

AMENDED IN SENATE APRIL 24, 2006

**SENATE BILL**

**No. 1203**

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**Introduced by Senator Morrow**  
(Principal coauthor: Assembly Member McCarthy)

January 25, 2006

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An act to amend Sections 17071.30 and 17089.2 of, *and to amend, repeal, and add Section 17071.75 of*, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1203, as amended, Morrow. School facilities: portable classrooms.

(1) Existing law, 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. Existing law provides that eligibility for funding under these provisions is, in part, determined by calculating the existing school building capacity of a school district, and provides that certain portable classrooms are excluded from that capacity.

This bill would require portable classrooms for which the plans for construction were originally approved under any provision of law by the Department of General Services, as provided, 20 or more years prior to the date of application for funding under the act to be excluded from *the* existing school building capacity.

(2) Existing law authorizes any portable classroom that is leased from the State Allocation Board by a school district or county superintendent of schools under the State Relocatable Classroom Law

of 1979 on or prior to December 1, 1991, to be purchased by that district or county superintendent of schools for an amount equal to the purchase price paid by the board less the amount of any rent already paid to the board by the district or county superintendent of schools.

This bill would delete the date specified in existing law by which the portable classroom was to have been leased and would also provide that a charter school may purchase a leased portable classroom from the State Allocation Board if the school district or county superintendent of schools declines to purchase the portable classroom.

*This bill also would establish a new method of calculating eligibility for funding for portable classrooms if specified conditions are met and that provisions would become inoperative on January 1, 2010.*

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. Section 17071.30 of the Education Code is  
2 amended to read:

3 17071.30. For purposes of determining the existing school  
4 building capacity, each applicant school district shall include  
5 each portable classroom, whether owned or leased, except as  
6 otherwise provided in subdivision (a) or (b).

7 (a) (1) Portable classrooms—owned or leased *acquired*  
8 pursuant to Chapter 14 (commencing with Section 17085) shall  
9 be excluded from the existing school building capacity.

10 (2) Portable classrooms leased under any provision of law for  
11 a period of less than five years prior to the date of application for  
12 funding shall be excluded from the existing school building  
13 capacity.

14 ~~(3) Portable classrooms for which the plans for construction~~  
15 ~~were originally approved under any provision of law by the~~  
16 ~~department pursuant to the Field Act, as defined in Section~~  
17 ~~17281, 20 or more years prior to the date of application for~~  
18 ~~funding shall be excluded from the existing school building~~  
19 ~~capacity.~~

20 (b) The number of portable classrooms, reduced by the  
21 number of portable classrooms used as interim housing for  
22 modernization projects, that exceed 25 percent of the number of

1 permanent classrooms available to the district shall be excluded  
2 from the existing building capacity.

3 SEC. 2. Section 17089.2 of the Education Code is amended to  
4 read:

5 17089.2. Any portable classroom that is leased from the  
6 board by a school district or county superintendent of schools  
7 under this chapter may be purchased by that district or county  
8 superintendent of schools, or a charter school if the school  
9 district or county superintendent of schools declines to purchase  
10 the portable classroom, for an amount equal to the purchase price  
11 paid by the board, including the purchase costs specified in  
12 subdivision (c) of Section 17088.7, less the amount of any rent  
13 already paid to the board by the district or county superintendent  
14 of schools for that classroom. Payment for purchases made  
15 pursuant to this section shall be in equal annual installments for  
16 an agreed upon term not to exceed nine years.

