

AMENDED IN SENATE MAY 11, 2011

AMENDED IN SENATE APRIL 27, 2011

**SENATE BILL**

**No. 132**

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**Introduced by Senator Lowenthal**

January 27, 2011

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An act to amend Sections 17211 and 17251 of, and to add Section 17070.31 to, the Education Code, and to amend Section 13102 of the Government Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as amended, Lowenthal. School facilities: state planning priorities.

(1) Existing law sets forth state planning priorities that are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state. Those priorities are as follows: (a) to promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land, (b) to protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, and (c) to encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, supports new development that meets prescribed criteria.

Under the Leroy F. Greene School Facilities Act of 1998 (hereafter the Greene Act), the State Allocation Board is charged with the allocation of state funds to school districts for the acquisition of schoolsites and the construction and modernization of schools.

This bill would require the State Allocation Board, on or before July 1, 2012, to review the guidelines, rules, regulations, procedures, and policies adopted for implementation of the Greene Act to ensure they reflect the state planning priorities referenced above and to revise those guidelines, rules, regulations procedures, and policies as necessary.

(2) Existing law requires the State Department of Education, among other things, to advise the governing board of a school district on the acquisition of new schoolsites, to develop standards for use by a school district in the selection of schoolsites, and to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety. Existing law requires the governing board of a school district, before commencing the acquisition of real property for a new schoolsite or an addition to an existing schoolsite, to evaluate the property using the standards developed by the department.

This bill would require the site selection standards and the design and construction standards developed by the department to reflect the state planning priorities and would require the governing board of a school district to consider whether a new schoolsite or addition reflects the state planning priorities.

(3) Existing law requires the Governor to submit annually a proposed 5-year infrastructure plan to the Legislature in conjunction with the Governor's Budget. Existing law requires this infrastructure plan to include a proposal for funding the infrastructure that includes criteria and priorities used to identify and select the infrastructure proposed to be funded. ~~These criteria and priorities are required, with respect to the identification of new, rehabilitated, modernized, improved, or renovated infrastructure requested by state agencies, to be consistent with the state planning priorities referenced above in paragraph (1) by January 1, 2005.~~

~~This bill would additionally require that the criteria and priorities used to identify and select infrastructure proposed to be funded for kindergarten through grade 12 public schools necessary to accommodate increased enrollment, class size reduction, and school modernization be consistent with the state planning priorities referenced above in paragraph (1) by July 1, 2012 require the infrastructure plan to include information, to be provided to the Governor by the State Department of Education and the State Allocation Board, on the extent to which the department's site selection standards and design and construction standards and the board adopted guidelines, rules, regulations,~~

*procedures, and policies for the construction and modernization of school facilities are consistent with the state planning priorities.*

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. The Legislature finds and declares all of the  
2 following:

3 (a) The state planning priorities are intended to promote equity,  
4 strengthen the economy, protect the environment, and promote  
5 public health and safety. The state planning priorities promote  
6 infill development and equity by rehabilitating, maintaining, and  
7 improving existing infrastructure, protect environmental and  
8 agricultural resources, and encourage efficient development  
9 patterns.

10 (b) High-quality schools serve as the cornerstone of sustainable  
11 and healthy communities. The quality and location of schools  
12 affect local land use and transportation patterns, community  
13 vitality, economic development, and, most importantly, pupil  
14 outcomes.

15 (c) The state makes a significant investment in the construction  
16 and modernization of school facilities and seeks to ensure that this  
17 investment is consistent with state infrastructure goals.

18 (d) In order to achieve the state's economic and environmental  
19 goals, it is essential that the state school facility construction  
20 investment reflect state planning priorities.

21 SEC. 2. Section 17070.31 is added to the Education Code, to  
22 read:

23 17070.31. On or before July 1, 2012, the board shall review  
24 the guidelines, rules, regulations, procedures, and policies for the  
25 construction and modernization of school facilities adopted  
26 pursuant to this chapter to ensure that they reflect the state planning  
27 priorities set forth in Section 65041.1 of the Government Code  
28 and shall revise them as necessary.

29 SEC. 3. Section 17211 of the Education Code is amended to  
30 read:

31 17211. Before commencing the acquisition of real property  
32 for a new schoolsite or an addition to an existing schoolsite, the  
33 governing board of a school district shall evaluate the property at

1 a public hearing using the site selection standards established by  
2 the department pursuant to subdivision (b) of Section 17251. The  
3 governing board of a school district shall consider whether the  
4 new schoolsite or addition—~~reflect~~ *reflects* the state planning  
5 priorities set forth in Section 65041.1 of the Government Code.  
6 The governing board may direct the district’s advisory committee  
7 established pursuant to Section 17388 to evaluate the property  
8 pursuant to those site selection standards and to report its findings  
9 to the governing board at the public hearing.

10 SEC. 4. Section 17251 of the Education Code is amended to  
11 read:

12 17251. The State Department of Education shall do all of the  
13 following:

14 (a) Upon the request of the governing board of a school district,  
15 advise the governing board on the acquisition of new schoolsites  
16 and, after a review of available plots, give the governing board in  
17 writing a list of the recommended locations in the order of their  
18 merit, considering especially the matters of educational merit,  
19 safety, reduction of traffic hazards, and conformity to the land use  
20 element in the general plan of the city, county, or city and county  
21 having jurisdiction. The governing board may purchase a site  
22 deemed unsuitable for school purposes by the department only  
23 after reviewing the department’s report on proposed sites at a  
24 public hearing. The department shall charge the school district a  
25 reasonable fee for each schoolsite reviewed not to exceed the actual  
26 administrative costs incurred for that purpose.

