

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member O'Donnell

February 27, 2015

An act to amend Section 17074.26 of, and to repeal Sections 17070.99, 17071.33, 17071.35, and 17071.40 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as introduced, O'Donnell. School facilities: bond act: Greene Act.

(1) 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 (A) authorizes the debt for a single object or work specified in the act, (B) has been passed by a $\frac{2}{3}$ vote of all the Members elected to each house of the Legislature, (C) has been submitted to the people at a statewide general or primary election, and (D) 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 a year to be determined, 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 a statewide general election to be determined, and to provide for the submission of the bond act to the voters at that election.

(2) 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 a calculation of existing school building capacity.

The act requires, for purposes of determining existing school building capacity, the calculation to be adjusted as required for first priority status, as provided, relating to multitrack year-round schools, and requires, notwithstanding those provisions, the existing school building capacity for a high school district to be calculated without regard to multitrack year-round school considerations.

This bill would repeal that provision.

(3) Existing law requires the State Allocation 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 that provision.

(4) This bill also would delete obsolete provisions and would correct a cross-reference.

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. It is the intent of the Legislature to enact
2 legislation that would create the Kindergarten-University Public
3 Education Facilities Bond Act of ____, to become operative only
4 if approved by the voters at the ____ statewide general election,
5 and to provide for the submission of the bond act to the voters at
6 that election. It is also the intent of the Legislature that the bond
7 act, if approved by the voters at that election, would provide for
8 the issuance of ____ (\$____) of state general obligation bonds to
9 provide aid to school districts, county superintendents of schools,
10 county boards of education, the California Community Colleges,
11 the California State University, and the University of California,
12 including the Hastings College of the Law, to construct and
13 modernize education facilities.

14 SEC. 2. Section 17070.99 of the Education Code is repealed.

15 ~~17070.99.—(a) The board shall conduct an evaluation on the~~
16 ~~cost of new construction and modernization of small high schools~~

1 in conjunction with the pilot program established pursuant to
2 subdivision (c) of Section 17072.10, as it read on January 1, 2005.

3 (b) The State Department of Education shall conduct an
4 evaluation that focuses on pupil outcomes, including, but not
5 limited to, academic achievement and college attendance rates, at
6 the small high schools constructed pursuant to subdivision (c) of
7 Section 17072.10, as it read on January 1, 2005, and on the reasons
8 school districts do not currently opt to build small high schools.

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

13 (d) The evaluations conducted pursuant to subdivisions (a) and
14 (b) shall be used to inform the direction of future school facilities
15 construction and related bond measures.

16 SEC. 3. Section 17071.33 of the Education Code is repealed.

17 17071.33. (a) For the purposes of determining existing school
18 building capacity, the calculation shall be adjusted as required for
19 first priority status pursuant to Section 17017.7 as that calculation
20 would have been made under the policies of the board in effect
21 immediately preceding September 1, 1998.

22 (b) Notwithstanding subdivision (a), with respect to a high
23 school district, the existing school building capacity shall be
24 calculated without regard to multitrack year-round school
25 considerations.

26 SEC. 4. Section 17071.35 of the Education Code is repealed.

27 17071.35. Notwithstanding any other provisions of law, the
28 maximum school building capacity for each applicant district shall
29 be increased by the number of pupils reported by the
30 Superintendent of Public Instruction for that grade level pursuant
31 to Section 42268. This adjustment shall be calculated on the basis,
32 at the district's option, of either the district as a whole or the
33 appropriate attendance area.

34 SEC. 5. Section 17071.40 of the Education Code is repealed.

35 17071.40. Each school on a year-round, multitrack calendar
36 that has a density of 200 or more pupils enrolled per acre, that is
37 located in a school district with 40 percent of its pupils attending
38 multitrack, year-round schools shall be exempted from the increase
39 in school building capacity required by Section 17071.35. Nothing

1 ~~in this section shall be construed as exempting the school from the~~
2 ~~requirements of Section 17071.33.~~

3 SEC. 6. Section 17074.26 of the Education Code is amended
4 to read:

5 17074.26. The board shall adopt regulations to adjust the
6 per-pupil amounts set forth in Section ~~17074.14~~ 17074.10 for
7 modernization projects for school buildings that are 50 years old
8 or older based upon the higher costs associated with modernizing
9 older buildings.