

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 375

Introduced by Senator Hancock
(Coauthor: Senator Alquist)

February 26, 2009

An act to add Section 17075.20 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Hancock. School facilities.

The Leroy F. Greene School Facilities Act of 1998 establishes a school facilities construction and modernization program that requires the State Allocation Board to provide state per-pupil funding to applicant school districts. The act authorizes a school district that meets specified characteristics established pursuant to regulations to receive financial hardship assistance for school ~~facility~~ *facilities* construction and modernization in cases of extraordinary circumstances. Extraordinary circumstances may include the need to repair, reconstruct, or replace the most vulnerable school facilities that are determined by the department to pose an unacceptable risk of injury to ~~its~~ *their* occupants in the event of a seismic event.

The Kindergarten-University Public Education Facilities Bond Act of 2006 provides that of the \$1,900,000,000 of bond proceeds set aside for new construction of school facilities up to 10.5% is required to be available for purposes of seismic repair, reconstruction, or replacement.

This bill would ~~require~~ *authorize* the State Allocation Board to ~~review~~ *review* criteria for funding eligibility under the Seismic Mitigation Program and, if necessary, adopt regulations to provide greater access to funding for school districts and county offices of education that have seismically

~~at-risk school buildings, as defined. The board also would be required to review and adopt regulations for apportioning funds pursuant to the Seismic Mitigation Program set aside for purposes of seismic repair, reconstruction, or replacement projects, as specified. The bill would require apportionments to fund the repair, reconstruction, or replacement of a building evaluated and determined to be seismically at risk. The bill would provide that apportionments may also fund the evaluation by a structural engineer or equivalent professional who is certified to test for the structural safety of school buildings, of a facility to determine if the building is determined to be seismically at risk, the repair, reconstruction, or replacement of a building evaluated and determined to be seismically at risk, and interim housing for displaced pupils who would otherwise be housed in a school building that is evaluated and determined to be seismically at risk.~~

~~The board would be required to create an unfunded approval list of applicants with buildings determined to be seismically at risk if applications for funding exceed the amount of funds set aside for the repair, reconstruction, or replacement of seismically at risk school buildings.~~

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. (a) The Legislature finds and declares as follows:
- 2 (1) Section 17317 of the Education Code required the
- 3 Department of General Services to conduct ~~an~~ a seismic safety
- 4 inventory of the most vulnerable school buildings.
- 5 (2) The Kindergarten-University Public Education Facilities
- 6 Bond Act of 2006 provided one hundred ninety-nine million five
- 7 hundred thousand dollars (\$199,500,000) for purposes of repairing,
- 8 reconstructing, or replacing seismically at-risk school buildings.
- 9 (3) The Department of General Services has received reports
- 10 from school districts of practical impediments to accessing those
- 11 funds, including regulations adopted by the State Allocation Board
- 12 to implement the program.
- 13 (b) It is the intent of the Legislature to provide necessary
- 14 assistance for the repair, reconstruction, or replacement of school
- 15 facilities at risk during a seismic event.

1 SEC. 2. Section 17075.20 is added to the Education Code, to
2 read:

3 ~~17075.20. (a) The board shall review the regulations and~~
4 ~~criteria for funding eligibility under the Seismic Mitigation~~
5 ~~Program and, if necessary, adopt regulations to provide school~~
6 ~~districts and county offices of education greater access to funding~~
7 ~~under that program for seismically at-risk school buildings,~~
8 ~~including, but not limited to, buildings that are identified as most~~
9 ~~vulnerable category 2 buildings, as defined in Section 1859 of~~
10 ~~Title 2 of the California Code of Regulations.~~

11 ~~(b)~~
12 ~~17075.20. (a) The board shall~~ *may* review regulations and
13 adopt new regulations for apportioning the funds set aside pursuant
14 to paragraph (1) of subdivision (a) of Section 101012 for purposes
15 of seismic repair, reconstruction, or replacement.

16 ~~(c) Apportionments made pursuant to the Seismic Mitigation~~
17 ~~Program shall fund the following:~~

18 *(b) Apportionments made pursuant to paragraph (1) of*
19 *subdivision (a) of Section 101012 shall fund repair, reconstruction,*
20 *or replacement of school buildings determined to be seismically*
21 *at risk.*

22 *(c) Apportionments made pursuant to paragraph (1) of*
23 *subdivision (a) of Section 101012 may also fund*

24 ~~(1) The evaluation of a school facility to determine if the~~
25 ~~building is seismically at risk by a structural engineer or equivalent~~
26 ~~professional who is certified to test for the structural safety of~~
27 ~~school buildings:~~

28 ~~(2) The repair, reconstruction, or replacement of a school~~
29 ~~building evaluated and determined to be seismically at risk:~~

30 ~~(3) Interim and interm housing for displaced pupils who would~~
31 ~~otherwise be housed in a school building that is evaluated and~~
32 ~~determined to be seismically at risk.~~

33 ~~(d) If applications for funding under this section exceed the~~
34 ~~amount of funds set aside for the repair, reconstruction, or~~
35 ~~replacement of seismically at-risk school buildings pursuant to~~
36 ~~paragraph (1) of subdivision (a) of Section 101012, the board shall~~
37 ~~create an unfunded approval list of applicants with school buildings~~
38 ~~determined be seismically at risk.~~

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