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AMENDED IN SENATE JUNE 28, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY MAY 12, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 695**

**Introduced by Assembly Member Mazzoni**

February 23, 1999

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An act to amend Sections 15340, 15341, 17009.5, 17070.15, 17070.35, 17070.75, 17071.10, 17071.25, 17071.30, ~~17071.35~~, 17071.75, 17072.10, ~~17072.12~~, 17072.20, 17072.32, 17074.10, 17076.10, ~~42268~~, and 100420 of, ~~and to repeal and add Section 17071.33 of~~, the Education Code, and to amend Section 65995.5 of the Government Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Mazzoni. School facilities: construction and modernization.

Existing law, the Leroy F. Greene School Facilities Act of 1998, (the Greene Act of 1998) establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization to applicant school districts, as defined, and requires applicants to provide local matching funds.

This bill would establish the assumed capacity of each teacher station for nonsevere and for severe special day classes, and would authorize the board to adopt or amend regulations on or after July 1, 2000, to adjust the assumed capacity after considering the recommendations of the Legislative Analyst required pursuant to existing law. The bill would ~~require~~ *authorize* the board to adopt regulations establishing assumed capacity standards, and would exclude certain spaces from the definition of teaching station.

Existing law permits funding under the Greene Act of 1998 for projects approved pursuant to the state school facilities funding provisions operative prior to November 4, 1998, if certain conditions are met.

This bill would require ~~any~~ *prescribed* funding previously allocated for projects funded under these provisions to be offset from the first grant provided to the applicant pursuant to the Greene Act of 1998.

The Greene Act of 1998 requires school districts to make all necessary repairs, renewals, and replacements, to ensure that a project is at all times kept in good repair, working order, and condition, and requires that all costs incurred for this purpose be borne by the school district. Existing law requires the applicant school district to establish a restricted account for providing moneys for ongoing and major repair of the facilities, and to agree to annually deposit at least 3% of the school district's general fund budget for a period of 20 years.

This bill would require the 3% maintenance requirement to be calculated, for the purposes of a county office of education, based upon the county office of education general fund less any restricted accounts.

~~Existing law requires adjustment of the calculation of existing school capacity in the same manner as required for first priority projects pursuant to the school facilities construction law in effect immediately preceding September 1, 1998.~~

~~This bill would repeal this provision, would require an increase of the existing capacity calculations by 6% of prescribed pupils unless this increase is waived, would require reduction of this increase by 50% commencing July 1, 2000, and would eliminate this increase commencing July 1, 2002.~~



~~The bill would require the board to report to the Governor and the Legislature if the grant amounts are inadequate or excessive.~~

Existing law relating to the formation of school facilities improvement district, authorizes the governing board of the school district to provide for and call a special bond election within the school facilities improvement district to submit to the voters a proposition on whether to incur debt and issue bonds, and prohibits elections from being held within 45 days before or after a statewide election, unless conducted at the statewide election.

This bill would, notwithstanding any provision of law to the contrary, shorten that period to 30 days before or after a statewide election. This bill would permit the election to be called for any date, except as specified.

Existing law requires the calculation of existing pupil capacity to be made on a one-time basis as a baseline for eligibility determinations, and requires each participating school district to submit to the board a one-time report of existing school building capacity.

This bill would, notwithstanding those provisions, authorize a school district newly formed or reorganized pursuant to an election that occurred on or after November 4, 1998, to calculate its existing school building capacity pursuant to regulations adopted by the State Allocation Board. This bill would authorize a school district to request its existing school capacity be calculated as of the effective date of the Greene Act of 1998.

Existing law defines teaching station for this purpose, excluding certain portable buildings.

~~The bill would also exclude other structures or space from this calculation of existing school building capacity, including, but not limited to, space utilized for a resources specialist program, certain multitrack year-round structures, and classrooms that are found to be no longer suitable for school purposes from the calculation of existing school building capacity.~~

Existing law sets forth the manner in which the board shall determine each applicant school district's maximum total new construction per-pupil grant eligibility.



This bill would, *until January 1, 2003*, authorize the board to approve a new construction supplemental apportionment not to exceed \$7,500, and a modernization supplemental apportionment not to exceed \$2,500, for a school having an enrollment of 2,500 or less for the prior fiscal year. The bill would require the board to adjust these amounts in 2000 and every 2 years thereafter.

This bill would require the board to allocate an additional \$200 per pupil on a one-time basis if the school district certifies that there is substantial need to incur those additional costs for interim pupil housing.

*This bill would authorize the board to establish and grant an additional per-pupil amount based upon any increased costs where space limitations require construction of a multilevel facility.*

Existing law permits the board to provide site acquisition assistance not to exceed 50% of the cost of site development plus 50% of the cost of the appraised value of the site at the time of application, whichever is less.

This bill would, instead, permit such assistance not to exceed 50% of the cost of site development plus 50% of the appraised value at the time of acquisition.

Existing law requires that the Superintendent of Public Instruction annually report to the State Allocation Board for the purposes of state-funded school facilities construction, the number of pupils in excess of capacity certified by the school districts.

This bill would prohibit the Superintendent of Public Instruction from reporting a total number of pupils in excess of the total number of pupils for which the school district is receiving state funding during the fiscal year of the report and would delete provisions that establish a minimum percentage of excess pupil capacity to be reported in the initial and subsequent years for this purpose.

Existing law, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998, (the School Bond Act of 1998) authorizes the issuance and sale of bonds and the use of the revenues, in part, for the purposes of the Greene Act of 1998.



The School Bond Act of 1998 authorizes not less than \$700,000,000 to be allocated, commencing with the 1998–99 fiscal year, to assist school districts with site acquisition and facilities-related costs of kindergarten and grades 1 to 3, inclusive, that are participating in a class size reduction program pursuant to prescribed provisions of law.

Existing law requires funds not expended pursuant to these provisions to be allocated to school districts that request prescribed funding for teaching stations that were displaced.

This bill would recast those provisions and would, instead, require that the unexpended funds be divided equally to fund school districts for teaching stations displaced by the class size reduction program. This bill would require districts that received prescribed class size reduction funding in the 1996–97 fiscal year to receive an additional \$15,000 per teaching station.

Existing law authorizes the governing board of a school district to impose an amount calculated pursuant to a prescribed formula in lieu of amounts that may be imposed upon residential construction pursuant to prescribed provisions of law, and with certain exceptions, requires that these amounts be expended solely on school facilities identified as being attributable to projected growth from the construction of new residential units. *Existing law limits site development costs for these purposes to 2 times the amount funded by the State Allocation Board.*

This bill would recast those provisions and would make this limitation applicable to expenditure of fees assessed pursuant to provisions permitting increased fees when state funds for new school construction are not available. *The bill would limit site development costs for these purposes to the estimated amount that would be funded by the State Allocation Board pursuant to its regulations.*

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 15340 of the Education Code is  
2 amended to read:



1 15340. (a) After adopting the resolution ordering the  
2 formation of the school facilities improvement district,  
3 the governing board may provide for and call a special  
4 bond election within the school facilities improvement  
5 district to, or may at the next statewide election, submit  
6 to the voters of the school facilities improvement district  
7 a proposition of whether or not an indebtedness of the  
8 district shall be incurred and bonds issued therefor in an  
9 amount not exceeding the estimate stated in the  
10 resolution ordering the school facilities improvement  
11 district formed. Notwithstanding any other provision of  
12 law, any special election called pursuant to this section  
13 may be called for any date except as set forth in Section  
14 15341 or this code and in Section 1100 of the Elections  
15 Code.

