

1 **MODEL POLICY TO RESPONSIBLY ADDRESS A BUDGET SHORTFALL**

2 **A. Statement of Values**

3 The Board of Education recognizes that public schools are open to all children and are vital resources to
4 neighborhoods and communities in the [city/county] of [place]. The Board is committed to providing a
5 world-class public education for *all* students.

6 The District has a long-standing commitment to ensure non-discrimination and equal educational
7 opportunity for all. Under both Federal [and State] law, the District is obligated to avoid unlawful
8 discrimination on the basis of race, sex, sexual orientation, religion, color, national origin, age, gender
9 identity or expression, ancestry, familial status, military status, disability, genetic information, or any other
10 legally protected category (collectively, "Protected Classes").

11 The Board further recognizes that, due to Federal and State per-pupil-expenditure formulas, encouraging
12 new or disconnected families to enroll in the School District is a more viable and long-term solution to a
13 budget shortfall or declining enrollment than reducing the number of public schools available to families.
14 Additionally, peer-reviewed research demonstrates that closing a public school offers no educational benefits
15 and that school closures often have negative academic, behavioral, and other effects for students and
16 families. Additionally, each public school closure contributes to the weakening of public education in
17 [city/county] and nationwide. Therefore, the Board considers closing public schools an extreme measure
18 that should only be taken as a last resort due to dire economic circumstances.

19 **B. Definitions**

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- 21 1. "Budget shortfall" occurs when overall District expenditures exceed revenues. The Board has
22 sole discretion to determine whether a budget shortfall necessitates additional action to cut
23 expenditures or increase revenues.
 - 24 2. "Interim Report" is the Report developed pursuant to Board Policy (F).
 - 25 3. "Community Engagement" is a process that at a minimum requires completion of the steps
26 outlined in Board Policy (G).
 - 27 4. "Committee Report" is the Report developed pursuant to Board Policy (H).
 - 28 5. "School closure" is the permanent closure of a District-operated school. "School closure" does
29 not include an instance in which a school's building or facility is in an unusable condition that
30 necessitates the closure of the building to be replaced with a new, renovated, or existing facility
31 for the same school serving the same population of students.
 - 32 6. "Superintendent's Plan for School Closure" is the Superintendent's Plan for School Closure
33 pursuant to Board Policy (I).
 - 34 7. "High School Feeder Pattern" means the geographical area that feeds into a zoned high school,
35 which includes elementary and middle schools that feed into the same high school.
 - 36 8. "Charter school" means a tax-payer funded school operated by a third-party entity pursuant to
37 the terms of a contract, or charter, with an authorizing body.
- 38

39 **C. Policy Overview**

40 The Board may investigate the extent of any estimated budget shortfall in a multi-year projection. The
41 Board may determine, by a majority vote, that the budget shortfall is severe enough to warrant the creation
42 of a Committee to further investigate what caused the budget shortfall; inform and engage students,
43 families, District staff, and other community members; and recommend appropriate action to decrease
44 expenditures, increase revenues, or otherwise address the budget shortfall.

45 No earlier than 60 days after the Board approves the formation of the Committee, the Superintendent shall
46 nominate individuals to serve on the Committee in accordance with Board Policy (E). Each nominee must be
47 approved by a majority vote of the Board.

48 The Committee shall develop and present to the public an Interim Report, then conduct Community
49 Engagement, and then develop a Committee Report. If the Committee Report includes a school closure
50 recommendation, the Superintendent must develop and present a Superintendent's Plan for School Closure.

51 The Board shall not vote on whether to approve or disapprove a school closure until at least 90 days after
52 the Superintendent has presented the Superintendent's Plan for School Closure at a public Board meeting
53 and made the contents of the Superintendent's Plan for School Closure widely available to the public.

54 If the Board votes to disapprove a school closure, the Board must reinstate procedures consistent with
55 Board Policy before it may consider closing the same school again.

