

AMENDED IN SENATE APRIL 22, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1067

Introduced by Senator Beall

February 18, 2014

An act to amend Section 17251 of, and to add Section 17212.3 to, the Education Code, relating to schoolsites.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, Beall. Schoolsites: selection: entry/exit access: acquisition and plans review.

(1) Existing law requires the governing board of a school district, prior to acquiring any site on which it proposes to construct any school building, as defined, to have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only.

This bill would require all new schoolsites acquired by the governing board of a school district *or the governing body of a charter school* to have at least 2 points of entry and exit onto the schoolsite *that are safely accessible by pupils walking and bicycling to the schoolsite and that can be used for purposes of emergency access.*

(2) Existing law requires the State Department of Education, upon the request of the governing board of any school district, to advise the governing board on the acquisition of new schoolsites, ~~as specified:~~ *and after a review of available plots, give the governing board a written list of the recommended locations in the order of their merit, considering especially the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of*

the entity having jurisdiction. Existing law authorizes the governing board of a school district to purchase a site deemed unsuitable for school purposes by the department only after reviewing the department's report on proposed sites at a public hearing. Existing law requires the department to develop standards for use by a school district in the selection of schoolsites, in accordance with specified objectives. Existing law requires the department 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 department to investigate complaints of noncompliance with site selection standards and to notify the governing board of the school district of the results of the investigation. Existing law requires the governing board of the school district to discuss the findings of the investigation in a public hearing if the notification is received prior to the acquisition of the site. Existing law requires the department, upon the request of the governing board of any school district, to review plans and specifications for school buildings in the district, make a survey of the building needs of the district, advise the governing board concerning the building needs, and suggest plans for financing a building program to meet the needs.

This bill would instead require the department to advise the governing board of a school district or the governing body of a charter school on the acquisition of new schoolsites, as specified, and to review plans and specifications for school buildings in the school district. and would require the department to also consider especially the matters of proximity to residential areas, access for pupils walking and bicycling to the schoolsite, efficient use of public resources through joint use of existing and new facilities, and conforming to the mobility element in the general plan of the entity having jurisdiction. The bill would also authorize the governing body of a charter school to purchase a schoolsite deemed unsuitable for school purposes only after reviewing the department's report on proposed schoolsites at a public hearing. The bill would require the department to review and update at least every 10 years the standards for use by a school district or charter school in the selection of schoolsites, in accordance with specified objectives. The bill would require the department to also establish standards for use by school districts and charter schools to ensure that the design and construction of school facilities promote walking or bicycling access to the schoolsite to reduce traffic risks to pupils and joint use of public facilities. The bill would require the governing body

of a charter school to discuss the findings of a department investigation, as described above, in a public hearing if the notification is received before the acquisition of the schoolsite. The bill would require the department, also upon the request of the governing body of a charter school, to review plans and specifications for school buildings of the charter school, make a survey of the building needs of the charter school, advise the governing body of the charter school concerning the building needs, and suggest plans for financing a building program to meet the needs. The bill would also make nonsubstantive changes to this provision.

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. Section 17212.3 is added to the Education Code,
2 to read:

3 17212.3. All new schoolsites acquired by the governing board
4 of a school district *or the governing body of a charter school* shall
5 have at least two points of entry and exit onto the schoolsite *that*
6 *are safely accessible by pupils walking and bicycling to the*
7 *schoolsite and that can be used for purposes of emergency access.*

8 SEC. 2. Section 17251 of the Education Code is amended to
9 read:

10 17251. The department shall:

11 (a) Advise the governing board of a school district *or the*
12 *governing body of a charter school* on the acquisition of new
13 schoolsites and, after a review of available plots, give the governing
14 board of the school district *or the governing body of the charter*
15 *school*, in writing, a list of the recommended locations in the order
16 of their merit, considering especially the matters of educational
17 merit, safety, *proximity to residential areas, access for pupils*
18 *walking and bicycling to the schoolsite, efficient use of public*
19 *resources through joint use of existing and new facilities,* reduction
20 of traffic hazards, and conformity to the land use ~~element~~ *and*
21 *mobility elements* in the general plan of the city, county, or city
22 and county having jurisdiction. The governing board of the school
23 district *or the governing body of the charter school* may purchase
24 a schoolsite deemed unsuitable for school purposes by the
25 department only after reviewing the department's report on

1 proposed schoolsites at a public hearing. The department shall
2 charge the school district *or charter school* a reasonable fee for
3 each schoolsite reviewed not to exceed the actual administrative
4 costs incurred for that purpose.

5 (b) Develop standards for use by a school district *or charter*
6 *school* in the selection of schoolsites, in accordance with the
7 objectives set forth in subdivision (a), *and review and update the*
8 *standards at least every 10 years*. The department shall investigate
9 complaints of noncompliance with schoolsite selection standards
10 and shall notify the governing board of the school district *or the*
11 *governing body of the charter school* of the results of the
12 investigation. If that notification is received before the acquisition
13 of the schoolsite, the governing board of the school district *or the*
14 *governing body of the charter school* shall discuss the findings of
15 the investigation in a public hearing.

16 (c) Establish standards for use by school districts *and charter*
17 *schools* to ensure that the design and construction of school
18 facilities are educationally appropriate and promote school ~~safety.~~
19 *safety, walking or bicycling access to the schoolsite to reduce*
20 *traffic risks to pupils, and joint use of public facilities.*

21 (d) ~~Review~~ *Upon the request of the governing board of a school*
22 *district or the governing body of a charter school, review plans*
23 *and specifications for school buildings in of the school district or*
24 *charter school*. The department shall charge the governing board
25 of the school district *or the governing body of the charter school*,
26 for the review of plans and specifications, a reasonable fee not to
27 exceed the actual administrative costs incurred for that purpose.

28 (e) Upon the request of the governing board of ~~any~~ *a school*
29 *district or the governing body of a charter school*, make a survey
30 of the building needs of the school district *or the charter school*,
31 advise the governing board of the school district *or the governing*
32 *body of the charter school* concerning the building needs, *and*
33 *suggest plans for financing a building program to meet the needs.*
34 The department shall charge the school district *or charter school*,
35 for the cost of the survey, a reasonable fee not to exceed the actual
36 administrative costs incurred for that purpose.

37 (f) Provide information relating to the impact or potential impact
38 upon any schoolsite of hazardous substances, solid waste, safety,

- 1 hazardous air emissions, and other information as the department
- 2 may deem appropriate.

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