16 (b) The indebtedness and the bonds shall be payable  
17 from taxes to be levied and collected upon lands located  
18 within the school facilities improvement district.

19 SEC. 2. Section 15341 of the Education Code is  
20 amended to read:

21 15341. Notwithstanding any law, no election shall be  
22 held pursuant to this chapter within 30 days before a  
23 statewide election or within 30 days after a statewide  
24 election unless conducted at the same time as the  
25 statewide election, subject to Part 2.5 (commencing with  
26 Section 23300) of Division 14 of the Elections Code.

27 ~~SEC. 2.5.—~~

28 SEC. 3. Section 17009.5 of the Education Code is  
29 amended to read:

30 17009.5. (a) On and after November 4, 1998, the  
31 board shall only approve and fund school facilities  
32 construction projects pursuant to Chapter 12.5  
33 (commencing with Section 17070.10).

34 (b) A school district with a first priority project that  
35 has received a construction approval by the Department  
36 of General Services, Division of the State Architect, or a  
37 joint-use project approval by the board, prior to  
38 November 4, 1998, for growth or modernization pursuant  
39 to this chapter shall receive funding pursuant to this  
40 chapter for all unfunded approved project costs as it



1 would have received under this chapter, and the  
2 increased capacity assigned to the project shall be  
3 included in calculating the district's capacity pursuant to  
4 Chapter 12.5 (commencing with Section 17070.10).  
5 Funds received for projects described in this subdivision  
6 shall constitute the state's final and full contribution to  
7 these projects. The board shall not consider additional  
8 project funding except when otherwise authorized under  
9 Chapter 12.5 (commencing with Section 17070.10).

10 (c) A school district with a second priority project that  
11 has received a construction approval by the Department  
12 of General Services, Division of the State Architect prior  
13 to November 4, 1998, for growth or modernization  
14 pursuant to this chapter shall elect to do either of the  
15 following:

16 (1) Withdraw the application under this chapter,  
17 submit an initial report and application pursuant to  
18 Chapter 12.5 (commencing with Section 17070.10), and  
19 receive per pupil allocations as set forth in Chapter 12.5  
20 (commencing with Section 17070.10). If the district  
21 withdraws the application, any funds previously allocated  
22 under this chapter for the project shall be offset from the  
23 first grant to the district under Chapter 12.5  
24 (commencing with Section 17070.10).

25 (2) Convert the second priority project approved  
26 under this chapter to a first priority status and receive  
27 funds in accordance with this chapter.

28 (d) Notwithstanding priorities established pursuant to  
29 Chapter 12.5 (commencing with Section 17070.10),  
30 projects authorized for funding as set forth in this section  
31 shall be funded by the board pursuant to this chapter  
32 prior to funding other projects pursuant to Chapter 12.5  
33 (commencing with Section 17070.10).

34 (e) For purposes of funding priority for modernization  
35 grants under Chapter 12.5 (commencing with Section  
36 17070.10), a district that applies under subdivision (b) or  
37 paragraph (1) of subdivision (c) shall retain its original  
38 project approval date.



1 (f) Notwithstanding Section 17017.1, West Contra  
 2 Costa Unified School District shall be eligible for state  
 3 facilities funds beginning November 4, 1998.

4 (g) Any *site development, planning, and construction,*  
 5 funds allocated pursuant to this chapter prior to  
 6 November 4, 1998, for a project described in this section  
 7 shall be offset from the first grant provided to the  
 8 applicant for that project pursuant to Chapter 12.5  
 9 (commencing with Section 17070.10).

10 ~~SEC. 3.~~

11 *SEC. 4.* Section 17070.15 of the Education Code is  
 12 amended to read:

13 17070.15. The following terms, wherever used or  
 14 referred to in this chapter, shall have the following  
 15 meanings, respectively, unless a different meaning  
 16 appears from the context:

17 (a) “Apportionment” means a reservation of funds for  
 18 the purpose of eligible new construction, modernization,  
 19 or hardship approved by the board for an applicant school  
 20 district.

21 (b) “Attendance area” means the geographical area  
 22 serving an existing or proposed high school and those  
 23 junior high schools and elementary schools included  
 24 therein.

25 (c) “Board” means the State Allocation Board as  
 26 established by Section 15490 of the Government Code.

27 (d) “Department” means the Department of General  
 28 Services.

29 (e) “Committee” means the State School Building  
 30 Finance Committee established pursuant to Section  
 31 15909.

32 (f) “Modernization” means any modification of a  
 33 permanent structure that is at least 25 years old, or in the  
 34 case of a portable classroom, that is at least 20 years old,  
 35 that will enhance the ability of the structure to achieve  
 36 educational purposes.

37 (g) “Property” includes all property, real, personal or  
 38 mixed, tangible or intangible, or any interest therein  
 39 necessary or desirable for carrying out the purposes of this  
 40 chapter.



1 (h) “School district” means a school district or a  
2 county office of education. For purposes of determining  
3 eligibility under this chapter, “school district” may also  
4 mean a high school attendance area.

5 (i) “Fund” means the 1998 State School Facilities  
6 Fund established pursuant to Section 17070.40.

7 (j) “County fund” means a county school facilities  
8 fund established pursuant to Section 17070.43.

9 (k) “Portable classroom” means a classroom building  
10 of one or more stories that is designed and constructed to  
11 be relocatable and transportable over public streets, and  
12 with respect to a single story portable classroom, is  
13 designed and constructed for relocation without the  
14 separation of the roof or floor from the building and when  
15 measured at the most exterior walls, has a floor area not  
16 in excess of 2,000 square feet.

17 (l) “School building capacity” means the capacity of a  
18 school building to house pupils.

19 ~~SEC. 4.—~~

20 SEC. 5. Section 17070.35 of the Education Code is  
21 amended to read:

22 17070.35. In addition to all other powers and duties as  
23 are granted to the board by this chapter, other statutes,  
24 or the California Constitution, the board shall do all of the  
25 following:

26 (a) Adopt rules and regulations, pursuant to the  
27 rulemaking provisions of the Administrative Procedure  
28 Act, Chapter 3.5 (commencing with Section 11340) of  
29 Part 1 of Division 3 of Title 2 of the Government Code, for  
30 the administration of this chapter. However, the board  
31 shall have no authority to set the level of the fees of any  
32 architect, structural engineer, or other design  
33 professional on any project. The initial regulations  
34 adopted pursuant to this chapter shall be adopted as  
35 emergency regulations, and the circumstances related to  
36 the initial adoption are hereby deemed to constitute an  
37 emergency for this purpose. The initial regulations  
38 adopted pursuant to this chapter shall be adopted by  
39 November 4, 1998. If the initial regulations are not  
40 adopted by that date, the board shall report to the



1 Legislature by that date, explaining the reasons for the  
2 delay.

3 (b) Establish and publish any procedures and policies  
4 in connection with the administration of this chapter as  
5 it deems necessary.