56 The District is prohibited from closing any school unless the Board has acted consistent with this policy.

57 **D. Procedures**

58 A majority vote of the Board in favor of forming the Committee triggers the following procedures, which
59 must occur sequentially. No step may begin before the prior step is completed:

- 60 1. Consistent with Board Policy (E), the Superintendent nominates individuals to serve on the
61 Committee and presents the nominations to the Board at a public meeting.
- 62 2. The Board shall vote to approve or deny the appointment of each member of the Committee
63 pursuant to Board Policy (E).
- 64 3. The Committee shall develop and present an Interim Report to the Board at a public meeting
65 pursuant to Board Policy (F).
- 66 4. The Committee shall conduct Community Engagement and present a summary of the findings to the
67 Board at a public meeting pursuant to Board Policy (G).
- 68 5. The Committee shall develop a Committee Report documenting the Committee's process, analysis,
69 and recommendations for addressing the budget shortfall. Although the Committee Report need not
70 include a recommendation for school closure, any such recommendation must be consistent with
71 Board Policy (H)(8)-(9).
- 72 6. The Committee shall present the Committee Report pursuant to (H) and, if applicable, each of the
73 recommendations in the Committee Report to the Board at a public meeting.
- 74 7. The Board shall vote on whether to approve or disapprove the Committee Report in accordance with
75 the requirements set forth in Board Policy (H), provided that:
 - 76 a. If any recommendation in the Committee Report includes a recommendation for school
77 closure, the Superintendent shall subsequently create and publish a Superintendent's Plan
78 for School Closure. Pursuant to (I), the Superintendent shall present the Superintendent's
79 Plan for School Closure to the Board at a subsequent public meeting no earlier than 60 days
80 after the public presentation of the Committee Report.
 - 81 b. The Board shall not vote to approve a school closure until at least 90 days after the
82 Superintendent presents the Superintendent's Plan for School Closure at a public meeting
83 or the Superintendent makes the contents of the Superintendent's Plan for School Closure
84 available to the public, whichever date is later.

85 **E. Formation of the Committee**

87 Upon a majority vote of the Full Board to form a Committee, the Superintendent shall conduct the requisite
88 search and nominate members of the Committee to be approved by Full Board vote.

- 89 1. Required Committee members. The Committee shall be comprised of:
 - 90 a. At least one representative (i.e., student, parent, legal guardian, staff member, or
91 administrator) from each high school feeder pattern in which the high school is eligible for
92 federal Title I funds.
 - 93 b. Of the representatives described in (E)(1)(a), at least:
 - 94 i. Two students;
 - 95 ii. Two parents or legal guardians;

- 96 iii. Two school staff members (e.g., teachers, counselors, administrative and
97 janitorial support); and
98 iv. Two community organizers.
99 c. No more than 50% of the members of the Committee may be District Administrators,
100 District Supervisors, individuals who contract the District for services, or representatives or
101 employees of an entity contracted by the District for services.
102 2. Permissible Committee members. The Committee may include up to five (5) additional
103 individuals who do not represent a particular high school feeder pattern if the individual is an
104 expert in:
105 a. educational policy,
106 b. the history of education, or
107 c. a population of students who require additional services from the District (e.g. students
108 with disabilities, students experiencing homelessness, English learner students, system
109 impacted youth).
110 3. Prohibited Committee members. The following individuals are prohibited from being nominated
111 to or serving on the Committee:
112 a. Any current or former donor, administrator, staff member, or trustee of a charter school or
113 a private K-12 school; or
114 b. Any real estate developer, representative of real estate developers, or person who would
115 profit from the sale or redevelopment of any land used to operate a District school.

116 The Superintendent’s nomination for each member of the Committee is subject to approval by a majority
117 vote of the Board.
118

119 **F. Interim Report**

120 Once approved by the Board, the Committee shall develop an Interim Report. The Interim Report shall:

- 121 1. Review the most recent audit of the budget and projected budget to verify whether the district
122 faces a budget shortfall that necessitates increased revenues or decreased expenditures;
123 2. Analyze the extent, severity of, and any reason for the budget shortfall; and
124 3. Develop multiple preliminary proposals to address the budget shortfall, including one or more
125 proposals to increase enrollment in the District.

