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**AB-203 School facilities: design and construction: report: regulations.** (2017-2018)

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**Assembly Bill No. 203**

**CHAPTER 837**

An act to amend Section 17251 of, to add Section 17256 to, and to add and repeal Section 17254 of, the Education Code, relating to school facilities.

[ Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 203, O'Donnell. School facilities: design and construction: report: regulations.

Existing law requires the State Department of Education to take specified actions relating to the construction of school facilities, including to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.

This bill would require those standards to also ensure that the design and construction of school facilities provide school districts with flexibility in designing instructional facilities. The bill would also require the department to develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. The bill would require the department, the Division of the State Architect, and the Office of Public School Construction to, on or before July 1, 2018, submit a report to the Legislature, as provided, relating to the construction of school facilities that addresses the feasibility of streamlining their application processes, as specified. The bill would require the department and the Office of Public School Construction to each develop regulations that provide local educational agencies with flexibility in the design of instructional facilities, as specified, for consideration by the State Board of Education and the State Allocation Board.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** (a) It is the intent of the Legislature to identify ways to streamline the school construction process, assist small school districts to navigate the entities and requirements relating to state bond funding, and allow school districts to design classrooms that accommodate 21st century learning.

(b) It is also the intent of the Legislature for the three main state entities involved in the School Facility Program, which are the State Department of Education, the Division of the State Architect, and the Office of Public School Construction, to work together to streamline their application processes to avoid duplicative information being required of their applicants.

**SEC. 2.** Section 17251 of the Education Code is amended to read:

**17251.** The department shall:

(a) Upon the request of the governing board of a school district, advise the governing board of the school district on the acquisition of new schoolsites and, after a review of available plots, give the governing board of the school district in writing a list of the recommended locations in the order of their merit, considering especially the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of the city, county, or city and county having jurisdiction. The governing board of the school district may purchase a site deemed unsuitable for school purposes by the department only after reviewing the report of the department on proposed sites at a public hearing. The department shall charge the school district a reasonable fee for each schoolsite reviewed not to exceed the actual administrative costs incurred for that purpose.

(b) Develop standards for use by a school district in the selection of schoolsites, in accordance with the objectives set forth in subdivision (a). The department shall investigate complaints of noncompliance with site selection standards, and shall notify the governing board of the school district of the results of the investigation. If that notification is received before the acquisition of the site, the governing board of the school district shall discuss the findings of the investigation in a public hearing.

(c) Establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate, promote school safety, and provide school districts with flexibility in designing instructional facilities.

(d) Upon the request of the governing board of a school district, review plans and specifications for school buildings in the school district. The department shall charge the governing board of a school district, for the review of plans and specifications, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.

(e) Upon the request of the governing board of a school district, make a survey of the building needs of the school district, advise the governing board of the school district concerning the building needs, and suggest plans for financing a building program to meet the needs. The department shall charge the school district, for the cost of the survey, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.

(f) Provide information relating to the impact or potential impact upon a schoolsite of hazardous substances, solid waste, safety, hazardous air emissions, and other information as the department may deem appropriate.

(g) (1) Develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. The strategies may include informing the districts of how to receive the approval required for school construction, including the requirements of the Division of the State Architect, and how to secure state funding, including from the state bond funds made available pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(2) For purposes of this subdivision, "small school district" means a school district with fewer than 2,501 units of average daily attendance.

**SEC. 3.** Section 17254 is added to the Education Code, to read:

**17254.** (a) On or before July 1, 2018, the department, the Division of the State Architect, and the Office of Public School Construction shall submit to the appropriate fiscal and policy committees of the Legislature a report that addresses the following relating to the construction of school facilities:

(1) The feasibility of using one application, or using a common application number, for all three entities.

(2) If those entities determine that both of the actions described in paragraph (1) are not feasible, how to otherwise reduce duplicative information being required of their applicants.

(3) The feasibility of using a common software for the submission of multiple applications and architectural plans.

(b) (1) The report required to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2022.

**SEC. 4.** Section 17256 is added to the Education Code, to read:

**17256.** The department and the Office of Public School Construction shall each develop regulations that provide local educational agencies with flexibility in the design of instructional facilities under this article and the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10) for consideration by the state board and the State Allocation Board. The regulations shall be consistent with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as it read on January 1, 2015.