6 (c) Determine the eligibility of school districts to  
7 receive apportionments under this chapter.

8 (d) Apportion funds to eligible school districts under  
9 this chapter.

10 (e) By July 1, 2000, the board shall review the grant  
11 amounts authorized pursuant to this chapter and shall  
12 report to the Governor and Legislature if the grant  
13 amounts are inadequate or excessive to meet program  
14 requirements, *including, but not limited to, the*  
15 *construction technical assistance provided to small school*  
16 *districts.*

17 ~~SEC. 4.5.—~~

18 SEC. 6. Section 17070.75 of the Education Code is  
19 amended to read:

20 17070.75. (a) The board shall require the school  
21 district to make all necessary repairs, renewals, and  
22 replacements to ensure that a project is at all times kept  
23 in good repair, working order, and condition. All costs  
24 incurred for this purpose shall be borne by the school  
25 district.

26 (b) In order to ensure compliance with subdivision (a)  
27 and to encourage school districts to maintain all buildings  
28 under their control, the board shall require an applicant  
29 school district to do all of the following prior to the  
30 approval of a project:

31 (1) Establish a restricted account within the school  
32 district's general fund for the exclusive purpose of  
33 providing moneys for ongoing and major maintenance of  
34 school buildings, according the highest priority to  
35 funding for the purposes set forth in subdivision (a).

36 (2) Agree to deposit into the account established  
37 pursuant to paragraph (1), in each fiscal year for 20 years  
38 after receipt of funds under this chapter, a minimum  
39 amount equal to or greater than 3 percent of the  
40 applicant school district's general fund budget for that



1 fiscal year. For the 1998–99 fiscal year and the 1999–2000  
2 fiscal year, a school district may phase in this requirement  
3 by agreeing to certify the deposit of no less than 2 percent  
4 for the 1998–99 fiscal year and no less than 2½ percent  
5 for the 1999–2000 fiscal year. Annual deposits to the fund  
6 established pursuant to paragraph (1) in excess of 2½  
7 percent of the district general fund budget may count  
8 towards the district’s matching funds requirement  
9 necessary to receive apportionments from the State  
10 School Deferred Maintenance Fund pursuant to Section  
11 39619 to the extent that funds are used for purposes that  
12 qualify for funding under that section. In addition, any  
13 district contribution to this fund may be provided in lieu  
14 of meeting the ongoing maintenance requirements  
15 pursuant to Section 17014 to the extent the funds are used  
16 for purposes established in that section. This paragraph is  
17 applicable only to the following school districts:

18 (A) High school districts with an average daily  
19 attendance greater than 300 pupils.

20 (B) Elementary school districts with an average daily  
21 attendance greater than 900 pupils.

22 (C) Unified school districts with an average daily  
23 attendance greater than 1,200 pupils.

24 (3) Certify that it has publicly approved an ongoing  
25 and major maintenance plan that outlines the use of the  
26 funds deposited, or to be deposited, pursuant to  
27 paragraph (2). The plan may provide that the district  
28 need not expend all of its annual allocation for ongoing  
29 and major maintenance in the year in which it is  
30 deposited if the cost of major maintenance requires that  
31 the allocation be carried over into another fiscal year.  
32 However, any state funds carried over into a subsequent  
33 year shall not be counted toward the annual minimum  
34 contribution by the district. A plan developed in  
35 compliance with this section shall be deemed to meet the  
36 requirements of Section 17585.

37 (c) A district to which paragraph (2) of subdivision  
38 (b) does not apply shall certify to the board that it can  
39 reasonably maintain its facilities with a lesser level of  
40 maintenance.



1 (d) For the purposes of calculating a county office of  
2 education requirement pursuant to this section, the 3  
3 percent maintenance requirement shall be calculated  
4 based upon the county office of education general fund  
5 less any restricted accounts.

6 ~~SEC. 5.—~~

7 SEC. 7. Section 17071.10 of the Education Code is  
8 amended to read:

9 17071.10. (a) The calculation determined by this  
10 article shall be made on a one-time basis, and will be used  
11 as the baseline for eligibility determinations pursuant to  
12 this chapter.

13 (b) Each school district that elects to participate in the  
14 new construction program pursuant to this chapter shall  
15 submit to the board a one-time report of existing school  
16 building capacity.

17 (c) Notwithstanding subdivisions (a) and (b), a school  
18 district newly formed or reorganized pursuant to an  
19 election that occurred on or after November 4, 1998, may  
20 calculate its existing school building capacity pursuant to  
21 regulations adopted by the State Allocation Board.

22 ~~SEC. 6.—~~

23 SEC. 8. Section 17071.25 of the Education Code is  
24 amended to read:

25 17071.25. (a) The existing school building capacity in  
26 the applicant school district or, where appropriate, in the  
27 attendance area, at the time of initial application shall be  
28 calculated pursuant to the following formula:

29 (1) Identify by grade level all permanent teaching  
30 stations existing in the school district or, where  
31 appropriate, the attendance area. For the purposes of this  
32 section, “teaching station” means any space that was  
33 constructed or reconstructed to serve as an area in which  
34 to provide pupil instruction, but shall not include  
35 portable buildings, except as provided in Section  
36 17071.30. For purposes of this section, “teaching station”  
37 shall not include any of the following:

38 ~~(A) Any space utilized for purposes of a resources~~  
39 ~~specialist program for at least one year prior to the~~



1 ~~determination of the baseline capacity, not to exceed one~~  
2 ~~classroom per school.~~

3 ~~(B) Any space that was constructed to serve resources~~  
4 ~~specialist programs pursuant to Chapter 12~~  
5 ~~(commencing with Section 17000).~~

6 ~~(C) Any other classrooms that may be found by the~~  
7 ~~board to not be suitable for school purposes.~~

8 ~~(D) One room per multitrack, year-round education~~  
9 ~~schoolsite if the number of pupils on a multitrack,~~  
10 ~~year-round schedule is equal to or greater than 30 percent~~  
11 ~~of the school district's enrollment in kindergarten and~~  
12 ~~grades 1 to 6, inclusive.~~

13 (2) (A) The assumed capacity of each calculated  
14 teaching station pursuant to paragraph (1) shall be 25  
15 pupils for each teaching station used for kindergarten or  
16 for grades 1 to 6, inclusive, and 27 pupils for each teaching  
17 station used for grades 7 to 12, inclusive.

18 (B) The assumed capacity of each teaching station  
19 calculated pursuant to paragraph (1) shall be 11 pupils or  
20 eight pupils respectively, for each teaching station used  
21 for nonsevere or severe special day class purposes. On or  
22 after July 1, 2000, the board may adopt or amend  
23 regulations adjusting the assumed capacity set forth in  
24 this subparagraph as appropriate after considering the  
25 recommendations of the Legislative Analyst pursuant to  
26 Section 17072.15.