27 (b) Develop standards for use by a school district in the selection  
28 of schoolsites, in accordance with the objectives set forth in  
29 subdivision (a). The standards shall reflect the state planning  
30 priorities set forth in Section 65041.1 of the Government Code.  
31 The department shall investigate complaints of noncompliance  
32 with site selection standards and shall notify the governing board  
33 of the results of the investigation. If that notification is received  
34 before the acquisition of the site, the governing board shall discuss  
35 the findings of the investigation in a public hearing.

36 (c) Establish standards for use by school districts to ensure that  
37 the design and construction of school facilities are educationally  
38 appropriate and promote school safety. The standards shall reflect  
39 the state planning priorities set forth in Section 65041.1 of the  
40 Government Code.

1 (d) Upon the request of the governing board of a school district,  
2 review plans and specifications for school buildings in the district.  
3 The department shall charge the school district, for the review of  
4 plans and specifications, a reasonable fee not to exceed the actual  
5 administrative costs incurred for that purpose.

6 (e) Upon the request of the governing board of a school district,  
7 make a survey of the building needs of the district, advise the  
8 governing board concerning the building needs, and suggest plans  
9 for financing a building program to meet the needs. The department  
10 shall charge the school district, for the cost of the survey, a  
11 reasonable fee not to exceed the actual administrative costs incurred  
12 for that purpose.

13 (f) Provide information relating to the impact or potential impact  
14 upon any schoolsite of hazardous substances, solid waste, safety,  
15 hazardous air emissions, and other information as the department  
16 may deem appropriate.

17 SEC. 5. Section 13102 of the Government Code is amended  
18 to read:

19 13102. In conjunction with the Governor's Budget submitted  
20 pursuant to Section 13337, the Governor shall submit annually a  
21 proposed five-year infrastructure plan to the Legislature. This plan  
22 shall cover a five-fiscal-year period beginning with the fiscal year  
23 that is the same as that covered by the Governor's Budget with  
24 which it is being submitted.

25 The infrastructure plan shall contain the following information  
26 for the five years that it covers:

27 (a) (1) Identification of new, rehabilitated, modernized,  
28 improved, or renovated infrastructure requested by state agencies.

29 (2) Aggregate funding for transportation as identified in the  
30 four-year State Transportation Improvement Program Fund  
31 Estimate prepared pursuant to Sections 14524 and 14525.

32 (3) Infrastructure needs for kindergarten through grade 12 public  
33 schools necessary to accommodate increased enrollment, class  
34 size reduction, and school modernization.

35 (4) The instructional and instructional support facilities needs  
36 for the University of California, the California State University,  
37 and the California Community Colleges.

38 (b) The estimated cost of providing the infrastructure identified  
39 in subdivision (a).

1 (c) A proposal for funding the infrastructure identified in  
2 subdivision (a), that includes all of the following:

3 (1) Criteria and priorities used to identify and select the  
4 infrastructure it does propose to fund, including criteria used to  
5 identify and select infrastructure that by ~~July 1, 2012~~ *January 1,*  
6 *2005*, shall be consistent with the state planning priorities specified  
7 pursuant to Section 65041.1 for infrastructure requested by state  
8 agencies pursuant to ~~paragraphs (1) and (3)~~ *paragraph (1)* of  
9 subdivision (a).

10 (2) Sources of funding, including, but not limited to, General  
11 Fund, state special funds, federal funds, general obligation bonds,  
12 lease revenue bonds, and installment purchases.

13 (3) An evaluation of the impact of the new state debt on the  
14 state's existing overall debt position if the plan proposes the  
15 issuance of new state debt.

16 (4) (A) Recommended specific projects for funding or the  
17 recommended type and amount of infrastructure to be funded in  
18 order to meet programmatic objectives that shall be identified in  
19 the proposal.

20 (B) Any capital outlay or local assistance appropriations  
21 intended to fund infrastructure included in the Governor's Budget  
22 shall derive from, and be encompassed by, the funding proposal  
23 contained in the plan.

24 *(d) Information, to be provided to the Governor by the State*  
25 *Department of Education and the State Allocation Board, on the*  
26 *extent to which all of the following are consistent with the state*  
27 *planning priorities set forth in Section 65041.1:*

28 *(1) Guidelines, rules, regulations, procedures, and policies for*  
29 *the construction and modernization of school facilities adopted*  
30 *by the State Allocation Board pursuant to Chapter 12.5*  
31 *(commencing with Section 17070.10) of Part 10 of Division 1 of*  
32 *Title 1 of the Education Code.*

33 *(2) Site selection standards developed by the State Department*  
34 *of Education for use in the selection of schoolsites.*

35 *(3) Standards developed by the State Department of Education*  
36 *for use by school districts to ensure that the design and*  
37 *construction of school facilities are educationally appropriate and*  
38 *promote school safety.*