

ASSEMBLY BILL

No. 1014

Introduced by Assembly Member Bass

February 22, 2007

An act to amend Sections 17071.25, 17071.35, 17071.75, 17071.76, and 42261 of, and to repeal Section 17071.40 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1014, as introduced, Bass. School facilities.

The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition. The act provides that a school district's ongoing eligibility for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections, the number of pupils that may be adequately housed in the existing school building capacity of the district, and increases or decreases in enrollment resulting from the Year-Round School Grant Program.

This bill would revise certain calculations related to those factors, including allowing school districts to use an alternative enrollment projection for a specified time period and eliminating a requirement to increase the maximum school building capacity by a specified number of pupils reported by the Superintendent of Public Instruction. The bill also would make other technical, clarifying, and conforming changes.

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. Section 17071.25 of the Education Code is
2 amended to read:

3 17071.25. (a) The existing school building capacity in the
4 applicant school district or, where appropriate, in the attendance
5 area, at the time of initial application shall be calculated pursuant
6 to the following formula:

7 (1) Identify by grade level all permanent teaching stations
8 existing in the school district or, where appropriate, the attendance
9 area. For the purposes of this section, “teaching station” means
10 any space that was constructed or reconstructed to serve as an area
11 in which to provide pupil instruction, but shall not include portable
12 buildings, except as provided in Section 17071.30.

13 (2) (A) (i) The assumed capacity of each calculated teaching
14 station pursuant to paragraph (1) shall be 25 pupils for each
15 teaching station used for kindergarten or for any of grades 1 to 6,
16 inclusive, and 27 pupils for each teaching station used for any of
17 grades 7 to 12, inclusive.

18 (ii) *The assumed pupil capacity of each calculated teaching*
19 *station pursuant to paragraph (1) shall be 23 pupils for each*
20 *teaching station used for kindergarten or any of grades 1 to 6,*
21 *inclusive, in a school with a pupil population density equal to the*
22 *density described in paragraph (1) of subdivision (a) of Section*
23 *17071.75.*

24 (B) ~~On or after January 1, 2000, the~~ *The* board may adopt or
25 amend regulations adjusting the assumed capacity set forth in this
26 ~~subparagraph~~ *paragraph* as appropriate for each teaching station
27 used for nonsevere or severe special day class purposes after
28 considering the recommendations of the Legislative Analyst
29 pursuant to Section 17072.15. These special day class capacity
30 adjustments and ~~any~~ *an* adjustment of existing school capacity
31 related to changes in the assumed capacity of special day class
32 teaching stations shall be approved by the Director of Finance
33 prior to implementation.

34 (C) ~~On or after January 1, 2001, the~~ *The* board may adopt
35 regulations establishing assumed capacity standards after
36 consideration of the recommendations developed by the Director
37 of General Services for continuation high school, community day
38 school, county community school, and county community day

1 school, teaching stations pursuant to Section 17072.17. Teaching
 2 station assumed capacity adjustments pursuant to these regulations
 3 and any other adjustments of existing school capacity related to
 4 changes in the assumed capacity of continuation high school,
 5 community day school, county community school, and county
 6 community day school, teaching stations shall be approved by the
 7 Director of Finance prior to implementation.

8 (3) Multiply the assumed capacity of each teaching station as
 9 specified in paragraph (2) by the number of teaching stations
 10 calculated under paragraph (1).

11 (4) The result of this computation shall be the number of pupils
 12 housed by grade level in the existing school building capacity of
 13 the applicant school district.

14 (b) The existing school building capacity of the applicant school
 15 district calculated under this section shall not include, in *any a*
 16 school operated on a year-round schedule, ~~any a~~ teaching station
 17 that has been in continuous use during the preceding five-year
 18 period primarily for the operation of a preschool program or
 19 programs.

20 SEC. 2. Section 17071.35 of the Education Code is amended
 21 to read:

22 17071.35. (a) Notwithstanding any other provisions of law,
 23 *commencing with the 2007–08 school year*, the maximum school
 24 building capacity for each applicant *school* district shall *not* be
 25 increased by the number of pupils reported by the Superintendent
 26 of Public Instruction for that grade level pursuant to Section 42268.
 27 ~~This adjustment~~

28 (b) *An increase in a school district’s eligibility for new*
 29 *construction resulting from amendments to this section that become*
 30 *effective on January 1, 2008, shall be used to construct facilities*
 31 *that reduce the district’s dependence on multitrack year-round*
 32 *scheduling.*

33 (c) *Eligibility used pursuant to subdivision (b)* shall be calculated
 34 on the basis, at the district’s option, of either the district as a whole
 35 or the appropriate attendance area.