27 (C) By April 1, 2000, the board ~~shall~~ *may* adopt  
28 regulations establishing assumed capacity standards  
29 pursuant to this paragraph with consideration of the  
30 recommendations developed by the State Department of  
31 Education for continuation high school, community day  
32 school, county community school, and county community  
33 day school teaching stations.

34 (3) Multiply the assumed capacity of each teaching  
35 station as specified in paragraph (2) by the number of  
36 teaching stations calculated under paragraph (1).

37 (4) The result of this computation shall be the number  
38 of pupils housed by grade level in the existing school  
39 building capacity of the applicant school district.



1 (b) The existing school building capacity of the  
2 applicant school district calculated under this section  
3 shall not include, in any school operated on a year-round  
4 schedule, any teaching station that has been in continuous  
5 use during the preceding five-year period primarily for  
6 the operation of a preschool program or programs.

7 (c) A school district may request that its existing school  
8 capacity be calculated pursuant to this chapter as of the  
9 effective date of this chapter.

10 ~~SEC. 7.~~

11 ~~SEC. 9.~~ Section 17071.30 of the Education Code is  
12 amended to read:

13 17071.30. For purposes of determining the existing  
14 school building capacity, each applicant school district  
15 shall include each portable classroom that is less than 30  
16 years old as of the date of application and that has not  
17 previously been modernized with state funding, whether  
18 owned or leased, except as otherwise provided in  
19 subdivision (a) or (b).

20 (a) Portable classrooms leased pursuant to Chapter 14  
21 (commencing with Section 17085) shall be excluded from  
22 the existing school building capacity. Portable classrooms  
23 obtained by an applicant district pursuant to subdivision  
24 (b) of Section 17088.5 shall be excluded from the existing  
25 school building capacity, except as to any portable  
26 classroom or classrooms for which the district rejected the  
27 board's offer to purchase pursuant to that subdivision.  
28 Portable classrooms leased for a period of less than five  
29 years prior to the date of application shall not be included  
30 in existing school building capacity.

31 (b) The number of portable classrooms, reduced by  
32 the number of portable classrooms used as interim  
33 housing for modernization projects, that exceed 25  
34 percent of the number of permanent classrooms available  
35 to the district shall not be included in the existing building  
36 capacity.

37 ~~SEC. 8.~~ ~~Section 17071.33 of the Education Code is~~  
38 ~~repealed.~~

39 ~~SEC. 9.~~ ~~Section 17071.33 is added to the Education~~  
40 ~~Code, to read:~~



1 ~~17071.33. (a) For the purposes of determining~~  
2 ~~existing school building capacity, the calculation shall be~~  
3 ~~increased by 6 percent of the kindergarten and grades 1~~  
4 ~~to 6, inclusive, pupils enrolled in the elementary or~~  
5 ~~unified district. Unified districts filing as a high school~~  
6 ~~attendance area shall have the existing school building~~  
7 ~~capacity increased by 6 percent of the kindergarten and~~  
8 ~~grades 1 to 6, inclusive, pupils enrolled in the attendance~~  
9 ~~area.~~

10 ~~(b) A district may receive a waiver from the increase~~  
11 ~~to the existing school building capacity in subdivision (a)~~  
12 ~~if any of the following exist:~~

13 ~~(1) In a unified or elementary school at least 30~~  
14 ~~percent of the kindergarten and grades 1 to 6, inclusive,~~  
15 ~~pupils in the district are currently on a year-round~~  
16 ~~multitrack schedule.~~

17 ~~(2) In a unified school district applying on a high~~  
18 ~~school attendance area basis, a number of the pupils~~  
19 ~~enrolled in the high school attendance area, that equals~~  
20 ~~at least 30 percent of the kindergarten and grades 1 to 6,~~  
21 ~~inclusive, pupils in the high school attendance area, are~~  
22 ~~currently on a year-round multitrack schedule.~~

23 ~~(3) The school district is a high school district.~~

24 ~~(4) The district meets the financial or educational~~  
25 ~~hardship waiver requirements as those requirements~~  
26 ~~were applied by the board immediately preceding~~  
27 ~~September 1, 1998.~~

28 ~~(c) Commencing July 1, 2000, 50 percent of the~~  
29 ~~adjustment required pursuant to subdivisions (a) and (b)~~  
30 ~~shall be reduced from the existing school building~~  
31 ~~capacity for each applicant district. Commencing July 1,~~  
32 ~~2002, all of the adjustment specified in subdivisions (a)~~  
33 ~~and (b) shall be reduced from the existing school building~~  
34 ~~capacity for each school district.~~

35 ~~(d) This section shall become inoperative on July 1,~~  
36 ~~2004, and, as of January 1, 2005, is repealed, unless a later~~  
37 ~~enacted statute that is enacted before January 1, 2005,~~  
38 ~~deletes or extends the dates on which it becomes~~  
39 ~~inoperative and is repealed.~~



1 ~~SEC. 10. Section 17071.35 of the Education Code is~~  
2 ~~amended to read:~~

3 ~~17071.35. Notwithstanding any other provisions of~~  
4 ~~law, the maximum school building capacity for each~~  
5 ~~applicant district shall be increased by the number of~~  
6 ~~pupils for which the school district has received funding~~  
7 ~~as indicated in the most recent report by the~~  
8 ~~Superintendent of Public Instruction for that grade level~~  
9 ~~pursuant to Section 42268. This adjustment shall be~~  
10 ~~calculated on the basis, at the district's option, of either~~  
11 ~~the district as a whole or the appropriate attendance area.~~

12 ~~SEC. 11.—~~

13 *SEC. 10.* Section 17071.75 of the Education Code is  
14 amended to read:

15 17071.75. After a one-time initial report of existing  
16 school building capacity has been completed, a school  
17 district's ongoing eligibility for new construction funding  
18 shall be determined by making all of the following  
19 calculations:

20 (a) Each school district that applies to receive funding  
21 for new construction shall calculate enrollment  
22 projections for the fifth year beyond the fiscal year in  
23 which the application is made. Projected enrollment shall  
24 be determined by utilizing the cohort survival  
25 enrollment projection system, as defined and approved  
26 by the board. The board may supplement the cohort  
27 survival enrollment projection by the number of  
28 unhooded pupils that are anticipated as a result of  
29 dwelling units proposed pursuant to approved and valid  
30 tentative subdivision maps.

31 (b) Add the number of pupils that may be adequately  
32 housed in the existing school building capacity of the  
33 applicant district as determined pursuant to Article 2  
34 (commencing with Section 17071.10) to the number of  
35 pupils for which facilities were provided pursuant to this  
36 chapter after the existing school building capacity was  
37 determined pursuant to Article 2 (commencing with  
38 Section 17071.10). Add a number that equals ~~50~~ 100  
39 percent of the total number of pupils for which facilities  
40 were provided as part of a project that was funded



1 entirely from sources other than state-funded school  
2 facilities programs and was not a part of a state-funded  
3 new construction project. For this purpose, the total  
4 number of pupils for which facilities were provided shall  
5 be determined using the pupil loading formula set forth  
6 in Section 17071.25.