126 The Committee shall present the Interim Report to the Board at a public meeting. The Committee shall
127 make the Interim Report available online to the public at least one week prior to the public meeting.

128 **G. Community Engagement**

129 Upon approval of the Interim Report by a majority vote of the Board, the Committee shall conduct
130 community engagement by:

- 131 1. Soliciting from members of the public:
132 a. Comments on each preliminary proposal in the Interim Report;
133 b. Which programs or expenditures the District should prioritize or deprioritize to address the
134 budget shortfall; and
135 c. Suggestions of how the District can increase student enrollment.
136
137 2. Using the following methods to solicit the information in paragraph (G)(1):
138 a. An online feedback form;
139 b. A minimum of two community town halls at a school in each high school feeder pattern, at
140 least one of which begins after 6pm in the evening;
141 c. Opportunity to comment at no fewer than two school board meetings; and
142 d. At least five virtual town halls dedicated to the topic of addressing budget shortfalls.
143

- 144 3. Widely publicizing each of the methods in paragraph (G)(2) at least two weeks in advance of
- 145 the opportunity through multiple means, including but not limited to:
- 146 a. Direct phone calls;
- 147 b. Text messages;
- 148 c. Emails;
- 149 d. Flyers;
- 150 e. Mail sent to students and parents or guardians;
- 151 f. Social media posts;
- 152 g. Updates to the District website; and
- 153 h. Updates to the website of each District school.
- 154
- 155 4. Ensuring that any public-facing communication
- 156 a. Is available in English, Spanish, [most common languages spoken in the district], and other
- 157 languages as needed to communicate with all families; and
- 158 b. Uses plain language. For example, if the Interim Report includes a preliminary proposal for
- 159 school closure, public-facing communications must clearly state that the Committee is
- 160 considering a school closure and name any school that is being considered for closure.
- 161 Using misleading or vague terms such as "facilities survey" or "resource access" instead of
- 162 school closure is not permissible.
- 163
- 164

H. Committee Report

165 Upon completion of Community Engagement outlined in Board Policy (G), the Committee shall develop and
 166 submit a Committee Report to the Board, make the Committee Report available to the public, and share the
 167 Committee Report with all families in the District.

- 168 1. The Committee Report shall include:
- 169 a. A comprehensive analysis of and responses to comments gathered during Community
- 170 Engagement;
- 171 b. Two or more final recommendations to address the budget shortfall; and,
- 172 c. If applicable, document compliance with (H)(8)(a-q).
- 173 2. The Committee shall present the findings and content of the Committee Report, including the
- 174 results of Community Engagement, to the Board of Education at a Public Meeting. The
- 175 Committee shall make the Committee Report available online to the public at least one week
- 176 prior to the public meeting.
- 177 3. Members of the Board shall have the right to ask questions during the presentation and to ask
- 178 further questions in writing following the presentation.
- 179 4. The Committee shall make the Committee Report public through the Board website at least one
- 180 week prior to the Public Meeting at which the Committee Report will be presented.
- 181 5. At the Public Meeting at which the Committee Report presented, a minimum of 10 spots shall be
- 182 reserved for public comment on the topic of the Committee Report. Members of the public may
- 183 submit comments on the Committee Report up to 30 days following the Public Meeting at which
- 184 the Committee Report is presented.
- 185 6. The Committee shall:
- 186 a. respond in writing to each comment raised at the public meeting or submitted in writing
- 187 within 30 days of the public meeting; and
- 188 b. make all responses to each comment available on the on the appropriate District app, on
- 189 the District website, and at the District office.
- 190 7. It is within the Committee's discretion whether to recommend a school closure or school
- 191 closures in the Committee Report. The Board shall not vote on whether to approve the
- 192 Committee Report until:
- 193 a. 14 days after responses to comments raised at the public meeting or submitted in writing
- 194 have been made available on the District app, on the District website, and at the District
- 195 office; and

196 b. Completion of the Superintendent’s Plan for School Closure outlined in Board Policy (I), if
197 the Committee Report includes a recommendation for school closure.
198
199

8. Mandatory Considerations for a Recommendation of School Closure

200 If the Committee Report includes a recommendation for school closure, the Committee Report
201 must explain in writing each of the following impacts that would likely result from a school
202 closure and how any purported benefit justifies the associated educational, quality-of-life, and
203 similar costs to students and families in the District.