36 SEC. 3. Section 17071.40 of the Education Code is repealed.

37 ~~17071.40. Each school on a year-round, multitrack calendar~~
 38 ~~that has a density of 200 or more pupils enrolled per acre, that is~~
 39 ~~located in a school district with 40 percent of its pupils attending~~
 40 ~~multitrack, year-round schools shall be exempted from the increase~~

1 ~~in school building capacity required by Section 17071.35. Nothing~~
2 ~~in this section shall be construed as exempting the school from the~~
3 ~~requirements of Section 17071.33.~~

4 SEC. 4. Section 17071.75 of the Education Code is amended
5 to read:

6 17071.75. After a one-time initial report of existing school
7 building capacity has been completed, the ongoing eligibility of a
8 school district for new construction funding shall be determined
9 by making all of the following calculations:

10 (a) A school district that applies to receive funding for new
11 construction shall use the following methods to determine projected
12 enrollment:

13 (1) A school district that has two or more schoolsites each with
14 a pupil population density that is greater than 115 pupils per acre
15 in kindergarten and grades 1 to 6, inclusive, or a schoolsite pupil
16 population density that is greater than 90 pupils per acre in grades
17 7 to 12, inclusive, as determined by the Superintendent using
18 enrollment data from the California Basic Educational Data System
19 for the 2004–05 school year, may submit an application for funding
20 for projects that will relieve overcrowded conditions. That school
21 district *also* ~~may also~~ submit an alternative enrollment projection
22 for the fifth year beyond the fiscal year in which the application
23 is made using a methodology other than the cohort survival method
24 as defined by the board pursuant to paragraph (2), to be reviewed
25 by the Demographic Research Unit of the Department of Finance,
26 in consultation with the department and the Office of Public School
27 Construction. If the Office of Public School Construction and the
28 Demographic Research Unit of the Department of Finance jointly
29 determine that the alternative enrollment projection provides a
30 reasonable estimate of expected enrollment demand, a
31 recommendation shall be forwarded to the board to approve or
32 disapprove the application, in accordance with all of the following:

33 ~~(A) Total funding for new construction projects using this~~
34 ~~method shall be limited to five hundred million dollars~~
35 ~~(\$500,000,000), from the Kindergarten-University Public Education~~
36 ~~Facilities Bond Act of 2004.~~

37 *(A) A school district may submit an alternative enrollment*
38 *projection for up to 10 years beyond the fiscal year in which an*
39 *application is made if the district provides documentation to justify*
40 *a longer enrollment projection period.*

1 (B) The eligibility amount for proposed projects that relieve
2 overcrowding is the difference between the alternative enrollment
3 projection method for the year the application is submitted and the
4 cohort survival method, as defined by paragraph (2), for the same
5 year, adjusted by the existing pupil capacity in excess of the
6 projected enrollment according to the cohort survival projection
7 method.

8 (C) The Office of Public School Construction shall determine
9 whether each proposed project will relieve overcrowding,
10 including, but not limited to, the elimination of the use of Concept
11 6 calendars, four track year-round calendars, or busing in excess
12 of 40 minutes, and recommend approval to the board. The number
13 of unhoued pupil grants requested in the application for funding
14 from the eligibility determined pursuant to this paragraph shall be
15 limited to the number of seats necessary to relieve overcrowding,
16 including, but not limited to, the elimination of the use of Concept
17 6 calendars, four track year-round calendars, or busing in excess
18 of 40 minutes, ~~less the number of unhoued pupil grants attributed~~
19 ~~to that school as a source school in an approved application~~
20 ~~pursuant to Section 17078.24.~~

21 (D) A school district shall use the same alternative enrollment
22 projection methodology for all applications submitted pursuant to
23 this paragraph *within a fiscal year* and shall calculate those
24 projections in accordance with the same districtwide or high school
25 attendance area used for the enrollment projection made pursuant
26 to paragraph (2).

27 (2) (A) A school district shall calculate enrollment projections
28 for the fifth year beyond the fiscal year in which the application
29 is made. Projected enrollment shall be determined by utilizing the
30 cohort survival enrollment projection system, as defined and
31 approved by the board. The board may supplement the cohort
32 survival enrollment projection by the number of unhoued pupils
33 that are anticipated as a result of dwelling units proposed pursuant
34 to approved and valid tentative subdivision maps.

35 (B) *If eligibility for the preliminary apportionment was*
36 *calculated pursuant to Section 17071.76, the current year or*
37 *five-year projected enrollment recorded using a cohort survival*
38 *enrollment projection system, developed and approved by the*
39 *board, that uses pupil residence in the high school attendance area*

1 *may be used for the year in which the application for final*
2 *apportionment is submitted.*

3 (b) (1) Add the number of pupils that may be adequately housed
4 in the existing school building capacity of the applicant school
5 district as determined pursuant to Article 2 (commencing with
6 Section 17071.10) to the number of pupils for whom facilities were
7 provided from ~~any~~ a state or local funding source after the existing
8 school building capacity was determined pursuant to Article 2
9 (commencing with Section 17071.10). For this purpose, the total
10 number of pupils for whom facilities were provided shall be
11 determined using the pupil loading formula set forth in Section
12 17071.25.