7 (c) Subtract the number of pupils pursuant to  
8 subdivision (b) from the number of pupils determined  
9 pursuant to subdivision (a).

10 (d) The calculations required to establish eligibility  
11 under this article shall result in a distinction between the  
12 number of existing unhoused pupils and the number of  
13 projected unhoused pupils.

14 (e) Subtract the difference between the most recent  
15 report made pursuant to Section 42268, and the report  
16 used in determining the school district's baseline capacity  
17 pursuant to subdivision (a) of Section 17071.25.

18 ~~SEC. 12.—~~

19 *SEC. 11.* Section 17072.10 of the Education Code is  
20 amended to read:

21 17072.10. (a) The board shall determine the  
22 applicant's maximum total new construction grant  
23 eligibility by multiplying the number of unhoused pupils  
24 calculated pursuant to Article 3 (commencing with  
25 Section 17071.75) in each school district with an approved  
26 application for new construction, by the  
27 per-unhoused-pupil grant as follows:

28 (1) Five thousand two hundred dollars (\$5,200) for  
29 elementary school pupils.

30 (2) Five thousand five hundred dollars (\$5,500) for  
31 middle school pupils.

32 (3) Seven thousand two hundred dollars (\$7,200) for  
33 high school pupils.

34 (b) The board shall annually adjust the  
35 per-unhoused-pupil apportionment to reflect  
36 construction cost changes, as set forth in the statewide  
37 cost index for class B construction as determined by the  
38 board.

39 (c) The board may adopt regulations to be effective  
40 until July 1, 2000, that adjust the amounts identified in this



1 section for qualifying individuals with exceptional needs,  
2 as defined in Section 56026. The regulations shall be  
3 amended after July 1, 2000, in consideration of the  
4 recommendations provided pursuant to Section 17072.15.

5 (d) The board may establish a single supplemental  
6 per-unhoused-pupil grant in addition to the amounts  
7 specified in subdivision (a) based on the statewide  
8 average marginal difference in costs in instances where  
9 a project requires multilevel school facilities due to  
10 limited acreage. The district's application shall  
11 demonstrate that a practical alternative site is not  
12 available.

13 (e) For a school district having an enrollment of 2,500  
14 or less for the prior fiscal year, the board may approve a  
15 supplemental apportionment of up to seven thousand  
16 five hundred dollars (\$7,500) for any new construction  
17 project. The amount of the supplemental apportionment  
18 authorized pursuant to this subdivision shall be adjusted  
19 in 2000 and every two years thereafter by an amount  
20 equal to the percentage adjustment for class B  
21 construction. *This subdivision shall be operative only*  
22 *until January 1, 2003.*

23 ~~SEC. 13. Section 17072.12 of the Education Code is~~  
24 ~~amended to read:~~

25 ~~17072.12. In addition to the amount provided in~~  
26 ~~Section 17072.10, the board may provide funding for~~  
27 ~~assistance in site development and acquisition if all of the~~  
28 ~~following are met:~~

29 ~~(a) The amount of the site acquisition and~~  
30 ~~development assistance does not exceed 50 percent of the~~  
31 ~~cost or appraised value of site development to the school~~  
32 ~~district, plus 50 percent of the appraised value of the site~~  
33 ~~at the time the site was acquired.~~

34 ~~(b) The school district certifies that there is no~~  
35 ~~alternative available site, or that the district plans to sell~~  
36 ~~an available site in order to use the proceeds of the sale~~  
37 ~~for the purchase of the new site.~~

38 ~~(c) For purposes of subdivision (a), the site cost or~~  
39 ~~appraised value of a site may include the cost or value of~~  
40 ~~site development undertaken after the sale of the site if~~



1 ~~the cost or value of the work was established and~~  
2 ~~completion was fully bonded prior to the close of escrow.~~

3 ~~SEC. 14.—~~

4 *SEC. 12.* Section 17072.20 of the Education Code is  
5 amended to read:

6 17072.20. (a) An applicant school district that has  
7 been determined by the board to meet the eligibility  
8 requirements for new construction funding set forth in  
9 Article 2 (commencing with Section 17071.10) or Article  
10 3 (commencing with Section 17071.75) may submit at any  
11 time a request to the board for a project apportionment  
12 for all or a portion of the funding for which the school  
13 district is eligible.

14 (b) The application shall include, but shall not be  
15 limited to, the school district's determination of the  
16 amount of state funding that the district is otherwise  
17 eligible for relating to site acquisition, site development,  
18 new construction, and hardship funding provided  
19 pursuant to Article 8 (commencing with Section  
20 17075.10), if any. The amount shall be reduced by the  
21 amount of the alternative fee collected pursuant to  
22 subdivision (a) of Section 65995.7 of the Government  
23 Code if a reimbursement election or agreement pursuant  
24 to Section 65995.7 of the Government Code is not in  
25 effect.

26 (c) The board shall verify and adjust, as necessary, and  
27 approve the district's application.

28 (d) Unless otherwise requested by an applicant school  
29 district, the eligibility for funding determined pursuant  
30 to this section shall be effective for a period of three years.

31 ~~SEC. 15.—~~

32 *SEC. 13.* Section 17072.32 of the Education Code is  
33 amended to read:

34 17072.32. For any project that has received an  
35 apportionment pursuant to Section 17072.30, funding  
36 shall be released in amounts equal to the amount of the  
37 local match upon certification by the district that the  
38 district has entered into a binding contract for the  
39 approved project.

40 ~~SEC. 16.—~~



1 SEC. 14. Section 17074.10 of the Education Code is  
2 amended to read:

3 17074.10. (a) The board shall determine the total  
4 funding eligibility of a school district for modernization  
5 funding by multiplying the following amounts by each  
6 pupil of that grade level housed in permanent school  
7 buildings that are at least 25 years old or portable  
8 classrooms that are at least 20 years old, and that have not  
9 been previously modernized with state funding:

10 (1) Two thousand two hundred forty-six dollars  
11 (\$2,246) for each elementary pupil.

12 (2) Two thousand three hundred seventy-six dollars  
13 (\$2,376) for each middle school pupil.

14 (3) Three thousand one hundred ten dollars (\$3,110)  
15 for each high school pupil.

16 (b) The board shall annually adjust the factors set forth  
17 in subdivision (a) according to the adjustment for  
18 inflation set forth in the statewide cost index for class B  
19 construction, as determined by the board.

20 (c) The board may adopt regulations to be effective  
21 until July 1, 2000, that adjust the amounts identified in this  
22 section for qualifying individuals with exceptional needs,  
23 as defined in Section 56026. The regulations shall be  
24 amended after July 1, 2000, in consideration of the  
25 recommendations provided pursuant to Section 17072.15.

26 (d) It is the intent of the Legislature that the amounts  
27 provided pursuant to this article for school modernization  
28 do not include funding for administrative and overhead  
29 costs.