204 a. educational program (i.e., efficacy of educational program at each school, accommodation
205 of the planned educational program in schools not recommended for closure)
206

207 b. safety and access (i.e., student safety and ease of access to any school recommended for
208 closure and to each school where students would be reassigned; distance, time and cost of
209 transporting students)
210

211 c. relocation (i.e., number of students whose school assignment would change; capacity and
212 projected enrollment at the receiving school, including projected enrollment loss within the
213 District that would result from school closure)
214

215 d. non-discrimination (i.e., ensuring that no protected class of students is disproportionately
216 harmed by the recommended school closure)
217

218 e. equity (i.e., impact on enrollment by socioeconomic status, race, and ethnicity in the
219 schools district-wide; impact on schools serving disproportionate shares of students living in
220 poverty, students with disabilities, students experiencing homelessness, English Language
221 Learners (“ELLs”))
222

223 f. accessibility for students and staff with disabilities (i.e., present or potential ability of the
224 school(s) recommended for closure to accommodate disabled persons)
225

226 g. space to accommodate community/school collaborations and other district initiatives
227

228 h. location and site characteristics (i.e. the importance of the school for neighborhood vitality
229 and delivering services to each school community)
230

231 i. ability to maintain feeder patterns from elementary school to middle school to high school
232 to assure K-12 continuity
233

234 j. class size (i.e., whether existing and future class sizes meet the educational needs of
235 students, whether the class sizes comply with any applicable legal limits on class size, and
236 whether a school closure may put the District at risk of legal liability for violating applicable
237 class size limits mandated by union contracts or local, State, or Federal law)
238

239 k. other factors and considerations raised by constituents during Community Engagement and
240 recommended by the Board
241

242 l. budget (i.e., whether and how the school closure would resolve the budget shortfall,
243 including added transportation costs, maintenance of old facilities, and attrition that may
244 result from each school closure, particularly in a neighborhood where a community school
245 or multiple community schools may be closer geographically than the District school at
246 which families would be re-assigned)
247

- 248 m. academic outcomes (i.e., as school closures are demonstrated to have a negative impact on
249 students, particularly low-income students, an assessment of which students will most
250 likely be negatively impacted by a school closure and a detailed plan that includes cost
251 estimates for providing the additional resources and supports those students would require
252 if they experienced a school closure)
253
- 254 n. addressing any enrollment declines (i.e., whether the District has created and implemented
255 a strategic plan for enrollment growth in the District to address and reverse enrollment
256 declines)
257
- 258 o. required sales or leases (i.e., whether the District would be mandated under state law to
259 sell or lease a closed school to a community school or other entity, which would be
260 inconsistent with harm minimization requirements of Board Policy (I)(1)(h), and the
261 additional financial burden that would impose on the District’s budget)
262
- 263 p. available alternatives (i.e., whether the Committee has carefully considered all other
264 available cost-saving measures that does not include school closure)
265
- 266 q. student enrollment trends (i.e., current enrollment, projected assigned population,
267 anticipated residential growth, and anticipated impact of plan to attract families to the
268 District)
269

270 **9. Prohibited Considerations for a Recommendation of School Closure**

271 The Committee shall NOT consider any of the following factors, which are unrelated to the
272 quality of education and wellbeing for students, families, and communities:

- 273 a. school-wide enrollment (i.e., space for the efficient, effective and educationally sound
274 organization of the total enrollment, current school utilization rates)
275
- 276 b. age and condition (i.e., operation and maintenance costs, transportation costs, cost of
277 closing facility, energy consumption and costs, cost to renovate). However, consistent with
278 Board Policy (B)(5), nothing in this section precludes the District from replacing a school
279 building or facility that is in an unusable condition with a new, renovated or existing facility
280 for the same school serving the same population of students.
281
- 282 c. future use (i.e., marketability, conversion to another use, sale, or use as an alternative
283 school)
284

285 **I. Superintendent’s Plan for School Closure**

286 If the Committee Report includes a recommendation for school closure, the Superintendent shall
287 subsequently create and present a Superintendent’s Plan for School Closure to the Board at a public meeting
288 no earlier than 60 days after the public presentation of the Committee Report. The Superintendent shall
289 make the Superintendent’s Plan for School Closure available online to the public at least one week prior to
290 the public presentation.

