

Introduced by Senator Greene

February 25, 1997

An act to amend Sections 17042.5 and 17088.5 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 708, as introduced, Greene. School facilities: portable classrooms.

(1) Under existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (the Greene Act), the State Allocation Board is required to provide for the manner of determining the area of adequate school construction in a school district at the time the district applies for funding under the Greene Act. Existing law provides that the area of adequate school construction that exists in an applicant school district shall include all portable classrooms, whether owned or leased, except as specified.

This bill would exclude from the area of adequate school construction that exists in an applicant school district, all leased portable classrooms, portable classrooms that are more than 30% of the total classroom space at a schoolsite, and nonconforming portable classrooms. This bill would define "nonconforming portable classrooms" as those portable classrooms that do not meet the requirements of a provision of the Field Act and that are not approved by the Division of the State Architect.

(2) Existing law establishes a program for the acquisition of portable classrooms known as the State Relocatable Classroom Law of 1979. Existing law provides that where any

qualifying school district or county superintendent of schools is deemed by the State Allocation Board to be eligible for the lease of portable classrooms under that act, but adequate funds are not available at that time to the State Allocation Board for the purchase of those classrooms, the State Allocation Board may authorize the school district or county superintendent of schools to purchase portable classrooms, pursuant to specified conditions, including, to the extent that funding is subsequently made available, that the State Allocation Board shall purchase the portable classrooms from the school district or county superintendent of schools, for an amount not to exceed the purchase price that the State Allocation Board determines it would have paid for the classroom or classrooms at the time they were acquired.

This bill, instead, would provide that to the extent that funding is subsequently made available to the State Allocation Board, the State Allocation Board shall purchase the portable classrooms from the school district or county superintendent of schools for the cost incurred by the school district or county superintendent of schools less any depreciation based upon the 20-year life of the unit.

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 17042.5 of the Education Code is
 2 amended to read:
 3 17042.5. (a) For purposes of determining the area of
 4 adequate school construction existing in an applicant
 5 school district pursuant to Section 17042.7, all portable
 6 classrooms, ~~whether owned or leased,~~ shall be included,
 7 except as otherwise provided in paragraphs (1) to ~~(3)~~ (5),
 8 inclusive.
 9 ~~(1) Leased portable classrooms acquired by a school~~
 10 ~~district shall not be included in the area of existing~~
 11 ~~adequate school construction until January 1, 1991.~~
 12 ~~(2)~~ Portable classrooms leased pursuant to Chapter 14
 13 (commencing with Section 17085) shall be excluded from
 14 the area of adequate school construction. Portable



1 classrooms obtained by an applicant district pursuant to
2 subdivision (b) of Section 17088.5 also shall be excluded
3 from the area of adequate school construction, ~~except as~~
4 ~~to any portable classroom or classrooms for which the~~
5 ~~district rejected the board's offer to purchase pursuant to~~
6 ~~that subdivision.~~

7 ~~(3)–~~

8 (2) Portable classrooms that have been leased ~~or~~
9 owned by the district for 20 years or more shall be
10 excluded from the area of adequate school construction.

11 ~~(4)~~

12 (3) Leased portable classrooms shall not be included in
13 the area of adequate school construction ~~for a period of~~
14 ~~five years from the date first leased by the district. That~~
15 ~~exclusion shall be extended by the board for one~~
16 ~~additional five-year period where the board finds that the~~
17 ~~continued use of the leased portable classrooms for~~
18 ~~classroom purposes is justified by additional growth in~~
19 ~~average daily attendance pursuant to the standards~~
20 ~~established by this part. If the board finds continued use~~
21 ~~to be no longer justified, it may extend the exclusion for~~
22 ~~a period of up to two years as necessary to maintain the~~
23 ~~eligibility of the applicant district for project funding~~
24 ~~pursuant to this chapter if the board finds that the district~~
25 ~~has made a good faith effort to obtain that funding in a~~
26 ~~timely manner. The additional five-year exclusion shall~~
27 ~~not apply to any portable classroom for which, under the~~
28 ~~lease agreement, the district is to take title, or the total~~
29 ~~consideration paid by the district for the lease and an~~
30 ~~option to purchase is determined by the board to be~~
31 ~~substantially equivalent to the cost of acquiring title.~~

32 (4) *Portable classrooms that are more than 30 percent*
33 *of the total classroom space at a schoolsite shall not be*
34 *included in the area of adequate school construction.*

35 (5) *Nonconforming portable classrooms shall not be*
36 *included in the area of adequate school construction.*

37 (b) For purposes of this section, “portable classroom”
38 means a classroom building of modular design and
39 construction that meets all of the following criteria:



1 (1) Is designed and constructed to be relocatable and
2 transportable over public streets.

3 (2) Is designed and constructed for relocation without
4 the separation of the roof or floor from the building.

5 (3) When measured at the most exterior walls, has a
6 floor area not in excess of 2,000 square feet.

7 (c) *For the purposes of this section, “nonconforming
8 portable classrooms” are those portable classrooms that
9 do not meet the requirements of Section 17280 and that
10 are not approved by the Division of the State Architect.*

11 SEC. 2. Section 17088.5 of the Education Code is
12 amended to read:

13 17088.5. (a) The board may empower any lessee to
14 act as its agent in the performance of acts authorized
15 under this chapter with regard to portable classrooms to
16 be made available to that lessee, including, but not
17 necessarily limited to, contracting for architectural and
18 construction services and purchasing furniture and
19 equipment.

20 (b) In addition, where any qualifying school district or
21 county superintendent of schools is deemed by the board
22 to be eligible under this chapter for the lease of portable
23 classrooms, but adequate funds are not at that time
24 available to the board for the purchase of those
25 classrooms, the board may authorize the school district or
26 county superintendent of schools to purchase portable
27 classrooms, to the extent of that eligibility, pursuant to the
28 following conditions:

29 (1) The portable classrooms are purchased under a
30 procedure determined by the board, pursuant to either
31 a bidding process implemented by the school district or
32 county superintendent of schools or by the State Office of
33 Procurement.

34 (2) To the extent that funding for purposes of this
35 chapter is subsequently made available to the board, the
36 board shall purchase the portable classroom or classrooms
37 from the school district or county superintendent of
38 schools, for lease to that entity under this chapter, for ~~an~~
39 ~~amount, not to exceed the purchase price the board~~
40 ~~determines it would have paid for the classroom or~~



1 ~~classrooms at the time they were acquired pursuant to~~
2 ~~paragraph (1), as necessary to reimburse the school~~
3 ~~district or county superintendent of schools for the~~
4 ~~purchase price, less the amount that would have been~~
5 ~~charged to the school district or county superintendent of~~
6 ~~schools for the lease of the classroom or classrooms under~~
7 ~~Section 17089 from the date of purchase~~ *the cost incurred*
8 *by the school district or county superintendent of schools*
9 *less any depreciation based upon the 20-year life of the*
10 *unit.* The sale of the portable classroom or classrooms
11 under this paragraph shall be at the discretion of the
12 school district or county superintendent of schools.

