

Assembly Bill No. 100

Passed the Assembly August 31, 2008

Chief Clerk of the Assembly

Passed the Senate August 27, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 17072.10 of, to add Sections 17072.19 and 17214.2 to, and to repeal Section 17072.11 of, the Education Code, relating to public education facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 100, Mullin. Education facilities: per-unhoused-pupil grants.

The Leroy F. Greene School Facilities Act of 1998 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. A provision of the Leroy F. Greene School Facilities Act of 1998 sets specific per-unhoused-pupil grant eligibility levels applicable on and after July 1, 2006.

This bill would repeal that provision, would increase by 5% the per-unhoused-pupil grants, including grants for individuals with exceptional needs, that were in effect pursuant to the provision to be repealed by the bill as it read on January 1, 2008, and would further increase these grants by 4% on January 1, 2010. The bill also would require the State Allocation Board to increase specified grants made to qualifying individuals with exceptional needs in accordance with the provision to be repealed by the bill as it read on January 1, 2008.

The bill would authorize local educational agencies that received new construction project funding that included funding for special day class construction to apply to the State Allocation Board for supplemental project funding and, if determined to be eligible, to receive a 6% increase to the per pupil special day class construction grant amounts received by these agencies.

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

SECTION 1. (a) The Legislature finds and declares the following:

(1) Section 17072.11 of the Education Code authorizes the State Allocation Board, on or after January 1, 2008, to increase or

decrease the new construction per-unhoused-pupil grant eligibility by amounts it deems necessary to cause the grant to correspond to costs of new school construction, provided that the increase in any fiscal year does not exceed 6 percent.

(2) The State Allocation Board, at its May 2008 meeting, approved a 6 percent increase to new construction per-unhoused-pupil grants, but was not authorized to provide a similar increase to the special day class new construction grants due to what was considered a technical correction made to Section 17072.11 of the Education Code by Chapter 730 of the Statutes of 2007 that links the authorized increase to the per-unhoused-pupil grants specified in subdivision (a) of Section 17072.10 of the Education Code.

(b) It is the intent of the Legislature to provide a similar 6 percent increase to special day class new construction grants in recognition of the unique circumstance caused by the technical amendment, which was interpreted as prohibiting the State Allocation Board from considering an increase to any other type of new construction grant other than the per-unhoused-pupil grant levels specified in subdivision (a) of Section 17072.10 of the Education Code.

SEC. 2. Section 17072.10 of the Education Code is amended to read:

17072.10. (a) The board shall determine the maximum total new construction grant eligibility of an applicant by multiplying the number of unhoused pupils calculated pursuant to Article 3 (commencing with Section 17071.75) in each school district with an approved application for new construction, by the per-unhoused-pupil grant as follows:

(1) Five thousand two hundred dollars (\$5,200) for elementary school pupils.

(2) Five thousand five hundred dollars (\$5,500) for middle school pupils.

(3) Seven thousand two hundred dollars (\$7,200) for high school pupils.

(b) The board annually shall adjust the per-unhoused-pupil apportionment to reflect construction cost changes, as set forth in the statewide cost index for class B construction as determined by the board.

(c) Regulations adopted by the board prior to July 1, 2000, that adjust the amounts identified in this section for qualifying individuals with exceptional needs, as defined in Section 56026, as amended after July 1, 2000, in consideration of the recommendations provided pursuant to Section 17072.15, shall continue in effect. In accordance with subdivision (b) of Section 17214.2, an increase made to the per-unhoused-pupil grant amounts set forth in subdivision (a) pursuant to subdivision (b) of Section 17072.11, as it read on January 1, 2008, also shall be made to the per-unhoused-special education pupil grant amounts established by this subdivision.

(d) The board may establish a single supplemental per-unhoused-pupil grant in addition to the amounts specified in subdivision (a) based on the statewide average marginal difference in costs in instances where a project requires multilevel school facilities due to limited acreage. The application of the school district shall demonstrate that a practical alternative site is not available.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to seven thousand five hundred dollars (\$7,500) for any new construction project assistance. The amount of the supplemental apportionment authorized pursuant to this subdivision shall be adjusted in 2008 and every year thereafter by an amount equal to the percentage adjustment for class B construction.

(f) This section is operative January 1, 2008.

SEC. 3. Section 17072.11 of the Education Code is repealed.

SEC. 4. Section 17072.19 is added to the Education Code, to read:

17072.19. (a) The per-unhoused-pupil grants, including grants for individuals with exceptional needs, established by Section 17072.10, as adjusted pursuant to former Section 17072.11, as that section read on January 1, 2008, shall be increased by 5 percent.

(b) On January 1, 2010, the per-unhoused-pupil grants, including grants for individuals with exceptional needs, established by Section 17072.10, as adjusted pursuant to subdivision (a), shall be increased by 4 percent.

SEC. 5. Section 17214.2 is added to the Education Code, to read:

17214.2. (a) Notwithstanding any other law, a local educational agency that received new construction project funding that included funding for special day class construction under the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), between January 1, 2008, and December 31, 2008, shall be eligible to receive supplemental project funding in accordance with this section.

(b) The State Allocation Board shall compute the amount of supplemental project funding to allow a local educational agency that was apportioned funding for a new construction project that included funding for special day class construction between January 1, 2008, and December 31, 2008, under the Leroy F. Greene School Facilities Act of 1998, to receive a 6-percent increase to a per pupil special day class new construction grant based on the grant amount received during the 2008 calendar year. An agency that has previously received a 6-percent increase to a per pupil special day class new construction grant amount received during the 2008 calendar year is not eligible to receive an additional increase under this section.

(c) In order to receive supplemental project funding authorized by this section, an eligible local educational agency shall submit a request on or before January 31, 2009, to the State Allocation Board in a form and manner specified by the board.

(d) Supplemental project funding authorized pursuant to this section shall be allocated by the State Allocation Board to qualifying local educational agencies from funds available to the board pursuant to the Kindergarten-University Public Education Facilities Bond Act of 2006 (Part 69 (commencing with Section 101000) of Division 14 of Title 3) for purposes of the Leroy F. Greene School Facilities Act of 1998.

(e) A project that receives a supplemental funding increase under this section shall be subject to the requirements of Chapter 12.5 (commencing with Section 17070.10) of Part 10.

(f) It is the intent of the Legislature in enacting this section to accomplish both of the following:

(1) To ensure that the per-unhoused-pupil grant amounts for school facilities for pupils with severe and nonsevere special needs receive the same percentage adjustment that is applied to statewide per-unhoused-pupil grant amounts for pupils in kindergarten and

grades 1 to 12, inclusive, pursuant to subdivision (b) of former Section 17072.11, as that section read on January 1, 2008.

(2) To preserve the integrity of the full and final apportionment provisions of Section 17070.63.

Approved _____, 2008

Governor