17 SEC. 3. Section 17071.75 of the Education Code is amended  
18 to read:

19 17071.75. (a) After a one-time initial report of existing  
20 school building capacity has been completed, the ongoing  
21 eligibility of a school district for new construction funding shall  
22 be determined by making all of the following calculations:

23 ~~(a)~~

24 (1) A school district that applies to receive funding for new  
25 construction shall use the following methods to determine  
26 projected enrollment:

27 ~~(1)~~

28 (A) A school district that has two or more schoolsites each  
29 with a pupil population density that is greater than 115 pupils per  
30 acre in kindergarten and grades 1 to 6, inclusive, or a schoolsite  
31 pupil population density that is greater than 90 pupils per acre in  
32 grades 7 to 12, inclusive, as determined by the Superintendent  
33 using enrollment data from the California Basic Educational Data  
34 System for the 2004–05 school year, may submit an application  
35 for funding for projects that will relieve overcrowded conditions.  
36 That school district may also submit an alternative enrollment  
37 projection for the fifth year beyond the fiscal year in which the  
38 application is made using a methodology other than the cohort  
39 survival method as defined by the board pursuant to ~~paragraph~~

40 ~~(2)~~ subparagraph (B), to be reviewed by the Demographic

1 Research Unit of the Department of Finance, in consultation with  
2 the department and the Office of Public School Construction. If  
3 the Office of Public School Construction and the Demographic  
4 Research Unit of the Department of Finance jointly determine  
5 that the alternative enrollment projection provides a reasonable  
6 estimate of expected enrollment demand, a recommendation shall  
7 be forwarded to the board to approve or disapprove the  
8 application, in accordance with all of the following:

9 ~~(A)~~

10 (i) Total funding for new construction projects using this  
11 method shall be limited to five hundred million (\$500,000,000),  
12 from the Kindergarten-University Public Education Facilities  
13 Bond Act of 2004.

14 ~~(B)~~

15 (ii) The eligibility amount for proposed projects that relieve  
16 overcrowding is the difference between the alternative  
17 enrollment projection method for the year the application is  
18 submitted and the cohort survival method, as defined by  
19 ~~paragraph (2) subparagraph (B)~~, for the same year, adjusted by  
20 the existing pupil capacity in excess of the projected enrollment  
21 according to the cohort survival projection method.

22 ~~(C)~~

23 (iii) The Office of Public School Construction shall determine  
24 whether each proposed project will relieve overcrowding,  
25 including, but not limited to, the elimination of the use of  
26 Concept 6 calendars, four track year-round calendars, or bussing  
27 in excess of 40 minutes, and recommend approval to the board.  
28 The number of unhoused pupil grants requested in the application  
29 for funding from the eligibility determined pursuant to this  
30 ~~paragraph subparagraph~~ shall be limited to the number of seats  
31 necessary to relieve overcrowding, including, but not limited to,  
32 the elimination of the use of Concept 6 calendars, four track  
33 year-round calendars, or bussing in excess of 40 minutes, less the  
34 number of unhoused pupil grants attributed to that school as a  
35 source school in an approved application pursuant to Section  
36 17078.24.

37 ~~(D)~~

38 (iv) A school district shall use the same alternative enrollment  
39 projection methodology for all applications submitted pursuant to  
40 this ~~paragraph subparagraph~~ and shall calculate those projections

1 in accordance with the same district-wide or high school  
2 attendance area used for the enrollment projection made pursuant  
3 to ~~paragraph (2)~~ *subparagraph (B)*.

4 ~~(2)~~

5 (B) A school district shall calculate enrollment projections for  
6 the fifth year beyond the fiscal year in which the application is  
7 made. Projected enrollment shall be determined by utilizing the  
8 cohort survival enrollment projection system, as defined and  
9 approved by the board. The board may supplement the cohort  
10 survival enrollment projection by the number of unhoused pupils  
11 that are anticipated as a result of dwelling units proposed  
12 pursuant to approved and valid tentative subdivision maps.

