

AMENDED IN SENATE JUNE 29, 2004

AMENDED IN SENATE JUNE 17, 2004

AMENDED IN ASSEMBLY APRIL 16, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3001**

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**Introduced by Assembly Member Nunez**

February 20, 2004

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An act to ~~add Section 17318 to the Education Code,~~ relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3001, as amended, Nunez. School facilities: portable classrooms.

Existing law, known as the State Relocatable Classroom Law of 1979, authorizes the State Allocation Board to lease portable classrooms to qualifying school districts and county superintendents of schools.

Existing law, the Field Act, provides that an owned or leased relocatable building that does not meet the requirements relating to the supervision of the design and construction, or the reconstruction or alteration, of a school building by the Department of General Services, may be used as a school building through September 30, 2007, if certain conditions are met.

This bill would require the State Department of Education, ~~in consultation with the Division of the State Architect, the Office of Public School Construction, the State Energy Resources Conservation and Development Commission, and other appropriate entities, to~~

~~coordinate with the Foundation for Community Colleges to adapt the Facility Utilization Space Inventory Options Net, known as the FUSION system, for school facilities for kindergarten and grades 1 to 12, inclusive. The bill would require the Public Interest Energy Research (PIER) program to work with the State Energy Resources Conservation and Development Commission and others to fund a pilot facility assessment project, using the newly adapted FUSION system. The bill would require the State Department of Education and other identities to coordinate the pilot project and to identify and assess portable classroom facilities in school districts throughout the state. The bill would require the assessments to be completed on or before November 1, 2005, and would require the State Department of Education to submit a report to the Legislature upon completion of the pilot project and before January 1, 2006, summarizing the findings of the pilot project and making recommendations, as specified to inform each school district that it may report to the department's School Facilities Planning Division the number of portable buildings that are in need of repair or replacement in the district. The bill would require the department to report the responses to the Legislature on or before July 1, 2006, along with recommendations on the manner in which to address the need for the repairs and replacements.~~

Vote: 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. The Legislature hereby finds and declares the
- 2 following:
- 3 (a) The State Department of Health Services estimates that
- 4 between 80,000 and 85,000 portable classrooms are in use in K-12
- 5 schools throughout California, housing 1.8 million pupils based on
- 6 an average of 22 pupils per classroom.
- 7 (b) The State of California, through the Office of Public School
- 8 Construction, also owns nearly 6,400 portable classrooms and
- 9 leases them to school districts.
- 10 (c) The portable classrooms in use are of various age and
- 11 condition. A 2003 survey completed by the State Department of
- 12 Health Services in June 2003 found that about 40 percent of
- 13 portable classrooms were less than five years old, 33 percent were



1 between 5 to 15 years old, and 28 percent were over 16 years old,  
2 and, of these, about 6 percent were over 30 years old.

3 (d) Several state agencies are responsible for portable  
4 classroom design, construction, and operation, including the  
5 Division of the State Architect, the Office of Public School  
6 Construction, the State Allocation Board, and the State  
7 Department of Education.

8 (e) Recently, there has been an increase in the level of interest  
9 and activity related to the energy efficiency, indoor air quality, and  
10 general design of portable classrooms by public and private  
11 entities, such as the State Department of Health Services, the State  
12 Air Resources Board, the California Energy Commission, Pacific  
13 Gas & Electric Company, Southern California Edison Company,  
14 the Sacramento Municipal Utility District (SMUD), Lawrence  
15 Berkeley National Laboratory, the Alameda County Waste  
16 Management Authority, and the Collaborative for High  
17 Performance Schools (CHPS).

18 (f) Despite this increase in interest and activity, there is as of yet  
19 no comprehensive inventory of the age and condition of portable  
20 classrooms at schoolsites in California.

21 (g) Several entities have identified the need for a  
22 comprehensive inventory of school facilities, including portable  
23 classroom facilities, as follows:

24 (1) The California Master Plan for Education, adopted in  
25 August 2002 by the Joint Committee to Develop a Master Plan for  
26 Education, recommended that the state “create a statewide  
27 facilities inventory system to assist state and local decisionmakers  
28 in determining short- and long-term school facilities needs.”

29 (2) A Survey of Portable Classrooms in California: Estimating  
30 Numbers and Ages for 2000–01, completed as part of the 2003  
31 State Air Resources Board and State Department of Health  
32 Services California Portable Classroom Study, recommends that  
33 the state “maintain an up-to-date database of classroom  
34 facilities.”