30 (e) For a school district having an enrollment of 2,500  
31 or less for the prior fiscal year, the board may approve a  
32 supplemental apportionment of up to two thousand five  
33 hundred dollars (\$2,500) for any modernization project.  
34 The amount of the supplemental apportionment shall be  
35 adjusted in 2000 and every two years thereafter by an  
36 amount equal to the percentage adjustment for class B  
37 construction. *This subdivision shall be operative only*  
38 *until January 1, 2003.*

39 (f) In addition to any other amounts, the board shall  
40 allocate up to two hundred dollars (\$200) per pupil on a



1 one-time basis if the school district certifies that there is  
2 a substantial need to incur those additional costs for  
3 interim housing for these pupils.

4 ~~SEC. 16.5.—~~

5 *(g) In addition to any other amounts, the board may*  
6 *establish a supplemental per-pupil grant amount that is*  
7 *based upon its determination of any increased costs*  
8 *associated with the design, site preparation, and*  
9 *construction, of a multilevel school facility. This*  
10 *supplement may be granted in augmentation of a project*  
11 *grant in which the applicant demonstrates that the*  
12 *increased costs are necessary because the project is*  
13 *located in an area where space limitations require*  
14 *construction of a multilevel facility.*

15 *SEC. 15.* Section 17076.10 of the Education Code is  
16 amended to read:

17 17076.10. (a) A school district that has received any  
18 funds pursuant to this chapter shall submit a summary  
19 report of expenditure of state funds and of district  
20 matching funds annually until all state funds and district  
21 matching funds are expended, and shall then submit a  
22 final report to the board. The board may require an audit  
23 of these reports or other district records to ensure that all  
24 funds received pursuant to this chapter are expended in  
25 accordance with program requirements.

26 (b) If the board finds that a participating school  
27 district has made no substantial progress towards  
28 increasing its pupil capacity or renovating its facilities  
29 within 18 months of the receipt of any funding pursuant  
30 to this chapter, the board shall rescind the apportionment  
31 in an amount equal to the unexpended funds.

32 (c) If the board, after the review of expenditures or  
33 audit has been conducted pursuant to subdivision (a),  
34 determines that a school district failed to expend funds in  
35 accordance with this chapter, the department shall notify  
36 the school district of the amount that must be repaid to  
37 the 1998 State School Facilities Fund within 60 days. If the  
38 school district fails to make the required payment within  
39 60 days, the department shall notify the Controller and  
40 the school district in writing, and the Controller shall



1 deduct an amount equal to the amount received by the  
2 school district under this subdivision, from the school  
3 district's next principal apportionment or  
4 apportionments of state funds to the school district, other  
5 than basic aid apportionments required by Section 6 of  
6 Article IX of the California Constitution. Any amounts  
7 obtained by the Controller shall be deposited into the  
8 1998 State School Facilities Fund.

9 (d) If a school district has received an apportionment,  
10 but has not met the criteria to have funds released  
11 pursuant to Section 17072.32 or 17074.15 within a period  
12 established by the board, but not to exceed 18 months, the  
13 board shall rescind the apportionment and deny the  
14 district's application.

15 ~~SEC. 17. Section 42268 of the Education Code is~~  
16 ~~amended to read:~~

17 ~~42268. The Superintendent of Public Instruction shall~~  
18 ~~annually report to the State Allocation Board, for the~~  
19 ~~purposes of Chapter 12.5 (commencing with Section~~  
20 ~~17070.10), the number of pupils in excess of capacity~~  
21 ~~certified by the district pursuant to subdivision (b) of~~  
22 ~~Section 42263. In no event shall the total number of pupils~~  
23 ~~reported pursuant to this section exceed the total number~~  
24 ~~of pupils for which the school district is receiving state~~  
25 ~~funding during the fiscal year that the report is made.~~

26 ~~SEC. 18.—~~

27 ~~SEC. 16. Section 100420 of the Education Code is~~  
28 ~~amended to read:~~

29 100420. (a) Of the proceeds from the sale of bonds,  
30 issued and sold pursuant to this chapter, as specified in  
31 subdivision (a) of Section 100410, not more than three  
32 billion three hundred fifty million dollars (\$3,350,000,000)  
33 shall be allocated beginning in the 1998–99 fiscal year in  
34 accordance with the following schedule:

35 (1) Not less than one billion three hundred fifty  
36 million dollars (\$1,350,000,000) for project funding  
37 related to the growth in enrollment of applicant school  
38 districts under Chapter 12 and Chapter 12.5 that have  
39 incurred or will incur enrollment increases.



1 (2) Not less than eight hundred million dollars  
2 (\$800,000,000) for the reconstruction or modernization of  
3 facilities pursuant to Chapter 12 and Chapter 12.5.

4 (3) Not more than five hundred million dollars  
5 (\$500,000,000) shall be deposited in the Public School  
6 Critical Hardship Account, which is hereby established in  
7 the 1998 State School Facilities Fund and shall be  
8 allocated by the State Allocation Board to fund critical  
9 hardships as defined in Chapter 12.5. These funds may be  
10 expended for the acquisition of portable classrooms for  
11 use in accordance with Chapter 14 (commencing with  
12 Section 17085) of Part 10.

13 (4) (A) Not more than seven hundred million dollars  
14 (\$700,000,000) may be allocated to assist school districts  
15 with site acquisition and facilities-related costs of  
16 kindergarten and grades 1 to 3, inclusive, that are in the  
17 Class Size Reduction Program contained in Chapter 6.10  
18 (commencing with Section 52120) of Part 28 and Chapter  
19 19 (commencing with Section 17200) of Part 10, and to  
20 assist districts with the restoration of facilities that  
21 previously accommodated other programs and were  
22 displaced as a result of the implementation of class size  
23 reduction. On and after July 1, 2000, if applications for the  
24 total funds available under this paragraph have not been  
25 filed with the State Allocation Board, the funds for which  
26 applications have not been received may be allocated by  
27 the board to other high priority needs as the board  
28 determines. On and after July 1, 2003, any funds not  
29 allocated are available for other high priority needs.

30 (B) The funds allocated in subparagraph (A) shall be  
31 allocated to the State Department of Education to  
32 provide class size reduction facilities grants necessary to  
33 implement the K-3 Class Size Reduction Program  
34 established pursuant to Chapter 6.10 (commencing with  
35 Section 52120) of Part 28 and Chapter 19 (commencing  
36 with Section 17200) of Part 10. The department shall  
37 certify to the State Allocation Board the amount of funds  
38 needed for this purpose. The board shall transfer the  
39 amount of funds needed to the department. From these  
40 funds, the department shall award eligible districts forty



1 thousand dollars (\$40,000) for each new option one class  
2 established for class size reduction for which the district  
3 had not previously received funding under class size  
4 reduction facilities programs.

5 (C) The remaining funds provided pursuant to  
6 subparagraph (A) shall be to provide funding for  
7 schoolsites that were eligible to receive a class size  
8 reduction land-locked waiver pursuant to Section  
9 52122.6. The funds may be provided to districts to provide  
10 50 percent of the cost of funding a facilities mitigation  
11 plan developed for the impacted site pursuant to Section  
12 52122.7.

