

AMENDED IN ASSEMBLY MAY 31, 2000

AMENDED IN ASSEMBLY MAY 30, 2000

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2601**

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**Introduced by Assembly Members Cardenas and Hertzberg**

February 25, 2000

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An act to add Section 17072.72 to, and to add Article 7.5 (commencing with Section 17074.40) to Chapter 12.5 of Part 10 of, the Education Code, relating to school facilities, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2601, as amended, Cardenas. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act), makes funding available to eligible school districts for various purposes related to school facilities, including construction and modernization. Under existing law, the State Allocation Board is required to determine the eligibility of school districts to receive apportionments under the Greene Act and to apportion funds only upon the completion of certain requirements by the applicant school district.

Existing law requires the board to adopt regulations establishing a priority points based mechanism to rank applications for new construction.

This bill would, notwithstanding those provisions, ~~commencing July 1, 2000~~, require the board to develop and implement a priority system based upon a prescribed point system.

Existing law requires the board to determine an applicant's maximum total new construction and modernization grant eligibility by performing specified calculations.

This bill would require the board to establish a supplemental per-unhoused-pupil grant, in addition to the amount for which an applicant would otherwise be eligible, for multistory school buildings when a project meets certain requirements.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$  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 17072.72 is added to the  
2 Education Code, to read:  
3 17072.72. (a) The Office of Public School  
4 Construction in the department of General Services shall  
5 report to the board on a monthly basis regarding the  
6 status of funds available for new construction grants and  
7 the aggregate funding total represented by the new  
8 construction project applications that have been received  
9 by the board but not yet funded.

10 (b) (1) Notwithstanding Section 17072.25,  
11 ~~commencing July 1, 2000~~, the board shall develop and  
12 implement a priority point system for new construction  
13 project applications and shall apportion funds for new  
14 construction projects based on that system if state  
15 funding available for new construction applications  
16 reaches the level of three hundred million dollars  
17 (\$300,000,000) or less.



1 (2) The computation of priority points pursuant to this  
2 section shall be on a districtwide basis or a high school  
3 attendance areawide basis utilizing enrollment data  
4 pursuant to the latest California Basic Education Data  
5 System report available at the time of the submission of  
6 the project application.

7 (3) The priority points allowed for a project shall be  
8 based on the total from the following computations  
9 rounded to the nearest whole number:

10 (A) Points based on a percentage of unhoused pupils  
11 for both of the following:

12 (i) Six points for each percent of current unhoused  
13 pupils in relation to the applicant's total current pupil  
14 population.

15 (ii) Four points for each percent of projected  
16 unhoused pupils in relation to the applicant's total  
17 projected pupil population.

18 (B) Points based on the number of unhoused pupils for  
19 both of the following:

20 (i) Six points for each 100 currently unhoused pupils.

21 (ii) Four points for each 100 projected unhoused  
22 pupils.

23 (C) A total maximum of 18 points for all of the  
24 following:

25 (i) Six points if the district's total enrollment pursuant  
26 to the latest California Basic Education Data System  
27 report available at the time that the project application  
28 was submitted to the board was less than 2,501.

29 (ii) Six points, in addition to points provided pursuant  
30 to clause (i), if the district's enrollment pursuant to the  
31 latest California Basic Education Data System report  
32 available at the time that the project application was  
33 submitted to the board for funding was less than 301.

34 (iii) Six points for a facility hardship project that meets  
35 the requirements set forth in Section 1859.82 of Title 2 of  
36 the California Code of Regulations in effect on the  
37 effective date of the act that added this section.

38 (iv) Six points for a project that used efficient reusable  
39 facility plans pursuant to regulations adopted by the



1 board pursuant to paragraph (6) of subdivision (b) of  
2 Section 17070.33.

3 (v) Six points for a county superintendent of schools’  
4 project.

5 (c) Except as set forth in subdivision (b), all new  
6 construction project applications shall be funded in the  
7 order of the date received.

8 (d) When the conditions set forth in subdivision (b)  
9 occur, the board shall fund only those new construction  
10 projects with the highest number of priority point  
11 according to the system developed pursuant to  
12 subdivision (b). However, in the case of projects  
13 receiving the same priority points, as between those tied  
14 projects, funding shall be provided in the order of the  
15 date received.

16 (e) For purposes of Section 65995.7 of the Government  
17 Code, the board shall declare that state funds are no  
18 longer available to fund new construction projects when  
19 state funds available to fund new construction projects  
20 are insufficient to fund all new construction project  
21 applications received but not yet funded, without  
22 consideration of the priority point system. This  
23 declaration shall satisfy the notice requirements of  
24 subdivision (a) of Section 65995.7 of the Government  
25 Code.

26 SEC. 2. Article 7.5 (commencing with Section  
27 17074.40) is added to Chapter 12.5 of Part 10 of the  
28 Education Code, to read:

29  
30 Article 7.5. Multistory Projects

31  
32 17074.40. (a) For new construction or modernization  
33 projects, including, but not limited to, hardship  
34 applications and projects involving seismic safety  
35 improvements, applicants that can demonstrate to the  
36 board that it is economically and educationally feasible to  
37 demolish an existing school building and replace it with  
38 a multistory school building, and that the replacement  
39 building will have an increased pupil capacity of at least  
40 30 percent, the board shall establish a supplemental



1 per-unhoused-pupil grant in addition to the amounts  
2 otherwise specified in Sections 17072.10 and 17074.10 as  
3 necessary to provide for replacement of the single-story  
4 construction with the proposed multistory construction.  
5 In order to be eligible for the supplemental grant  
6 pursuant to this article, a project shall meet any three of  
7 the following four requirements:

8 (1) The cost of the land within the jurisdiction of the  
9 applicant exceeds the statewide average by at least 100  
10 percent.

11 (2) A minimum of 30 percent of the applicant's  
12 enrollment is on a multitrack year-round educational  
13 schedule, as reported by the applicant in the most recent  
14 verifiable pupil data.

15 (3) There is a shortage of available land that meets  
16 schoolsite standards regarding hazardous substances that  
17 have been adopted by the State Department of  
18 Education pursuant to Section 17251.

19 (4) A minimum of 60 percent of the school district's  
20 combined primary through high school facilities exceed  
21 an average age of 45 years.

22 (b) The supplemental amount shall be adequate, as  
23 determined by the board, to replace the existing facilities  
24 with a multistory configuration.

25 ~~SEC. 3. This act is an urgency statute necessary for the~~  
26 ~~immediate preservation of the public peace, health, or~~  
27 ~~safety within the meaning of Article IV of the~~  
28 ~~Constitution and shall go into immediate effect. The facts~~  
29 ~~constituting the necessity are:~~

30 ~~To ensure the availability of funding under the Leroy~~  
31 ~~F. Greene School Facilities Act of 1998 for schools that~~  
32 ~~need assistance, it is necessary that this act take effect~~  
33 ~~immediately as an urgency statute.~~

