising money for any purpose for which the Board is authorized to spend District funds.

The proposition to issue bonds, except bonds to fund registered warrants or to refund bonded indebtedness, will first be submitted to the electors of the District at a general or special election.

The amount of money borrowed will not exceed the sum of 10 percent of the previous year's assessed valuation. Election will be set by the Board.

Legal References:

SDCL 6-8B-2 (Election required for issuance)
SD Constitution Article 13-4 (Debt limitations for municipalities and political subdivisions)

6.04 SELECTION OF ARCHITECT

The Board will employ a licensed architect to design the plans of each proposed building, building addition, or extensive renovation. For remodeling or the building of new facilities, that are 5,000 square feet or less, the Board does not need to hire a qualified licensed architect.

In selecting architects, the following criteria will be considered:

1. Experience in school construction;
2. Evidence of relevant experience in special situations, such as facilities for the handicapped;

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: pre-design planning, schematic design, design development, bidding, construction;
7. Ability and temperament to work cooperatively with others;
8. Willingness to consult with staff on educational specifications;
9. Extent and experience of architectural staff in relation to the scope of the planned project.

The architect will be selected by the Board on the basis of the above criteria and will be employed under a contract, which meets the current standards of the American Institute of Architects.

The Board will approve procedures that it will use in the selection of architects and a statement of the architect's responsibilities.

6.05 FACILITIES DEVELOPMENT PLANS AND SPECIFICATIONS

To provide long-term usefulness to the District and to justify the expensive investment in a school plant, the following general principles will be applied to the design of new buildings and the renovation of older facilities:

1. Flexibility - Versatile construction materials will be used so as to provide a building adjustable to future changes in curriculum and teaching methods.
2. Durability - Buildings will be constructed of durable materials chosen to offset operational or maintenance expenses.
3. Safety - Construction materials and architectural and equipment specifications will meet the State safety requirements.
4. Expandability - The building design should provide for the possibility of future additions, while leaving the original concept of the structure intact.
5. Accessibility - Buildings should be designed to allow easy flow of traffic for all who use the building. This principle applies not only to vehicular traffic (accessibility to public thoroughfares and ample provision for parking), but also to the establishment of good traffic patterns inside the school.
6. Environment - Aesthetic values and energy conservation measures will be considered in planning the total school environment. In order to provide the best possible learning environment, the surroundings should be comfortable, pleasing, and safe.

7. Before advertising for bids on the plans and site for the building or remodeling of school facilities, the Board will submit all plans to the South Dakota State Fire Marshall's Office for examination and approval.

6.06 CONSTRUCTION COST ESTIMATES AND DETERMINATIONS

PRELIMINARY AND FINAL ESTIMATES

After the architectural firm has been selected, a cost-ceiling estimate indicating the maximum cost of the new construction or remodeling project will be submitted by the architect. Then after final plans have been made concerning building design and building size or remodeling needs a final cost estimate will be drawn up by the architect.

PERIODIC AND FINAL COMPUTATIONS DURING CONSTRUCTION

At regular intervals during the construction period, the Superintendent, the architect, the contractor, and, if necessary, the school attorney will review earlier projected costs and actual construction expenditures to determine the financial position of the project at that particular point. Upon completion of the project, a final computation of building expenditures will be made to determine the cost of each aspect of the total building project or remodeling program.

6.07 SITE ACQUISITION PROCEDURE

1. Priorities based upon student population, location, and education needs will be established well in advance of any site acquisition in order that proper locations for school sites might be acquired.
2. Sites will be acquired in advance of time for construction to allow adequate time for the completion of topography studies and other preliminary work.
3. Eminent domain action for the acquisition of property for school site purposes will be executed only after negotiations fail and all other avenues to the solution have been exhausted.
4. To acquire a school site, the School Board may exchange property with the state, the Tribe, and any municipality or organized township or county within or partly within the boundaries of the District under terms and conditions determined by the respective governing bodies.

6.08 CONTRACTOR'S FAIR EMPLOYMENT CLAUSE

It is the policy of the District to require that all contractors and subcontractors demonstrate awareness of the need to comply with federal, state and local mandates designed to provide equal opportunity in the execution of public contracts and if

required by federal law or grant provisions, comply with tribal or Indian preference mandates.

Legal References:

U.S. Executive Order 11246, as amended (Equal employment opportunity)
Section 503 of the Rehabilitation Act of 1973 (Nondiscrimination in employment against individuals with disabilities)
Title 38 US Code §2012 (Per diem payments for veterans)

6.09 CONTRACTOR’S AFFIDAVITS AND GUARANTEES

1. The School Board will require a contractor to furnish, before commencing building, remodeling, or improvements of a school site, the cost of which exceeds Twenty-five Thousand Dollars (\$25,000) a performance bond, in the full amount of the contract, for the faithful performance of the contract. The bond will contain the provisions required by law and be in a form prescribed by the District.
2. The Board may waive the performance bond when the improvement does not exceed the amount of Twenty-five Thousand Dollars (\$25,000).
3. Bid bonds, In the amount of ten percent (10%) of the bid amount or, in lieu thereof cash or a certified check equal to at least Five percent (5%) of the bid amount will accompany all bids on contracts for the building, remodeling, or improvements of a school site, the cost of which exceeds Fifty Thousand Dollars (\$50,000).

6.10 SUPERVISION OF CONSTRUCTION

1. The Board will appoint a Construction Superintendent for any remodeling, addition, or new construction project.
2. The Construction Superintendent will be a competent person with knowledge of the construction industry to ensure the interests of the public are protected and that the contractor complies strictly with the approved plans and specifications.
3. The Construction Superintendent will report regularly to the Board on the progress of the construction project.
4. The contractor will retain supervision of the actual construction and the workers the contractor employs to complete the actual building project.

6.11 RETIREMENT OF FACILITIES

1. The School Board will annually review space needs for the educational program. Consideration will be given to closing attendance centers when declining enrollment results in detrimental effects on the District’s educational program or may result in adverse effects on the financial management of the District.

2. If the Board wishes to close an attendance center, it may do so by resolution at a Board meeting on or before December 1.
3. The Board, also by resolution, may submit the question to a vote of the people.
3. If the Board has decided to close an existing attendance center or the patrons wish to have the question of closing, or opening an attendance center submitted to a vote of the people, the patrons must file with the Business Manager, by January 15, a petition calling for an election. Such petition must be signed by at least twenty-five percent (25%) of the electors of the District.
4. The following criteria, in no particular order, are used to aid the Board in making recommendations for the closing of schools:
 1. Enrollment projections and classroom usage;
 2. Future financial forecast;
 3. Effect upon the educational program of the District;
 4. Effect upon the community;
 5. Evaluation of present facilities, including:
 1. Education adequacy;
 2. Operational costs;
 3. Modernization potential;
 4. Building capacity;
 5. Alternate use of building.