

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE MAY 5, 2010

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1193**

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**Introduced by Senators Lowenthal and Pavley**  
*(Coauthor: Assembly Member Torlakson)*

February 18, 2010

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An act to amend Section 17078.72 of, and to add Section 17074.31 to, the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Lowenthal. School facilities funding: high performance schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition and requires the board to adopt rules and regulations for the administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the

Greene Act to promote the use of design and materials in new construction and modernization projects that include the attributes of high-performance schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

This bill would increase the amount of a modernization grant by \$250,000 per schoolsite *and the amount of a new construction grant by \$150,000 per schoolsite* if a school district incorporates the use of high performance design and materials, and if the project is able to achieve one of 2 specified objectives. This increase would be provided from the \$100,000,000 set aside for this purpose in the 2006 bond act. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement ~~the increases~~ *these provisions*. The bill would make a Career Technical Education Facilities Program project eligible for these grant increases, provided the project meets the criteria prescribed by these provisions.

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

Vote:  $\frac{2}{3}$ . 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 17074.31 is added to the Education Code,
- 2 to read:
- 3 17074.31. (a) Notwithstanding Section 17074.10, if a school
- 4 district incorporates the use of the high performance design and
- 5 materials specified in Section 17070.96, the amount of the
- 6 modernization grant shall be increased by two hundred fifty
- 7 thousand dollars (\$250,000) per schoolsite, *and the amount of a*
- 8 *new construction grant shall be increased by one hundred fifty*

1 *thousand dollars (\$150,000) per schoolsite* if the project is able  
2 to meet one of the following objectives:

3 (1) Score the requisite number of points to meet the high  
4 performance criteria set forth in regulations, as determined by the  
5 board and certified by the Division of the State Architect.

6 (2) Achieve Collaborative for High Performance Schools  
7 “verified” status in accordance with the California Edition of the  
8 Collaborative for High Performance Schools criteria, *with*  
9 *confirmation by the Division of the State Architect.*

10 (b) In addition to the funding authorized pursuant to subdivision  
11 (a), the board shall provide funding for modernization projects  
12 that exceed the criteria specified in subdivision (a), *based on a*  
13 *high performance rating scale set forth in regulations.*

14 ~~(e) Within 14 calendar days of the operative date of this section,~~  
15 ~~the board shall adopt emergency regulations to administer this~~  
16 ~~section. The Office of Administrative Law shall process these~~  
17 ~~emergency regulations within 14 calendar days of their adoption.~~

18 (c) *The board shall adopt emergency regulations to administer*  
19 *this section at the next regularly scheduled board meeting following*  
20 *the effective date of this section. If the effective date of this section*  
21 *is within fewer than 10 days of the next regularly scheduled board*  
22 *meeting, the board shall adopt the emergency regulations at the*  
23 *following meeting. The Office of Administrative Law shall process*  
24 *these emergency regulations within 14 calendar days of their*  
25 *adoption.*

26 (d) Pursuant to Section 17074.16, a school district shall be  
27 required to provide matching funds for any funds received pursuant  
28 to this section, except for projects ~~conducted~~ *funded* pursuant to  
29 Section 17075.10.

30 (e) Funds received by a school district pursuant to this section  
31 do not constitute a modernization apportionment pursuant to this  
32 article, and do not reduce modernization eligibility authorized by  
33 Article 6 (commencing with Section 17073.10).

34 (f) The energy efficiency and renewable energy savings realized  
35 from a project pursuant to this section, as calculated annually over  
36 the useful life of the project, shall be retained by the school district.  
37 The state funding shall not be reduced based on realized energy  
38 efficiency and renewable energy savings.

1 (g) The increase in the amount of a modernization grant pursuant  
2 to this section shall be provided from funds made available  
3 pursuant to paragraph (8) of subdivision (a) of Section 101012.

4 SEC. 2. Section 17078.72 of the Education Code is amended  
5 to read:

6 17078.72. (a) The Career Technical Education Facilities  
7 Program is hereby established to provide funding to qualifying  
8 local educational agencies for the purpose of constructing new  
9 facilities or reconfiguring existing facilities, including, but not  
10 limited to, purchasing equipment with an average useful life  
11 expectancy of at least 10 years, to enhance educational  
12 opportunities for pupils in existing high schools in order to provide  
13 them with the skills and knowledge necessary for the high-demand  
14 technical careers of today and tomorrow.

15 (b) The State Department of Education, in cooperation with the  
16 Chancellor's Office of the Community Colleges, the Labor and  
17 Workforce Development Agency, and industry groups, shall  
18 develop criteria and pupil outcome measures to evaluate the  
19 program. The criteria shall ensure equity, program relevance to  
20 industry needs, and articulation with more advanced coursework  
21 at the partnering community colleges or private institutions.

22 (c) The program shall be based on grant applications  
23 administered by the board.

24 (d) Grants shall be allocated on a per-square-foot basis for the  
25 applicable type of construction proposed or deemed necessary by  
26 the board consistent with the approved application for the project.

