

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 572

Introduced by Senator Pan

February 26, 2015

An act to amend ~~Section 17388~~ *Sections 17388, 17389, and 17390* of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 572, as amended, Pan. School facilities: school district advisory committee: use or disposition of school buildings: school closures.

Existing law authorizes the governing board of any school district, and, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, requires the governing board of any school district, to appoint a school district advisory committee to advise the governing board of the school district in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes. *Existing law requires a school district advisory committee to consist of at least 7 but not more than 11 members, as provided, and specifies the duties of a school district advisory committee.*

This bill would ~~instead~~ require the governing board of a school district to *also* appoint a school district advisory committee ~~for those purposes regardless of the sale, lease, or rental of any excess real property, and would also require the governing board of a school district to appoint a school district advisory committee for specified purposes prior to before closing a school within the governing board's school district. school district to advise the governing board of the school district regarding the closure of the school. If a school district advisory~~

committee is created to advise the governing board of a school district regarding the closure of a school, the bill also would require the appointment of a cross section of community members, including pupil representatives, who have an interest in, and who may be affected by, the school closure to the school district advisory committee. The bill would require a school district advisory committee created for that purpose to be involved in the factfinding necessary for an informal recommendation regarding the school closure, as specified. By imposing additional duties on the governing board of a school district, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 17388 of the Education Code is amended
2 to read:
3 17388. (a) The governing board of a school district ~~shall~~ *may*,
4 *and, prior to the sale, lease, or rental of any excess real property,*
5 *except rentals not exceeding 30 days, the governing board of a*
6 *school district shall, appoint a school district advisory committee*
7 ~~for either of the following purposes:~~
8 ~~(a) To~~ *to* advise the governing board of the school district in
9 the development of districtwide policies and procedures governing
10 the use or disposition of school buildings or space in school
11 buildings that is not needed for school purposes.
12 ~~(b) Prior to closing a school within the governing board's school~~
13 ~~district, to advise the governing board in the development of~~
14 ~~districtwide policies and procedures governing the closure of the~~
15 ~~school.~~
16 *(b) The governing board of a school district shall appoint a*
17 *school district advisory committee before closing a school within*

1 *the school district to advise the governing board of the school*
2 *district regarding the closure of the school.*

3 *SEC. 2. Section 17389 of the Education Code is amended to*
4 *read:*

5 17389. A school district advisory committee appointed pursuant
6 to Section 17388 shall consist of ~~not less than~~ *at least* seven ~~or~~
7 *but not* more than 11 members, and shall be representative of each
8 of the following:

9 (a) The ethnic, age group, and socioeconomic composition of
10 the district.

11 (b) The business community, such as store owners, managers,
12 or supervisors.

13 (c) Landowners or renters, with preference to be given to
14 representatives of neighborhood associations.

15 (d) Teachers.

16 (e) Administrators.

17 (f) Parents of ~~students~~ *pupils*.

18 (g) Persons with expertise in environmental impact, legal
19 contracts, building codes, and land use planning, including, but
20 not limited to, knowledge of the zoning and other land use
21 restrictions of the cities or cities and counties in which surplus
22 space and real property is located.

23 (h) *For a school district advisory committee created to advise*
24 *the governing board of a school district regarding the closure of*
25 *a school, a cross section of community members, including pupil*
26 *representatives, who have an interest in, and who may be affected*
27 *by, the school closure.*

28 *SEC. 3. Section 17390 of the Education Code is amended to*
29 *read:*

30 17390. ~~The~~ (a) A school district advisory committee *created*
31 *for purposes of subdivision (a) of Section 17388* shall do all of the
32 following:

33 ~~(a)~~

34 (1) Review the projected school enrollment and other data as
35 provided by the *school* district to determine the amount of surplus
36 space and real property.

37 ~~(b)~~

38 (2) Establish a priority list of use of surplus space and real
39 property that will be acceptable to the community.

40 ~~(c)~~

1 (3) Cause to have circulated throughout the attendance area a
2 priority list of surplus space and real property and provide for
3 hearings of community input to the committee on acceptable uses
4 of space and real property, including the sale or lease of surplus
5 real property for child care development purposes pursuant to
6 Section 17458.

7 ~~(d)~~

8 (4) Make a final determination of limits of tolerance of use of
9 space and real property.

10 ~~(e)~~

11 (5) Forward to the ~~district~~ governing board *of the school district*
12 a report recommending uses of surplus space and real property.

13 *(b) A school district advisory committee created pursuant to*
14 *subdivision (b) of Section 17388 to advise the governing board of*
15 *a school district regarding closure of a school, shall be involved*
16 *in the factfinding necessary for an informal recommendation*
17 *regarding the school closure. These duties may include, but are*
18 *not limited to, consideration of school district enrollment*
19 *projections, the capacity and condition of existing facilities,*
20 *uniqueness of educational programs, environmental and safety*
21 *concerns, projected cost savings, housing and transportation*
22 *options for displaced pupils, and transition strategies.*

23 ~~SEC. 2.~~

24 SEC. 4. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.