

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 41

Introduced by Assembly Member Buchanan

December 7, 2012

An act to amend Section 17074.26 of, and to repeal Sections 17070.99, 17071.35, and 17071.40 of, the Education Code, relating to school finance facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, Buchanan. ~~Kindergarten-University Public Education Facilities Bond Act of 2014—School facilities.~~

(1) Existing law, 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 and requires a school district's ongoing eligibility for new construction to be based, in part, on existing school building capacity. Existing law requires the maximum school building capacity of a school district to be increased by the number of pupils reported by the Superintendent of Public Instruction pursuant to a certain calculation related to the excess school capacity generated as a result of participation in the Year-Round School Grant Program, but exempts each school on a year-round, multitrack calendar that has a density of 200 or more pupils enrolled per acre and that is located in a school district with 40% of its pupils attending multitrack, year-round schools from this increase.

This bill would repeal the provisions requiring an increase in the maximum school building capacity as a result of participation in the

Year-Round School Grant Program and exempting specified schools from the increase in the maximum school building capacity.

(2) Existing law requires the board and the State Department of Education to conduct specified evaluations related to the construction of small high schools and requires those evaluations to be used to inform the direction of future school facilities construction and related bond measures.

This bill would repeal this provision. The bill would also correct a cross-reference.

~~The California Constitution prohibits the Legislature from creating a debt or liability that singly or in the aggregate with any previous debts or liabilities exceeds the sum of \$300,000, except by an act that (1) authorizes the debt for a single object or work specified in the act, (2) has been passed by a $\frac{2}{3}$ vote of all the Members elected to each house of the Legislature, (3) has been submitted to the people at a statewide general or primary election, and (4) has received a majority of all the votes cast for and against it at that election.~~

~~This bill would state the intent of the Legislature to enact legislation that would create the Kindergarten-University Public Education Facilities Bond Act of 2014, a state general obligation bond act that would provide funds to construct and modernize education facilities; to become operative only if approved by the voters at the next statewide general election, and to provide for the submission of the bond act to the voters at that election.~~

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

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

- 1 ~~SECTION 1. Section 17070.99 of the Education Code is~~
- 2 ~~repealed.~~
- 3 ~~17070.99.—(a) The board shall conduct an evaluation on the~~
- 4 ~~cost of new construction and modernization of small high schools~~
- 5 ~~in conjunction with the pilot program established pursuant to~~
- 6 ~~subdivision (c) of Section 17072.10, as it read on January 1, 2005.~~
- 7 ~~(b) The State Department of Education shall conduct an~~
- 8 ~~evaluation that focuses on pupil outcomes, including, but not~~
- 9 ~~limited to, academic achievement and college attendance rates, at~~
- 10 ~~the small high schools constructed pursuant to subdivision (c) of~~

1 Section 17072.10, as it read on January 1, 2005, and on the reasons
2 school districts do not currently opt to build small high schools.

3 ~~(e) The evaluations required pursuant to subdivisions (a) and
4 (b) shall be completed no later than two years after the opening of
5 the last small high school constructed pursuant to subdivision (c)
6 of Section 17072.10, as it read on January 1, 2005.~~

7 ~~(d) The evaluations conducted pursuant to subdivisions (a) and
8 (b) shall be used to inform the direction of future school facilities
9 construction and related bond measures.~~

10 *SEC. 2. Section 17071.35 of the Education Code is repealed.*

11 ~~17071.35. Notwithstanding any other provisions of law, the
12 maximum school building capacity for each applicant district shall
13 be increased by the number of pupils reported by the
14 Superintendent of Public Instruction for that grade level pursuant
15 to Section 42268. This adjustment shall be calculated on the basis,
16 at the district's option, of either the district as a whole or the
17 appropriate attendance area.~~

18 *SEC. 3. Section 17071.40 of the Education Code is repealed.*

19 ~~17071.40. Each school on a year-round, multitrack calendar
20 that has a density of 200 or more pupils enrolled per acre, that is
21 located in a school district with 40 percent of its pupils attending
22 multitrack, year-round schools shall be exempted from the increase
23 in school building capacity required by Section 17071.35. Nothing
24 in this section shall be construed as exempting the school from the
25 requirements of Section 17071.33.~~

26 *SEC. 4. Section 17074.26 of the Education Code is amended
27 to read:*

28 17074.26. The board shall adopt regulations to adjust the
29 per-pupil amounts set forth in Section ~~17074.14~~ 17074.10 for
30 modernization projects for school buildings that are 50 years old
31 or older based upon the higher costs associated with modernizing
32 older buildings.

33 ~~SECTION 1. It is the intent of the Legislature to enact
34 legislation that would create the Kindergarten-University Public
35 Education Facilities Bond Act of 2014, to become operative only
36 if approved by the voters at the next statewide general election,
37 and to provide for the submission of the bond act to the voters at
38 that election. It is also the intent of the Legislature that the bond
39 act, if approved by the voters at that election, would provide for
40 the issuance of _____ (\$ _____) of state general obligation bonds to~~

- 1 ~~provide aid to school districts, county superintendents of schools,~~
- 2 ~~county boards of education, the California Community Colleges,~~
- 3 ~~the California State University, and the University of California,~~
- 4 ~~including the Hastings College of the Law, to construct and~~
- 5 ~~modernize education facilities.~~

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