

AMENDED IN SENATE APRIL 15, 2010

SENATE BILL

No. 1380

Introduced by Senator Hancock

February 19, 2010

An act to amend Section 101012 of, *and to add Section 17078.73 to*, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Hancock. School facilities: construction.

(1) Existing law establishes the Career Technical Education Facilities Program as a part of the Leroy F. Greene School Facilities Act of 1998 for the purpose of providing funding to qualifying local educational agencies for constructing new facilities or reconfiguring existing facilities, including purchasing equipment with an average useful life expectancy of at least 10 years, to enhance educational opportunities for pupils in existing high schools.

This bill would require school facilities constructed or modernized using specified bond funds set aside for career technical education purposes to be used for those purposes for a minimum of 25 years. A school district would be required to provide certification regarding that use to the Office of Public School Construction during the first year of occupation and every 5 years thereafter.

The bill would require school districts applying for a career technical education grant to include teachers of career technical education and members of the local career technical education advisory committee in the design and planning process.

The bill would authorize up to 10% of the funds provided for equipment to be used for the purchase of items or equipment with a life expectancy of at least 5 years.

The bill would require the School Facilities Planning Division of the State Department of Education to review the reservation of funds aspect of the program, make recommendations to facilitate timely use of state bond funds, and submit the findings and recommendations to the State Allocation Board by December 31, 2011.

The

(2) The Kindergarten-University Public Education Facilities Bond Act of 2006 provides for the issuance and sale of \$10,416,000,000 in state general obligation bonds, of which \$7,329,000,000 are for elementary and secondary school facilities. Existing law sets aside \$500,000,000 of the latter amount for purposes relating to facilities for career technical education programs and \$1,000,000,000 for new construction funding for severely overcrowded schoolsites. Existing law authorizes the Legislature to adjust the funding amounts set aside for specific purposes related to elementary and secondary school facilities by a statute passed in each house of the Legislature by a $\frac{2}{3}$ vote if the statute is consistent with, and furthers the purpose of the bond act.

This bill would increase the amount set aside for facilities for career technical education programs to \$700,000,000 and reduce the amount set aside for new construction funding for severely overcrowded schoolsites to \$800,000,000. The bill would contain a Legislative finding and declaration that it is consistent with, and furthers the purpose of the bond act.

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 17078.73 is added to the Education Code,
- 2 to read:
- 3 17078.73. (a) School facilities constructed or modernized
- 4 using funds received pursuant to paragraph (4) of subdivision (a)
- 5 of Section 101012 shall be used for career technical education
- 6 purposes for a minimum of 25 years. A school district shall provide
- 7 certification regarding this use during the first year of occupation
- 8 of the school facility and every five years thereafter.
- 9 (b) A school district applying for a career technical education
- 10 grant shall include teachers of career technical education and
- 11 members of the local career technical education advisory

1 committee in the design and planning process leading to the
2 submission of an application that is a request for full funding or
3 a reservation of funds.

4 (c) Qualifying equipment purchased with funds received
5 pursuant to paragraph (4) of subdivision (a) of Section 101012
6 shall have a life expectancy of at least 10 years, except that up to
7 10 percent of the funds provided for equipment may be used for
8 the purchase of items or equipment with a life expectancy of at
9 least five years.

10 (d) The School Facilities Planning Division of the State
11 Department of Education shall review the reservation of funds
12 aspect of the program established pursuant to this article and shall
13 identify the number of applications submitted as requests for a
14 reservation of funds that have resulted in completed projects, the
15 length of time between when the reservation of funds is made and
16 space is occupied or equipment is purchased. The School Facilities
17 Planning Division of the State Department of Education shall make
18 recommendations to facilitate timely use of state bond funds.
19 Findings and recommendations shall be submitted to the board
20 by December 31, 2011.

21 **SECTION 1.**

22 SEC. 2. Section 101012 of the Education Code is amended to
23 read:

24 101012. (a) The proceeds from the sale of bonds, issued and
25 sold for the purposes of this chapter, shall be allocated in
26 accordance with the following schedule:

27 (1) The amount of one billion nine hundred million dollars
28 (\$1,900,000,000) for new construction of school facilities of
29 applicant school districts under Chapter 12.5 (commencing with
30 Section 17070.10) of Part 10. Of the amount allocated under this
31 paragraph, up to 10.5 percent shall be available for purposes of
32 seismic repair, reconstruction, or replacement, pursuant to Section
33 17075.10.

34 (2) The amount of five hundred million dollars (\$500,000,000)
35 shall be available for providing school facilities to charter schools
36 pursuant to Article 12 (commencing with Section 17078.52) of
37 Chapter 12.5 of Part 10.

38 (3) The amount of three billion three hundred million dollars
39 (\$3,300,000,000) for the modernization of school facilities pursuant
40 to Chapter 12.5 (commencing with Section 17070.10) of Part 10.

1 (4) The amount of seven hundred million dollars (\$700,000,000)
2 for the purposes set forth in Article 13 (commencing with Section
3 17078.70) of Chapter 12.5 of Part 10, relating to facilities for career
4 technical education programs.

5 (5) Of the amounts allocated under paragraphs (1) and (3), up
6 to two hundred million dollars (\$200,000,000) for the purposes
7 set forth in Chapter 894 of the Statutes of 2004, relating to
8 incentives for the creation of smaller learning communities and
9 small high schools.

10 (6) The amount of twenty-nine million dollars (\$29,000,000)
11 for the purposes set forth in Article 10.6 (commencing with Section
12 17077.40) of Chapter 12.5 of Part 10, relating to joint use projects.

13 (7) The amount of eight hundred million dollars (\$800,000,000)
14 shall be available for providing new construction funding to
15 severely overcrowded schoolsites pursuant to Article 14
16 (commencing with Section 17079) of Chapter 12.5 of Part 10.

17 (8) The amount of one hundred million dollars (\$100,000,000)
18 for incentive grants to promote the use of designs and materials
19 in new construction and modernization projects that include the
20 attributes of high-performance schools, including, but not limited
21 to, the elements set forth in Section 17070.96, pursuant to
22 regulations adopted by the State Allocation Board.

23 (b) School districts may use funds allocated pursuant to
24 paragraph (3) of subdivision (a) only for one or more of the
25 following purposes in accordance with Chapter 12.5 (commencing
26 with Section 17070.10) of Part 10:

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

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

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

34 (4) Project funding for high-priority roof replacement projects.

35 (5) Any other modernization of facilities pursuant to Chapter
36 12.5 (commencing with Section 17070.10) of Part 10.

37 (c) Funds allocated pursuant to paragraph (1) of subdivision (a)
38 may also be utilized to provide new construction grants for eligible
39 applicant county boards of education under Chapter 12.5
40 (commencing with Section 17070.10) of Part 10 for funding

1 classrooms for severely handicapped pupils, or for funding
2 classrooms for county community school pupils.

3 (d) (1) The Legislature may amend this section to adjust the
4 funding amounts specified in paragraphs (1) to (8), inclusive, of
5 subdivision (a), only by either of the following methods:

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

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

12 (2) Amendments pursuant to this subdivision may adjust the
13 amounts to be expended pursuant to paragraphs (1) to (8), inclusive,
14 of subdivision (a), but may not increase or decrease the total
15 amount to be expended pursuant to that subdivision.

16 (e) Funds available pursuant to this section may be used for
17 acquisition of school facilities authorized pursuant to Section
18 17280.5.

19 ~~SEC. 2.~~

20 *SEC. 3.* The Legislature finds and declares that this act is
21 consistent with, and furthers the purpose of the bond act.