13 (D) Any funds not expended pursuant to  
14 subparagraphs (A), (B), or (C) shall be divided equally  
15 to fund the school districts described in clauses (i) and  
16 (ii). If funds are insufficient to fund all eligible school  
17 districts pursuant to clauses (i) and (ii), funds shall be  
18 distributed on a pro rata basis, based on the total cost of  
19 the eligible applications and the total funds available. If  
20 funds remain after all eligible school districts are funded  
21 for the purposes described in either clause (i) or (ii), the  
22 remaining funds shall be made available for the other  
23 purpose if necessary.

24 (i) Applicant school districts that displaced teaching  
25 stations as a result of the implementation of class size  
26 reduction shall be allocated forty thousand dollars  
27 (\$40,000) for each teaching station that was displaced and  
28 for which a school district did not use class size reduction  
29 funding from other sources to provide a teaching station  
30 for the displaced program. These funds shall be used to  
31 restore the displaced teaching stations which may be used  
32 for various purposes, including, but are not limited to,  
33 child care, extended day care, school libraries, computer  
34 labs, and special education classrooms.

35 (ii) Districts that in the 1996–97 fiscal year received  
36 funding for the Class Size Reduction Facilities Funding  
37 Program pursuant to Chapter 19 (commencing with  
38 Section 17200) of Part 10, shall be allocated an additional  
39 fifteen thousand dollars (\$15,000) per teaching station.



1 (b) Of the proceeds from the sale of bonds issued and  
2 sold pursuant to this chapter, as specified in subdivision  
3 (b) of Section 100410, not more than three billion three  
4 hundred fifty million dollars (\$3,350,000,000) shall be  
5 allocated beginning in the 2000–01 fiscal year in  
6 accordance with the following schedule:

7 (1) Not less than one billion five hundred fifty million  
8 dollars (\$1,550,000,000) for project funding related to the  
9 growth in enrollment of applicant school districts under  
10 Chapter 12.5 that have incurred or will incur enrollment  
11 increases.

12 (2) Not less than one billion three hundred million  
13 dollars (\$1,300,000,000) for the reconstruction or  
14 modernization of facilities pursuant to Chapter 12.5.

15 (3) Not more than five hundred million dollars  
16 (\$500,000,000) shall be deposited in the Public School  
17 Critical Hardship Account in the 1998 State School  
18 Facilities Fund and shall be allocated by the State  
19 Allocation Board to fund critical hardships as defined in  
20 Chapter 12.5. These funds may be expended for the  
21 acquisition of portable classrooms for use in accordance  
22 with Chapter 14 (commencing with Section 17085) of  
23 Part 10.

24 (c) Districts may use funds allocated pursuant to  
25 paragraph (2) of subdivision (a) and paragraph (2) of  
26 subdivision (b) for one or more of the following purposes  
27 in accordance with Chapter 12.5:

28 (1) The purchase and installation of air-conditioning  
29 equipment and insulation materials, and related costs.

30 (2) Construction projects or the purchase of furniture  
31 or equipment designed to increase school security or  
32 playground safety.

33 (3) The identification, assessment, or abatement in  
34 school facilities of hazardous asbestos.

35 (4) Project funding for high priority roof replacement  
36 projects.

37 (5) Any other renovation or modernization of facilities  
38 pursuant to Chapter 12.5.

39 (d) Funds allocated pursuant to paragraph (1) of  
40 subdivision (a) and paragraph (1) of subdivision (b) may



1 be utilized to provide new construction grants, without  
2 regard to funding priorities, for applicant county boards  
3 of education under Chapter 12.5 that are eligible for that  
4 funding or classrooms for severely handicapped pupils  
5 and funding for classrooms for county community school  
6 pupils.

7 (e) (1) The Legislature may amend this section to  
8 adjust the minimum funding amounts specified in  
9 paragraphs (1) and (2) of subdivision (a) and the  
10 maximum funding amounts specified in paragraphs (3)  
11 and (4) of subdivision (a), and to adjust the minimum  
12 funding amounts specified in paragraphs (1) and (2) of  
13 subdivision (b) and the maximum funding amount  
14 specified in paragraph (3) of subdivision (b), by either of  
15 the following methods:

16 (A) By a statute, passed in each house of the  
17 Legislature by rollcall vote entered in the respective  
18 journals, by not less than two-thirds of the membership in  
19 each house concurring, if the statute is consistent with,  
20 and furthers the purposes of, this chapter.

21 (B) By a statute that becomes effective only when  
22 approved by the voters.

23 (2) Amendments pursuant to this subdivision may  
24 adjust the amounts to be expended pursuant to  
25 paragraphs (1) to (4), inclusive, of subdivision (a) or  
26 paragraphs (1) to (3), inclusive, of subdivision (b) or  
27 both, but may not increase or decrease the total amount  
28 to be expended pursuant to either subdivision.

29 ~~SEC. 19.—~~

30 *SEC. 17.* Section 65995.5 of the Government Code is  
31 amended to read:

32 65995.5. (a) The governing board of a school district  
33 may impose the amount calculated pursuant to this  
34 section as an alternative to the amount that may be  
35 imposed on residential construction calculated pursuant  
36 to subdivision (b) of Section 65995.

37 (b) To be eligible to impose the fee, charge,  
38 dedication, or other requirement up to the amount  
39 calculated pursuant to this section, a governing board  
40 shall do all of the following:



1 (1) Make a timely application to the State Allocation  
2 Board for new construction funding for which it is eligible  
3 and be determined by the board to meet the eligibility  
4 requirements for new construction funding set forth in  
5 Article 2 (commencing with Section 17071.10) and  
6 Article 3 (commencing with Section 17071.75) of Chapter  
7 12.5 of Part 10 of the Education Code. A governing board  
8 that submits an application to determine the district's  
9 eligibility for new construction funding shall be deemed  
10 eligible if the State Allocation Board fails to notify the  
11 district of the district's eligibility within 120 days of  
12 receipt of the application.

13 (2) Conduct and adopt a school facility needs analysis  
14 pursuant to Section 65995.6.

15 (3) Until January 1, 2000, satisfy at least one of the  
16 requirements set forth in subparagraphs (A) to (D),  
17 inclusive, and, on and after January 1, 2000, satisfy at least  
18 two of the requirements set forth in subparagraphs (A)  
19 to (D), inclusive:

20 (A) The district is a unified or elementary school  
21 district that has a substantial enrollment of its elementary  
22 school pupils on a multitrack year-round schedule.  
23 "Substantial enrollment" for purposes of this paragraph  
24 means at least 30 percent of district pupils in kindergarten  
25 and grades 1 to 6, inclusive, in the high school attendance  
26 area in which all or some of the new residential units  
27 identified in the needs analysis are planned for  
28 construction. A high school district shall be deemed to  
29 have met the requirements of this paragraph if either of  
30 the following apply:

31 (i) At least 30 percent of the high school district's  
32 pupils are on a multitrack year-round schedule.

33 (ii) At least 40 percent of the pupils enrolled in public  
34 schools in kindergarten and grades 1 to 12, inclusive,  
35 within the boundaries of the high school attendance area  
36 for which the school district is applying for new facilities  
37 are enrolled in multitrack year-round schools.