35 (3) The Little Hoover Commission, in their 2000 report, To  
36 Build a Better School, recommends that the “Governor and the  
37 Legislature should enact legislation directing the Office of Public  
38 School Construction, in partnership with local school districts, to  
39 develop and maintain an inventory of facilities, project long-term  
40 facility needs, and assess the allocation of state funds.”



1 (4) A 1991 report by the State Auditor General, entitled  
2 Portable Classrooms in California School Districts: Their Safety,  
3 Uses, Cost and the Time it Takes to Acquire Them, was the last  
4 comprehensive attempt to inventory and assess conditions of  
5 portable classroom facilities on state schoolsites.

6 (h) Existing law requires the State Department of Education to  
7 provide assistance to any school district in the evaluation and  
8 utilization of existing school facilities, including justification of  
9 need for new schoolsites, new facilities, and rehabilitation or  
10 replacement of existing facilities.

11 (i) The Foundation for Community Colleges recently  
12 developed the Facility Utilization Space Inventory Options Net,  
13 known as the FUSION system. The FUSION system is a  
14 web-based tool designed to support integrated management and  
15 reporting on California Community College facilities throughout  
16 the state.

17 SEC. 2. The Legislature finds and declares that it is in the best  
18 interest of the people of California to complete a comprehensive  
19 inventory and facility assessment of K-12 portable classrooms in  
20 California.

21 ~~SEC. 3.—Section 17318 is added to the Education Code, to~~

22 *SEC. 3. The State Department of Education shall inform each*  
23 *school district that it may report to the department’s School*  
24 *Facilities Planning Division the number of portable buildings that*  
25 *are in need of repair or replacement in the district. The department*  
26 *shall report the responses to the Legislature on or before July 1,*  
27 *2006, along with recommendations on the manner in which to*  
28 *address the need for the repairs and replacements.*

29 ~~read:~~

30 ~~17318.—(a) The department, in consultation with the Division~~  
31 ~~of the State Architect, the Office of Public School Construction,~~  
32 ~~the State Energy Resources Conservation and Development~~  
33 ~~Commission, and other appropriate entities, shall coordinate with~~  
34 ~~the Foundation for Community Colleges to adapt the Facility~~  
35 ~~Utilization Space Inventory Options Net, known as the FUSION~~  
36 ~~system, for school facilities for kindergarten and grades 1 to 12,~~  
37 ~~inclusive.~~

38 ~~(b) The Public Interest Energy Research (PIER) program~~  
39 ~~established by the State Energy Resources Conservation and~~  
40 ~~Development Commission shall work with the State Energy~~



1 ~~Resources Conservation and Development Commission and~~  
2 ~~others to fund a pilot facility assessment project, using the newly~~  
3 ~~adapted FUSION system. The pilot project shall be coordinated by~~  
4 ~~the department, the Office of Public School Construction, and the~~  
5 ~~Foundation for Community Colleges, to identify and assess~~  
6 ~~portable classroom facilities in school districts throughout the~~  
7 ~~state. Assessments shall be completed on or before November 1,~~  
8 ~~2005.~~

9 ~~(c) The department shall submit a report to the Legislature~~  
10 ~~upon completion of the pilot project and before January 1, 2006.~~  
11 ~~The report shall summarize the findings of the pilot project and~~  
12 ~~make recommendations about future applications for the FUSION~~  
13 ~~system and actions that should be taken by the state to address the~~  
14 ~~findings of the pilot project. The recommendations shall include,~~  
15 ~~but not be limited to, all of the following:~~

- 16 ~~(1) Improving design specifications for portable classrooms.~~
- 17 ~~(2) Reporting results of the pilot high performance portable~~  
18 ~~classroom retrofit and new construction program conducted by~~  
19 ~~Pacific Gas and Electric Company and Southern California~~  
20 ~~Edison.~~
- 21 ~~(3) Developing operations and maintenance guidelines for~~  
22 ~~high performance portable classrooms.~~
- 23 ~~(4) Establishing procedures and financing options for the~~  
24 ~~long term maintenance of the FUSION system for kindergarten~~  
25 ~~and grades 1 to 12, inclusive, and expansion of the system to~~  
26 ~~include all school facilities in kindergarten and grades 1 to 12,~~  
27 ~~inclusive, not just portable classrooms, in the statewide inventory~~  
28 ~~and facility assessment database.~~
- 29 ~~(5) Working with the Foundation for Community Colleges to~~  
30 ~~develop cooperative buying opportunities for building materials,~~  
31 ~~supplies, and other materials, based on the needs assessment~~  
32 ~~detailed in the FUSION system for kindergarten and grades 1 to~~  
33 ~~12, inclusive.~~

