

**ASSEMBLY BILL**

**No. 1022**

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**Introduced by Assembly Member Nava**

February 27, 2009

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An act to amend Section 17217 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as introduced, Nava. School facilities.

Existing law provides that the governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and that upon the acquisition of the site, it shall become a part of the district.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 17217 of the Education Code is amended
- 2 to read:
- 3 17217. (a) The governing board of a school district may
- 4 acquire a site for a school building contiguous to the boundaries
- 5 of the district and upon the acquisition of the site it shall become
- 6 a part of the district.
- 7 (b) The site may not be acquired until all of the following
- 8 conditions are met:

1 (1) A majority of the members of the governing board of the  
2 acquiring school district approves a petition requesting approval  
3 of the acquisition.

4 (2) The petition is filed with the county superintendent of  
5 schools with jurisdiction over the acquiring school district. If the  
6 site is in a county that is not the county in which the acquiring  
7 school district is located, the petition shall be filed with each of  
8 the county superintendents of the counties concerned. Within 10  
9 working days of the date the petition is filed, each superintendent  
10 of schools of those counties shall notify the governing board of  
11 each school district involved that the petition was filed.

12 (3) The county committee on school district organization of the  
13 county of the acquiring school district approves the petition. If the  
14 site is in a county that is not the county in which the acquiring  
15 school district is located, each of the county committees on school  
16 district organization concerned shall approve the petition. The  
17 county committees on school district organization shall approve  
18 or disapprove a petition within 60 days from the day the governing  
19 board filed the petition with the county superintendent of schools.

20 (c) Notwithstanding subdivision (b), if each of the county  
21 committees on school district organization does not approve the  
22 petition as required by paragraph (3) of subdivision (b), the petition  
23 may be submitted to the Superintendent of ~~Public Instruction~~ for  
24 approval. If the Superintendent of ~~Public Instruction~~ approves the  
25 petition, the governing board may acquire the site.

26 (d) In approving the acquisition of a site pursuant to this section,  
27 the county committees on school district organization and the  
28 Superintendent of ~~Public Instruction~~ shall consider the extent to  
29 which the following are met:

30 (1) The proposed site acquisition will not promote racial or  
31 ethnic discrimination or segregation.

32 (2) The proposed site acquisition will not result in any  
33 substantial increase in costs to the state.

34 (3) The proposed site acquisition will not significantly disrupt  
35 the educational programs in the school districts affected by the  
36 proposed site acquisition and will continue to promote sound  
37 education performance in those school districts.

38 (4) The proposed site acquisition will not result in a significant  
39 increase in school housing costs.

1 (5) The proposed site acquisition is not primarily designed to  
2 result in a significant increase in property values causing financial  
3 advantage to property owners because territory was transferred  
4 from one school district to an adjoining school district.

5 (6) The proposed site acquisition will not cause a substantial  
6 negative effect on the fiscal management or fiscal status of any  
7 school district affected by the proposed site acquisition.

8 (e) The power of eminent domain may be used for the purposes  
9 of this section.

10 (f) A schoolsite is contiguous for the purpose of this section  
11 although separated from the boundaries of the district by a road,  
12 street, stream, or other natural or artificial barrier or right-of-way.