38 (B) The district has placed on the ballot in the  
39 previous four years a local general obligation bond to



1 finance school facilities and the measure received at least  
2 50 percent plus one of the votes cast.

3 (C) The district meets one of the following:

4 (i) The district has issued debt or incurred obligations  
5 for capital outlay in an amount equivalent to 15 percent  
6 of the district's local bonding capacity, including  
7 indebtedness that is repaid from property taxes, parcel  
8 taxes, the district's general fund, special taxes levied  
9 pursuant to Section 4 of Article XIII A of the California  
10 Constitution, special taxes levied pursuant to Chapter 2.5  
11 (commencing with Section 52211) of Division 2 of Title  
12 5 that are approved by a vote of registered voters, special  
13 taxes levied pursuant to Chapter 2.5 (commencing with  
14 Section 52211) of Division 2 of Title 5 that are approved  
15 by a vote of landowners prior to November 4, 1998, and  
16 revenues received pursuant to the Community  
17 Redevelopment Law (Part 1 (commencing with Section  
18 33000) of Division 24 of the Health and Safety Code).  
19 Indebtedness or other obligation to finance school  
20 facilities to be owned, leased, or used by the district, that  
21 is incurred by another public agency, shall be counted for  
22 the purpose of calculating whether the district has met  
23 the debt percentage requirement contained herein.

24 (ii) The district has issued debt or incurred obligations  
25 for capital outlay in an amount equivalent to 30 percent  
26 of the district's local bonding capacity, including  
27 indebtedness that is repaid from property taxes, parcel  
28 taxes, the district's general fund, special taxes levied  
29 pursuant to Section 4 of Article XIII A of the California  
30 Constitution, special taxes levied pursuant to Chapter 2.5  
31 (commencing with Section 52211) of Division 2 of Title  
32 5 that are approved by a vote of registered voters, special  
33 taxes levied pursuant to Chapter 2.5 (commencing with  
34 Section 52211) of Division 2 of Title 5 that are approved  
35 by a vote of landowners after November 4, 1998, and  
36 revenues received pursuant to the Community  
37 Redevelopment Law (Part 1 (commencing with Section  
38 33000) of Division 24 of the Health and Safety Code).  
39 Indebtedness or other obligation to finance school  
40 facilities to be owned, leased, or used by the district, that



1 is incurred by another public agency, shall be counted for  
2 the purpose of calculating whether the district has met  
3 the debt percentage requirement contained herein.

4 (D) At least 20 percent of the teaching stations within  
5 the district are relocatable classrooms.

6 (c) The maximum square foot fee, charge, dedication,  
7 or other requirement authorized by this section that may  
8 be collected in accordance with Chapter 6 (commencing  
9 with Section 17620) of Part 10.5 of the Education Code  
10 shall be calculated by a governing board of a school  
11 district, as follows:

12 (1) The number of unhoused pupils identified in the  
13 school facilities needs analysis shall be multiplied by the  
14 appropriate amounts provided in subdivision (a) of  
15 Section 17072.10. This sum shall be added to the site  
16 acquisition and development cost determined pursuant  
17 to subdivision (h).

18 (2) The full amount of local funds the governing board  
19 has dedicated to facilities necessitated by new  
20 construction shall be subtracted from the amount  
21 determined pursuant to paragraph (1). Local funds  
22 include fees, charges, dedications, or other requirements  
23 imposed on commercial or industrial construction.

24 (3) The resulting amount determined pursuant to  
25 paragraph (2) shall be divided by the projected total  
26 square footage of assessable space of residential units  
27 anticipated to be constructed during the next five-year  
28 period in the school district or the city and county in  
29 which the school district is located. The estimate of the  
30 projected total square footage shall be based on  
31 information available from the city or county within  
32 which the residential units are anticipated to be  
33 constructed or a market report prepared by an  
34 independent third party.

35 (d) A school district that has a common territorial  
36 jurisdiction with a district that imposes the fee, charge,  
37 dedication, or other requirement up to the amount  
38 calculated pursuant to this section or Section 65995.7, may  
39 not impose a fee, charge, dedication, or other  
40 requirement on residential construction that exceeds the



1 limit set forth in subdivision (b) of Section 65995 less the  
2 portion of that amount it would be required to share  
3 pursuant to Section 17623 of the Education Code, unless  
4 that district is eligible to impose the fee, charge,  
5 dedication, or other requirement up to the amount  
6 calculated pursuant to this section or Section 65995.7.

7 (e) Nothing in this section is intended to limit or  
8 discourage the joint use of school facilities or to limit the  
9 ability of a school district to construct school facilities that  
10 exceed the amount of funds authorized by Section 17620  
11 of the Education Code and provided by the state grant  
12 program, if the additional costs are funded solely by local  
13 revenue sources other than fees, charges, dedications, or  
14 other requirements imposed on new construction.

15 (f) Except as provided in paragraph (5) of subdivision  
16 (a) of Section 17620 of the Education Code, a fee, charge,  
17 dedication, or other requirement authorized under this  
18 section and Section 65995.7 shall be expended solely on  
19 the school facilities identified in the needs analysis as  
20 being attributable to projected enrollment growth from  
21 the construction of new residential units. *This subdivision*  
22 *does not preclude the expenditure of a fee, charge,*  
23 *dedication, or other requirement, authorized pursuant to*  
24 *subparagraph (C) of paragraph (1) of subdivision (a) of*  
25 *Section 17620, on school facilities identified in the needs*  
26 *analysis as necessary due to projected enrollment growth*  
27 *attributable to the new residential units.*

28 (g) “Residential units” and “residences” as used in this  
29 section and in Sections 65995.6 and 65995.7 means the  
30 development of single-family detached housing units,  
31 single-family attached housing units, manufactured  
32 homes and mobilehomes, as defined in subdivision (f) of  
33 Section 17625 of the Education Code, condominiums, and  
34 multifamily housing units, including apartments,  
35 residential hotels, as defined in paragraph (1) of  
36 subdivision (b) of Section 50519 of the Health and Safety  
37 Code, and stock cooperatives, as defined in Section 1351  
38 of the Civil Code.

39 (h) Site acquisition costs shall not exceed half of the  
40 amount determined by multiplying the land acreage



1 determined to be necessary under the guidelines of the  
2 State Department of Education, as published in the  
3 “School Site Analysis and Development Handbook,” as  
4 that handbook read as of January 1, 1998, by the estimated  
5 cost determined pursuant to Section 17072.12 of the  
6 Education Code. Site development costs shall not exceed  
7 ~~two times the amount funded by the State Allocation~~  
8 ~~Board.~~ *the estimated amount that would be funded by the*  
9 *State Allocation Board pursuant to its regulations*  
10 *governing grants for site development costs.*

11 ~~SEC. 20.—~~

12 *SEC. 18.* The Legislature finds and declares that the  
13 modifications to the Class Size Reduction  
14 Kindergarten-University Public Education Facilities  
15 Bond Act of 1998 made by this act further the purposes of,  
16 and are consistent with, that act.

