

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1261**

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**Introduced by Assembly Member Gorell**

February 22, 2013

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An act to amend Section ~~17515~~ 17292.5 of the Education Code, relating to public ~~schools~~ *school facilities*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1261, as amended, Gorell. Public ~~schools~~: school ~~facilities~~: *facilities: expelled pupils program*.

*Existing law requires a school district that operates a program for expelled pupils to use available school facilities that conform with specified requirements, apply for emergency portable classrooms, or enter into a lease agreement for facilities, as specified.*

*This bill would also authorize a school district, if facilities that conform to specified requirements are not available, to submit a request to the State Allocation Board to exempt a building or portion of a building to be used to operate a program for expelled pupils from the definition of "school building." The bill would authorize the State Allocation Board to grant an exemption for no longer than 2 years, if certain requirements are met. The bill would make other nonsubstantive changes.*

~~Existing law authorizes a school district to enter into leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, local government agency, as defined, or corporation, pursuant to specified provisions.~~

~~This bill would make nonsubstantive changes in that provision.~~

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 17292.5 of the Education Code is amended  
2 to read:  
3     17292.5. ~~(a)~~If the governing board of a school district operates  
4 a program for expelled pupils, the governing board shall do one  
5 or more of the following:  
6     ~~(1)~~  
7     (a) Utilize available school facilities that conform to the  
8 requirements of Part 2 (commencing with Section 2-101), Part 3  
9 (commencing with Section 3-089-1), Part 4 (commencing with  
10 Section 4-403), and Part 5 (commencing with Section 5-102), of  
11 Title 24 of the California Code of Regulations.  
12     (b) (1) If facilities that conform to the requirements specified  
13 in subdivision (a) are not available, submit a request to the State  
14 Allocation Board to exempt a building or portion of a building to  
15 be used to operate a program for expelled pupils from the definition  
16 of “school building” within the meaning of Section 17283. The  
17 State Allocation Board may grant an exemption for no longer than  
18 two years if the governing board demonstrates all of the following  
19 to the satisfaction of the State Allocation Board:  
20     (A) The facilities are not located on a regular schoolsite.  
21     (B) The facilities comply with all applicable local building  
22 standards and all relevant local health and safety standards in the  
23 community in which it is located.  
24     (C) The facilities shall be used to operate a program for expelled  
25 pupils.  
26     (D) There shall be no more than 124 pupils enrolled in  
27 kindergarten or any of grades 1 to 12, inclusive, at any one time  
28 in the facilities, or the portion of the facilities, and the remainder  
29 of the facilities shall not be used for instructional purposes.  
30     (E) The use of the facilities is critical to providing an effective  
31 community-based program.  
32     (F) The use of other facilities that would meet seismic safety  
33 standards for school facilities is not practical.  
34     (2) An exemption granted pursuant to this subdivision is  
35 renewable.

1 (2)  
2 (c) Apply for emergency portable classrooms pursuant to  
3 Chapter ~~25 14~~ (commencing with Section 17085) of Part 10.

4 (3)  
5 (d) Enter into a lease ~~agreements~~ *agreement* for facilities,  
6 provided that the facilities are limited to a structure where a  
7 structural engineer has submitted a report that determines  
8 substantial structural hazards do not ~~exist~~.

9 ~~(b) Before exist. Before entering into any a lease pursuant to~~  
10 ~~paragraph (3) of subdivision (a), the governing board of the school~~  
11 ~~district shall certify to the State Allocation Board that all reasonable~~  
12 ~~efforts have been made to locate the program in facilities that~~  
13 ~~conform to the structural safety standards listed in paragraph (1)~~  
14 ~~of subdivision (a).~~

15 SECTION 1. Section 17515 of the Education Code is amended  
16 to read:

17 17515. (a) ~~Any school district may enter into leases and~~  
18 ~~agreements relating to real property and buildings to be used jointly~~  
19 ~~by the district and any private person, firm, local governmental~~  
20 ~~agency, as defined in paragraph (3) of subdivision (f) of Section~~  
21 ~~4420 of the Government Code, or corporation pursuant to this~~  
22 ~~article. As used in this article, "building" includes onsite and offsite~~  
23 ~~facilities, utilities and improvements that, as agreed upon by the~~  
24 ~~parties, are appropriate for the proper operation or function of the~~  
25 ~~building to be occupied jointly by the district and the private~~  
26 ~~person, firm, or corporation. It also includes the permanent~~  
27 ~~improvement of school grounds.~~

28 (b) Any building, or portion thereof, that is used by a private  
29 person, firm, local governmental agency, as defined in paragraph  
30 (3) of subdivision (f) of Section 4420 of the Government Code,  
31 or corporation pursuant to this section shall be subject to the zoning  
32 and building code requirements of the local jurisdiction in which  
33 the building is situated.

34 (e) Section 53094 of the Government Code does not apply to  
35 uses of school district property or buildings authorized by this  
36 section, except in the case of property or buildings used solely for  
37 educational purposes.

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