27 (e) New construction grants shall not exceed three million  
28 dollars (\$3,000,000) per project per schoolsite, inclusive of  
29 equipment, and shall only be allocated to comprehensive high  
30 schools that have an active Career Technical Advisory Committee  
31 pursuant to Section 8070, in either of the following methods:

32 (1) For a stand-alone project on a per-square-foot basis for the  
33 applicable type of construction proposed, based on the criteria  
34 established pursuant to subdivision (b), consistent with the  
35 approved application for the project.

36 (2) For new school projects, as a supplement to the per pupil  
37 allocation pursuant to Section 17072.10. The supplement is  
38 intended to cover excess costs uniquely related to the facilities  
39 required to provide the career technical education program or  
40 programs.

1 (f) Modernization grants shall not exceed one million five  
2 hundred thousand dollars (\$1,500,000) per project per schoolsite,  
3 inclusive of equipment and may be awarded to comprehensive  
4 high schools or joint power authorities currently operating career  
5 technical education programs that have an active Career Technical  
6 Advisory Committee pursuant to Section 8070 for the purpose of  
7 reconfiguration. For comprehensive high schools, the grant shall  
8 be supplemental to the per pupil allocation pursuant to Section  
9 17074.10. The supplement is intended to cover excess costs  
10 uniquely related to the facilities required to provide the career  
11 technical education program or programs.

12 (g) (1) A school district shall contribute from local resources  
13 a dollar amount that is equal to the amount of the grant of state  
14 funds awarded under subdivisions (d), (e), and (f). The local  
15 contribution may be provided by private industry groups, the school  
16 district, or a joint powers authority.

17 (2) A school district shall not be required to demonstrate that it  
18 has unhoused pupils or that a permanent school building is more  
19 than 25 years old in order to receive a grant under the program.

20 (h) The program shall allow the local contribution to be paid  
21 over time should sufficient local funds not be immediately  
22 available. The board may provide for a repayment schedule  
23 consistent with subparagraphs (C) and (D) of paragraph (1) of  
24 subdivision (a) of Section 17078.57. The board shall not waive  
25 the local contribution on the basis of financial hardship or on any  
26 other basis.

27 (i) Applications shall meet the criteria developed under  
28 subdivision (b) and shall require all of the following:

29 (1) A clear and comprehensive Career Technical Education plan  
30 for each course of study applicable to the instructional space.

31 (2) Projections of pupil enrollment.

32 (3) Identification of feeder schools, industry partners, and  
33 community colleges or other postsecondary schools participating  
34 in the development, articulation, and review of the educational  
35 program.

36 (4) Evidence of approval of the plan by the entities listed in  
37 paragraph (3).

38 (5) The method by which accountability for pupil enrollments  
39 and outcomes will be maintained. Outcomes shall include, but are  
40 not limited to, certificate completion, the successful entry of pupil

1 to employment in the applicable industry, and successful transition  
2 to post-secondary institutions for work in the applicable industry  
3 or other areas of study.

4 (6) Evidence of coordination with all feeder schools, middle  
5 schools, and high schools within the area to ensure that the project  
6 and programs complement career technical education offerings in  
7 the area.

8 (7) Evidence that upon completion of the project the local  
9 educational agency will meet all of its obligations under Section  
10 51228 relating to career technical education.

11 (j) Applications shall give weight to the number of pupils  
12 expected to attend, the cost per pupil, financial participation by  
13 industry partners in the construction and equipping of the facility,  
14 commitment to accountability for outcomes and participation, the  
15 strength and relevance of the educational plans to the needs of  
16 industry for qualified technical employees applicable to the  
17 economic development needs of the region in which the project  
18 will be located, and coordination and articulation with feeder  
19 schools, other high schools, and community colleges.

20 (k) The Office of Public School Construction shall develop and  
21 the board shall approve regulations to implement this article on or  
22 before April 19, 2007, and the board may promulgate those  
23 regulations first on an emergency basis, which shall be effective  
24 for no more than 12 months, after which any permanent regulations  
25 shall be promulgated in accordance with the Administrative  
26 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
27 Part 1 of Division 3 of Title 2 of the Government Code).

28 (l) A project approved pursuant to this section is eligible for a  
29 grant increase pursuant to Section 17074.31, provided the project  
30 meets the criteria prescribed in that section.

31 SEC. 3. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety within  
33 the meaning of Article IV of the Constitution and shall go into  
34 immediate effect. The facts constituting the necessity are:

35 In order to quickly provide funding from the  
36 Kindergarten-University Public Education Facilities Bond Act of  
37 2006 to school districts so that they may build energy efficient and  
38 energy generation projects through a streamlined green schools  
39 program that also will create critically needed jobs, provide energy  
40 consumption savings to fiscally strapped school districts, and

- 1 ensure healthy learning environments for our children, it is
- 2 necessary that this act take effect immediately.

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