13 (2) (A) *Add the number of pupils yielded by portable*  
14 *classrooms that were approved for the construction by the*  
15 *department pursuant to the Field Act, as defined in Section*  
16 *17281, not to exceed the number of pupils yielded by 10 percent*  
17 *of the classrooms eligible for funding under this paragraph or 25*  
18 *classrooms, whichever is less, and the number of portable*  
19 *classrooms included in the existing building capacity of a district*  
20 *pursuant to Article 2 (commencing with Section 17071.10), and*  
21 *that are at least 30 years old prior to the date of application for*  
22 *funding under Section 17071.10. A school district is eligible for*  
23 *funding under this paragraph if all of the following conditions*  
24 *are met:*

25 (i) *The pupil grants are used to replace portable classrooms*  
26 *under this paragraph with permanent new construction.*

27 (ii) *The portable classrooms replaced under this paragraph*  
28 *must be removed from service as a classroom no more than six*  
29 *months after the date of occupancy of the new classroom.*

30 (B) *The board may adopt regulations to consider, but not be*  
31 *limited to, the per-unhoused-pupil grants yielded by portable*  
32 *classrooms defined in subparagraph (A) that previously received*  
33 *a modernization apportionment pursuant to Section 17074.10 or*  
34 *17073.15.*

35 (C) *The board may allocate up to fifty million dollars*  
36 *(\$50,000,000) under Section 17072.10 to apportion the*  
37 *per-unhoused-pupil grants under this paragraph.*

38 ~~(b)~~

39 (3) *Add the number of pupils that may be adequately housed*  
40 *in the existing school building capacity of the applicant school*

1 district as determined pursuant to Article 2 (commencing with  
 2 Section 17071.10) to the number of pupils for whom facilities  
 3 were provided from any state or local funding source after the  
 4 existing school building capacity was determined pursuant to  
 5 Article 2 (commencing with Section 17071.10). For this purpose,  
 6 the total number of pupils for whom facilities were provided  
 7 shall be determined using the pupil loading formula set forth in  
 8 ~~Section~~ *Sections 17071.25 and 17071.30.*

9 (e)

10 (4) Subtract the number of pupils pursuant to ~~subdivision (b)~~  
 11 *paragraph (3)* from the number of pupils determined pursuant to  
 12 ~~paragraph (2) subparagraph (B) of subdivision (a) paragraph~~  
 13 *(1).*

14 (d)

15 (5) The calculations required to establish eligibility under this  
 16 article shall result in a distinction between the number of existing  
 17 unhoused pupils and the number of projected unhoused pupils.

18 (e)

19 (6) Apply the increase or decrease resulting from the  
 20 difference between the most recent report made pursuant to  
 21 Section 42268, and the report used in determining the baseline  
 22 capacity of the school district pursuant to subdivision (a) of  
 23 Section 17071.25.

24 (f)

25 (7) For a school district with an enrollment of 2,500, or less,  
 26 an adjustment in enrollment projections shall not result in a loss  
 27 of ongoing eligibility to that school district for a period of three  
 28 years from the date of the approval of eligibility by the board.

29 (b) *This section shall remain in effect only until January 1,*  
 30 *2010, and as of that date is repealed, unless a later enacted*  
 31 *statute, that is enacted before January 1, 2010, deletes or extends*  
 32 *that date.*

33 *SEC. 4. Section 17071.75 is added to the Education Code, to*  
 34 *read:*

35 *17071.75. (a) After a one-time initial report of existing*  
 36 *school building capacity has been completed, the ongoing*  
 37 *eligibility of a school district for new construction funding shall*  
 38 *be determined by making all of the following calculations:*

1 (I) A school district that applies to receive funding for new  
2 construction shall use the following methods to determine  
3 projected enrollment:

4 (A) A school district that has two or more schoolsites each  
5 with a pupil population density that is greater than 115 pupils  
6 per acre in kindergarten and grades 1 to 6, inclusive, or a  
7 schoolsite pupil population density that is greater than 90 pupils  
8 per acre in grades 7 to 12, inclusive, as determined by the  
9 Superintendent using enrollment data from the California Basic  
10 Educational Data System for the 2004–05 school year, may  
11 submit an application for funding for projects that will relieve  
12 overcrowded conditions. That school district may also submit an  
13 alternative enrollment projection for the fifth year beyond the  
14 fiscal year in which the application is made using a methodology  
15 other than the cohort survival method as defined by the board  
16 pursuant to subparagraph (B), to be reviewed by the  
17 Demographic Research Unit of the Department of Finance, in  
18 consultation with the department and the Office of Public School  
19 Construction. If the Office of Public School Construction and the  
20 Demographic Research Unit of the Department of Finance  
21 jointly determine that the alternative enrollment projection  
22 provides a reasonable estimate of expected enrollment demand, a  
23 recommendation shall be forwarded to the board to approve or  
24 disapprove the application, in accordance with all of the  
25 following:

26 (i) Total funding for new construction projects using this  
27 method shall be limited to five hundred million (\$500,000,000),  
28 from the Kindergarten-University Public Education Facilities  
29 Bond Act of 2004.

