

**Senate Bill No. 1432**

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Passed the Senate August 19, 2010

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*Secretary of the Senate*

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Passed the Assembly August 12, 2010

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 17070.80 of the Education Code, relating to school facilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1432, Hancock. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), 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 Greene Act requires all school facilities purchased or newly constructed pursuant to the act for use, in whole or in part, by pupils who are individuals with exceptional needs, as defined, to be designed and located on the schoolsite so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.

This bill would require, as a condition of receiving approval by the State Department of Education for the project, the school district or county office of education to provide written confirmation or documentation that each has conferred with the other, as specified, and certify that the project includes appropriate facilities, which may include, but are not limited to, the necessary classrooms, toilet rooms, and medical therapy facilities for pupils who are individuals with exceptional needs with due consideration for identifying and planning for the least restrictive environment that supports the education of these pupils or certify that the project site has dedicated acreage of sufficient size and in an appropriate location to support the construction of appropriate facilities, which may include, but are not limited to, classrooms, toilet rooms, and medical therapy facilities in the future by the district or the county office of education, unless the applicant school district or county office of education certifies that the district and the county office of education have conferred and determined that there are no special education facilities needs.

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

SECTION 1. Section 17070.80 of the Education Code is amended to read:

17070.80. (a) All school facilities purchased or newly constructed pursuant to this chapter for use, in whole or in part, by pupils who are individuals with exceptional needs, as defined in Section 56026, shall be designed and located on the schoolsite so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.

(b) The governing board of each applicant school district and the county office of education shall ensure that school facilities for pupils who are individuals with exceptional needs are designed to support the policy goal of the least restrictive environment as it pertains to elementary and secondary school facilities that will serve the pupils of the community.

(c) (1) As a condition of approval of a project by the State Department of Education, the applicant school district or county office of education shall do either of the following:

(A) Provide written confirmation or documentation that each has conferred with the other regarding the need for special education facilities within the project application and certify that the project includes appropriate facilities, which may include, but are not limited to, necessary classrooms, toilet rooms, and medical therapy facilities for pupils who are individuals with exceptional needs with due consideration for identifying and planning for the least restrictive environment that supports the education of these pupils.

(B) Provide written confirmation or documentation that each has conferred with the other regarding the need for special education facilities within the project application and certify that the project site has dedicated acreage of sufficient size and in an appropriate location to support the construction of appropriate facilities, which may include, but are not limited to, classrooms, toilet rooms, and medical therapy facilities in the future by the district or the county office of education.

(2) If the project does not include facilities and supporting infrastructure for individuals with exceptional needs or the dedicated acreage, the applicant school district or county office of

education shall certify that the district and the county office of education have conferred and determined that, consistent with the facility plans of the school district or county office of education, there are no special education facilities needs for the project.

(d) The board, after consultation with the State Department of Education and representatives from county offices of education and school districts, shall develop and adopt any regulations necessary to implement this section.

(e) Notwithstanding any other provision of law, the requirement set forth in subdivision (a) may be waived, by the Superintendent, only upon compliance with the following procedure:

(1) The applicant school district or county superintendent of schools shall file a written request for waiver that documents the reasons for its inability to comply with the requirement.

(2) The State Department of Education shall verify the reasons set forth pursuant to paragraph (1), including the documentation submitted, which verification shall be completed no later than 30 days after the filing of the request for waiver with the Superintendent.

(3) The Advisory Commission on Special Education, as established under Section 33590, at its first scheduled meeting following the verification conducted pursuant to paragraph (2), shall review the request for waiver, accompanying documentation, and the verification findings of the State Department of Education. No later than 15 days following the date of that meeting, the commission shall submit its written comments and recommendations regarding the request for waiver to the Superintendent.

(4) The Superintendent shall review the comments and recommendations submitted by the Advisory Commission on Special Education prior to approving or rejecting the request for waiver.

(5) Any request for waiver, submitted in accordance with this section, that is not rejected within 60 days of its receipt by the State Department of Education, shall be deemed approved.







Approved \_\_\_\_\_, 2010

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*Governor*