

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 168**

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**Introduced by Assembly Member Berg**

January 22, 2007

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An act to add Article 10.8 (commencing with Section 17077.60) to Chapter 12.5 of Part 10 of Division 1 of Title 1 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 168, as amended, Berg. School facilities: new construction: minimum essential facilities.

Existing law requires that the new construction funding eligibility of ~~school~~ school districts be determined based on existing school building capacity and enrollment projections.

This bill would authorize a school district to apply to the State Allocation Board for new construction funding based on a lack of minimum essential facilities, or a failure of the minimum essential facilities to meet the minimum square footage requirements, on an existing schoolsite. The bill would require ~~the Office of Public School Construction~~ and the Superintendent of Public Instruction, *in consultation with the Office of Public School Construction*, to establish standards for minimum essential facilities, including *the definition of minimum essential facilities and minimum square footage requirements*, for kindergarten and grades 1 to 12, inclusive, schoolsites ~~and require the board to adopt regulations incorporating those standards. The board would be required to determine the type of minimum essential facilities to fund and adopt regulations on program implementation based on the minimum essential facilities standards established by the~~

*Superintendent.* The bill would require the board to establish cost per square foot standards and limit the funding to school districts for minimum essential facilities to no more than 50% of the total cost of the project, unless the school district meets financial hardship requirements. The bill would limit the expenditure of funds allocated for minimum essential facilities *would be limited* to construction, expansion, or reconfiguration of minimum essential facilities on existing schoolsites. The bill would authorize the board *would be authorized* to establish priorities for funding eligible facilities at schoolsites and to limit eligible schoolsites to those first constructed prior to January 1, 1998.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10.8 (commencing with Section 17077.60)  
2 is added to Chapter 12.5 of Part 10 of Division 1 of Title 1 of the  
3 Education Code, to read:

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5 Article 10.8. Minimum Essential School Facilities

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7 17077.60. (a) Notwithstanding other articles in this chapter,  
8 a school district that lacks a facility identified as a minimum  
9 essential facility pursuant to this article, or has a minimum essential  
10 facility that fails to meet the minimum square footage standards  
11 established pursuant to this article, may apply to the board for  
12 funding for the purposes of constructing the facility or expanding  
13 or reconfiguring the existing facility.

14 (b) A school district may submit separate applications for  
15 funding for each of the minimum essential facilities.

16 17077.61. (a) ~~The Office of Public School Construction and~~  
17 ~~the Superintendent, in consultation with the Office of Public School~~  
18 ~~Construction,~~ shall establish standards for minimum essential  
19 facilities for kindergarten and grades 1 to 12, inclusive, schoolsites.  
20 These standards shall include, but shall not be limited to, *the*  
21 *definition of minimum essential facilities and* minimum square  
22 footage requirements.

23 (b) ~~The~~ *Based on the standards established by the*  
24 *Superintendent pursuant to subdivision (a), the board shall*

1 *determine the type of minimum essential facilities to fund and adopt*  
2 *regulations incorporating the standards established pursuant to*  
3 *subdivision (a) on program implementation.*

4 17077.62. (a) The board shall establish cost per square foot  
5 standards to be used with the minimum square footage standards  
6 established pursuant to Section 17077.61 to determine the  
7 apportionment that shall be provided for the construction,  
8 expansion, or reconfiguration of a minimum essential facility.

9 (b) The board shall provide no more than 50 percent of the cost  
10 of the construction, expansion, or reconfiguration, as determined  
11 by the minimum square footage and cost per square foot standards  
12 established pursuant to this article, unless the school district  
13 qualifies for financial hardship assistance pursuant to Section  
14 17075.10.

15 (c) All funds allocated pursuant to this article shall be expended  
16 only for construction, expansion, or reconfiguration of minimum  
17 essential facilities on existing schoolsites.

18 (d) The board may establish priorities for funding eligible  
19 facilities at schoolsites and limit eligible schoolsites to those first  
20 constructed prior to January 1, 1998.