30 (ii) The eligibility amount for proposed projects that relieve  
31 overcrowding is the difference between the alternative  
32 enrollment projection method for the year the application is  
33 submitted and the cohort survival method, as defined by  
34 subparagraph (B), for the same year, adjusted by the existing  
35 pupil capacity in excess of the projected enrollment according to  
36 the cohort survival projection method.

37 (iii) The Office of Public School Construction shall determine  
38 whether each proposed project will relieve overcrowding,  
39 including, but not limited to, the elimination of the use of  
40 Concept 6 calendars, four track year-round calendars, or

1 *bussing in excess of 40 minutes, and recommend approval to the*  
2 *board. The number of unhoused pupil grants requested in the*  
3 *application for funding from the eligibility determined pursuant*  
4 *to this subparagraph shall be limited to the number of seats*  
5 *necessary to relieve overcrowding, including, but not limited to,*  
6 *the elimination of the use of Concept 6 calendars, four track*  
7 *year-round calendars, or bussing in excess of 40 minutes, less*  
8 *the number of unhoused pupil grants attributed to that school as*  
9 *a source school in an approved application pursuant to Section*  
10 *17078.24.*

11 *(iv) A school district shall use the same alternative enrollment*  
12 *projection methodology for all applications submitted pursuant*  
13 *to this subparagraph and shall calculate those projections in*  
14 *accordance with the same districtwide or high school attendance*  
15 *area used for the enrollment projection made pursuant to*  
16 *subparagraph (B).*

17 *(B) A school district shall calculate enrollment projections for*  
18 *the fifth year beyond the fiscal year in which the application is*  
19 *made. Projected enrollment shall be determined by utilizing the*  
20 *cohort survival enrollment projection system, as defined and*  
21 *approved by the board. The board may supplement the cohort*  
22 *survival enrollment projection by the number of unhoused pupils*  
23 *that are anticipated as a result of dwelling units proposed*  
24 *pursuant to approved and valid tentative subdivision maps.*

25 *(2) Add the number of pupils that may be adequately housed in*  
26 *the existing school building capacity of the applicant school*  
27 *district as determined pursuant to Article 2 (commencing with*  
28 *Section 17071.10) to the number of pupils for whom facilities*  
29 *were provided from any state or local funding source after the*  
30 *existing school building capacity was determined pursuant to*  
31 *Article 2 (commencing with Section 17071.10). For this purpose,*  
32 *the total number of pupils for whom facilities were provided shall*  
33 *be determined using the pupil loading formula set forth in*  
34 *Section 17071.25.*

35 *(3) Subtract the number of pupils pursuant to paragraph (2)*  
36 *from the number of pupils determined pursuant to subparagraph*  
37 *(B) of paragraph (1).*

38 *(4) The calculations required to establish eligibility under this*  
39 *article shall result in a distinction between the number of existing*  
40 *unhoused pupils and the number of projected unhoused pupils.*

1     (5) *Apply the increase or decrease resulting from the*  
2 *difference between the most recent report made pursuant to*  
3 *Section 42268, and the report used in determining the baseline*  
4 *capacity of the school district pursuant to subdivision (a) of*  
5 *Section 17071.25.*

6     (6) *For a school district with an enrollment of 2,500, or less,*  
7 *an adjustment in enrollment projections shall not result in a loss*  
8 *of ongoing eligibility to that school district for a period of three*  
9 *years from the date of the approval of eligibility by the board.*

10    (b) *This section shall become operative on January 1, 2010.*

O