

## Assembly Bill No. 747

### CHAPTER 837

An act to amend Section 17215 of the Education Code, relating to schoolsites.

[Approved by Governor October 8, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 747, Dutra. Schoolsites: airports.

Existing law requires the governing board of each school district to give the Department of Transportation written notice of the proposed acquisition of a schoolsite that is within 2 miles of an existing airport runway or a planned runway, and requires the Department of Transportation to investigate the site and report to the governing board of the school district. Existing law provides that, if the recommendation of the Department of Transportation is unfavorable, the recommendation may not be overruled without express approval of the State Board of Education.

This bill would, instead, require the governing board of a school district to report to the State Department of Education and would require the State Department of Education to report to the Department of Transportation. This bill would require the Department of Transportation to investigate and report to the State Department of Education, and would require the State Department of Education, within 10 days of receiving the Department of Transportation's report to forward the report to the governing board of the school district. The bill would require the Department of Transportation to adopt regulations setting forth the criteria by which a proposed site will be evaluated.

Existing law prohibits acquisition of the site and prohibits apportionment or expenditure of state or local funds for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site, if the report does not favor acquisition of the site, unless prescribed reporting and public hearing requirements are satisfied. Existing law also prohibits an unfavorable recommendation from being overruled without the express approval of the State Allocation Board.

This bill would instead prohibit the governing board of a school district from acquiring title to the property if the report does not favor the acquisition of the property for a schoolsite or an addition to a present schoolsite. The bill would also delete the provision that allows a school district to have the recommendation of the

Department of Transportation overruled by obtaining the express approval of the State Board of Education.

The bill would require, if the report does favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board to hold a public hearing on the matter prior to acquiring the site.

*The people of the State of California do enact as follows:*

SECTION 1. Section 17215 of the Education Code is amended to read:

17215. (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of schoolsites before acquiring title to property for a new schoolsite, the governing board of each school district, including any district governed by a city board of education, shall give the State Department of Education written notice of the proposed acquisition and shall submit any information required by the State Department of Education if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

(b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

(c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed schoolsite. The Department of Transportation shall adopt regulations setting forth the criteria by which a proposed site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district. The governing board may not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a schoolsite or an addition



to a present schoolsite, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board shall hold a public hearing on the matter prior to acquiring the site.

(e) If the Department of Transportation's recommendation does not favor acquisition of a proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

(f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