13 (2) *The number of pupils for which facilities were provided*
14 *pursuant to subparagraph (B) of paragraph (2) of subdivision (a)*
15 *shall not include facilities that were constructed with local funds*
16 *to relieve overcrowding, as defined in subdivision (a) of Section*
17 *17079.*

18 ~~(2)~~

19 (3) Subtract from the number of pupils calculated in paragraph
20 (1) the number of pupils that were housed in facilities to which
21 the school district or county office of education relinquished title
22 as the result of a transfer of a special education program between
23 a school district and a county office of education or special
24 education local plan area, if applicable. For this purpose, the total
25 number of pupils that were housed in the facilities to which title
26 was relinquished shall be determined using the pupil loading
27 formula adopted by the board pursuant to subparagraph (B) of
28 paragraph (2) of subdivision (a) of Section 17071.25. For purposes
29 of this paragraph, title also includes ~~any~~ a lease interest with a
30 duration of greater than five years.

31 (c) Subtract the number of pupils pursuant to subdivision (b)
32 from the number of pupils determined pursuant to paragraph (2)
33 of subdivision (a).

34 (d) The calculations required to establish eligibility under this
35 article shall result in a distinction between the number of existing
36 unhoused pupils and the number of projected unhoused pupils.

37 (e) Apply the increase or decrease resulting from the difference
38 between the most recent report made pursuant to Section 42268,
39 and the report used in determining the baseline capacity of the
40 school district pursuant to subdivision (a) of Section 17071.25.

1 (f) For purposes of calculating projected enrollment pursuant
2 to subdivision (a), the board may adopt regulations to ensure that
3 the enrollment calculation of individuals with exceptional needs
4 receiving special education services is adjusted in the enrollment
5 reporting period in which the transfer occurs and three previous
6 school years as a result of ~~any~~ a transfer of a special education
7 program between a school district and a county office of education
8 or a special education local plan area. However, the projected
9 enrollment calculation of a county office of education shall only
10 be adjusted if a transfer of title for the special education program
11 facilities has occurred. The regulations, if adopted, shall ensure
12 that if a transfer of title to special education program facilities
13 constructed with state funds occurs within 10 years after initial
14 occupancy of the facility, the receiving school district or school
15 districts shall remit to the state a proportionate share of any
16 financial hardship assistance provided for the project pursuant to
17 Section 17075.10, if applicable.

18 (g) For a school district with an enrollment of 2,500, or less, an
19 adjustment in enrollment projections shall not result in a loss of
20 ongoing eligibility to that school district for a period of three years
21 from the date of the approval of eligibility by the board.

22 SEC. 5. Section 17071.76 of the Education Code is amended
23 to read:

24 17071.76. (a) Whenever the existing school building capacity
25 in ~~any~~ a high school attendance area prevents another high school
26 attendance area from receiving the maximum per-unhoused-pupil
27 grant specified for the school district as a whole, the eligibility
28 may be computed separately for each high school attendance area.
29 *A new school may be constructed within the high school attendance*
30 *area or within a three-mile radius of the attendance area.*

31 (b) For the purposes of eligibility, a school district may combine
32 two or more adjacent high school attendance areas pursuant to the
33 following conditions:

34 (1) The funding eligibility is for the construction of a high
35 school, junior high school, or elementary school located or to be
36 located in any of those high school attendance areas.

37 (2) The high school, junior high school, or elementary school
38 to be constructed is to serve pupils residing in each of those high
39 school attendance areas.

1 (3) The combined eligibility reflects the eligibility to which
 2 each of the high school attendance areas *otherwise* would ~~otherwise~~
 3 be entitled, reflecting the proportion of projected pupil enrollment
 4 in the school to be constructed, as calculated under this chapter,
 5 from each of those attendance areas.

6 SEC. 6. Section 42261 of the Education Code is amended to
 7 read:

8 42261. Commencing in the 1990–91 fiscal year, a school
 9 district may apply for a year-round school grant pursuant to this
 10 article, if the school district demonstrates to the Superintendent of
 11 ~~Public Instruction~~ all of the following:

12 (a) There is substantial overcrowding in the school district or
 13 its high school attendance areas, as demonstrated by current
 14 enrollment, capacity of facilities, and growth projections.

15 (b) The school district will use the grant to implement or operate
 16 multitrack year-round educational programs in one or more of its
 17 schools in order to increase the capacity of its facilities.

18 ~~(c) The school district would be eligible to construct new~~
 19 ~~facilities under Chapter 12.5 (commencing with Section 17070.10)~~
 20 ~~of Part 10 absent the use of multitrack year-round educational~~
 21 ~~programs.~~