291 The Superintendent’s Plan for School Closure shall include:

- 292 1. A robust analysis of the costs and savings that would result from each proposed school closure,
293 including projected District enrollment that accounts for the impact of a school closure on
294 enrollment;
295 2. The impact that the proposed school closure would have on the District’s ability to attract and retain
296 youth and families;

- 297 3. Demographic trends and forecasts as developed by an independent, unbiased, and credentialed
298 demographer, including projected decreases in enrollment that may result from the proposed school
299 closure;
- 300 4. Inaccessible routes and street crossings that pose a safety risk to pedestrians and motorists
301 between schools, including whether the proposed school closure would worsen accessibility or create
302 or exacerbate such a safety risk;
- 303 5. The condition of the facilities and major building equipment that would be affected by the proposed
304 school closure and the potential impact of losing access to those facilities and equipment;
- 305 6. The location of any center-based program or unique programming and staffing available to any
306 student with an Individualized Education Plan or 504 plan at each school and the impact that a
307 school closure would have on the provision of these federally-mandated services;
- 308 7. The location of any ELL program and the impact that a school closure would have on the provision
309 of federally-mandated services to ELL students;
- 310 8. Status of district-provided transportation at each school and the additional transportation costs that
311 would result from a school closure.
- 312 9. Risk assessment of whether the District would be required to sell or lease the school buildings
313 proposed for closure to a community school and the resulting fiscal impact;
- 314 10. Any reduction in force, reconfiguration of staff, and the economic impact of job losses on the
315 [city/county];
- 316 11. The potential academic and socioemotional impact to children, particularly low-income children, who
317 attend the school(s) proposed for closure;
- 318 12. Any risk to the overall viability of the District associated with the school closure;
- 319 13. Reason for declining to pursue an alternative proposal to school closure; and
- 320 14. A plan to minimize the harmful impacts of the proposed school closure that, at a minimum, outlines
321 how the District will:
 - 322 a. Provide remedial academic support and counseling to all students enrolled at each school
323 proposed for closure;
 - 324 b. Ensure that resources for all students are allocated based on student need;
 - 325 c. Ensure students, parents, and guardians at each school proposed for closure are informed about
326 and supported in pursuing the enrollment options available to them;
 - 327 d. Ensure students impacted by each school proposed for closure shall have priority enrollment
328 into all district-managed lottery schools and a guaranteed seat at their boundary/zone school;
 - 329 e. Ensure all staff at each school proposed for closure are informed and understand available
330 employment opportunities and guarantees in collaboration with employee unions;
 - 331 f. Provide job search services and prioritized interviewing opportunities at schools identified by
332 employees impacted by proposed school closure;
 - 333 g. Ensure that each community that would be impacted by a school closure can decide the future
334 use of the school building; and
 - 335 h. Ensure that the school will not be used as a charter school, private school, or for housing that is
336 above market rate.

337 The Board shall not vote on whether to approve a school closure until 90 days after the publication of the
338 Superintendent’s Plan for School Closure or the presentation of the Superintendent’s Plan for School Closure
339 to the Board at a public meeting, whichever is later. If the Board does not vote on the Superintendent’s Plan
340 for School Closure within 365 days of its publication or presentation at the public Board meeting, the
341 Superintendent shall update the Superintendent’s Plan for School Closure. The Board shall not vote on
342 whether to approve a school closure until 90 days after the publication of the updated Superintendent’s Plan
343 for School Closure or presentation of the updated Superintendent’s Plan for School Closure to the Board at a
344 public meeting, whichever is later. If the Board votes to disapprove a school closure, the Board must
345 reinitiate procedures consistent with Board Policy before it may consider closing the same school again.

346 Effective TBD