

Assembly Bill No. 308

CHAPTER 496

An act to add Section 17462.3 to the Education Code, relating to school facilities.

[Approved by Governor October 2, 2013. Filed with
Secretary of State October 2, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 308, Hagman. School facilities: sale of surplus real property: return of state school facilities funding program funds.

Existing law authorizes the governing board of any school district to sell any real property belonging to the school district, or lease for a term not exceeding 99 years, any real property, together with any personal property located on the real property, belonging to the school district which is not or will not be needed by the school district for school classroom buildings at the time of delivery of title or possession. Existing law requires the governing board of a school district seeking to sell or lease real property designed to provide direct instruction or instructional support it deems to be surplus property to first offer that property for sale or lease to any charter school that has submitted a written request to the school district to be notified of surplus property offered for sale or lease by the school district. Existing law authorizes the proceeds from the sale or lease with option to purchase to be deposited in the general fund of the school district, to be used for one-time expenditures, if the governing board of the school district and the State Allocation Board have determined that the school district has no anticipated need for additional site or building construction for the 10-year period following the sale or lease with option to purchase, and the school district has no major deferred maintenance requirements.

This bill would authorize the State Allocation Board to establish a program under which it would require a school district, county office of education, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the board the moneys the school district, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if certain conditions are met. Under this program, these moneys would, if received within the 10 years immediately before the sale of the real property, be required to be returned if the real property, is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services, except as specified.

The bill would, if a portion of the real property is sold, require that a proportionate amount of funds received from a state school facilities funding program be returned to the State Allocation Board under this provision based on the percentage of the real property sold.

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

SECTION 1. Section 17462.3 is added to the Education Code, to read:

17462.3. (a) The State Allocation Board may establish a program that requires a school district, county office of education, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the State Allocation Board the moneys the school district, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if all of the following conditions are met:

(1) The real property is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services, pursuant to Section 17457.5.

(2) The proceeds from the sale of the real property are not used for capital outlay.

(3) The real property was purchased, or the improvements were constructed or modernized on the real property, within 10 years before the real property is sold.

(b) The moneys to be returned to the State Allocation Board under this section are those received within 10 years before the real property is sold.

(c) If a portion of the real property is sold, a proportionate amount of funds received from a state school facilities funding program shall be returned to the State Allocation Board under this section based on the percentage of the real property sold.