

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1490

Introduced by Assembly Member Mendoza

February 23, 2007

An act to amend Section 17071.75 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1490, as amended, Mendoza. School facilities: new construction: ongoing eligibility: portable classrooms.

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 requires an applicant school district for new construction to submit to the board a one-time report of existing school building capacity that is to be calculated pursuant to a specified formula and requires ongoing eligibility for new construction funding to be determined by completing a series of calculations based on projected enrollment compared to existing school building capacity.

This bill would require the existing school building capacity calculation used to determine new construction eligibility to be reduced by the number of pupils that were adequately housed in a district-owned portable classroom that is at least 30 years old. *The bill would require the removal of that portable classroom within 6 months of occupancy*

of the new permanent school facilities and would prohibit the use of that portable classroom to establish eligibility for certain overcrowding relief grants.

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 17071.75 of the Education Code is
2 amended to read:

3 17071.75. After a one-time initial report of existing school
4 building capacity has been completed, the ongoing eligibility of a
5 school district for new construction funding shall be determined
6 by making all of the following calculations:

7 (a) A school district that applies to receive funding for new
8 construction shall use the following methods to determine projected
9 enrollment:

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

30 (A) Total funding for new construction projects using this
31 method shall be limited to five hundred million dollars

1 (\$500,000,000) from the Kindergarten-University Public Education
2 Facilities Bond Act of 2004.

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

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

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

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

36 (b) (1) Add the number of pupils that may be adequately housed
37 in the existing school building capacity of the applicant school
38 district as determined pursuant to Article 2 (commencing with
39 Section 17071.10) to the number of pupils for whom facilities were
40 provided from a state or local funding source after the existing

1 school building capacity was determined pursuant to Article 2
2 (commencing with Section 17071.10). For this purpose, the total
3 number of pupils for whom facilities were provided shall be
4 determined using the pupil loading formula set forth in Section
5 17071.25.

6 (2) Subtract from the number of pupils calculated in paragraph
7 (1) the number of pupils that were housed in facilities to which
8 the school district or county office of education relinquished title
9 as the result of a transfer of a special education program between
10 a school district and a county office of education or special
11 education local plan area, if applicable. For this purpose, the total
12 number of pupils that were housed in the facilities to which title
13 was relinquished shall be determined using the pupil loading
14 formula adopted by the board pursuant to subparagraph (B) of
15 paragraph (2) of subdivision (a) of Section 17071.25. For purposes
16 of this paragraph, title also includes a lease interest with a duration
17 of greater than five years.

18 (3) Subtract from the number of pupils calculated in paragraph
19 (1) the number of pupils that were adequately housed in a portable
20 classroom owned by the school district that is at least 30 years old.
21 *As a condition of using this school building capacity adjustment,*
22 *a school district, within six months after the date of initial*
23 *occupancy of the permanent school facilities constructed pursuant*
24 *to this article, shall remove from the school, and remove from*
25 *service as a classroom in the district, the portable classroom used*
26 *for making this school building capacity adjustment. A portable*
27 *classroom used for purposes of this paragraph shall not be used*
28 *to establish eligibility for overcrowding relief grants as set forth*
29 *in Article 14 (commencing with Section 17079).*

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

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

36 (e) Apply the increase or decrease resulting from the difference
37 between the most recent report made pursuant to Section 42268,
38 and the report used in determining the baseline capacity of the
39 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 a transfer of a special education program
7 between a school district and a county office of education or a
8 special education local plan area. However, the projected
9 enrollment calculation of a county office of education only shall
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.