

AMENDED IN SENATE MARCH 27, 2000

**SENATE BILL**

**No. 2066**

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**Introduced by Senator O'Connell**

February 25, 2000

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An act to amend Section 17092 of, and to add Sections 17070.51 and 17088.2 to, the Education Code, *and to amend Section 12 of Chapter 1601 of the Statutes of 1988*, relating to school facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2066, as amended, O'Connell. School facilities.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act of 1998), establishes a program for allocation by the State Allocation Board of state per-pupil funding to school districts for new construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition. Existing law requires the allocation to be based upon existing and projected unmet pupil capacity based upon existing teaching stations, as defined. Existing law requires the board to apportion funds only upon compliance with prescribed requirements relating to seismic safety approvals and certification of the availability of local matching funds.

This bill would require the board to impose certain penalties, to be deposited into the continuously appropriated 1998 State School Facilities Fund, and conditions upon school districts that submit applications with material inaccuracies. By depositing the penalties in a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law, the State Relocatable Classroom Law of 1979, authorizes the board to lease portable classrooms to eligible school districts and provides funding for this purpose.

This bill would authorize use of these funds for the purposes of portable classrooms under the Greene Act of 1998, and would make conforming changes.

(3) Existing law adopts the federal model contractors accreditation plan for contracts relating to identification of, and action regarding, asbestos-containing materials in school buildings, and requires that any person seeking accreditation register with the Office of Local Assistance.

This bill would delete the requirement of registration with the Office of Local Assistance.

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

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

1 SECTION 1. Section 17070.51 is added to the  
2 Education Code, to read:

3 17070.51. (a) If any certified eligibility or funding  
4 application related information is found to have been  
5 falsely certified by school districts, architects or design  
6 professionals, hereinafter referred to as a material  
7 inaccuracy, the Office of Public School Construction shall  
8 notify the board.

9 (b) The board shall impose the following penalties if  
10 an apportionment and fund release has been made based  
11 upon information in the project application or related  
12 materials that constitutes a material inaccuracy.

13 (1) Pursuant to a repayment schedule approved by  
14 the board of no more than five years, the school district  
15 shall repay to the board, for deposit into the 1998 State  
16 School Facilities Fund, an amount proportionate to the  
17 additional funding received as a result of the material  
18 inaccuracy, plus a 10-percent penalty of that amount,  
19 including interest at the rate paid on moneys in the  
20 Pooled Money Investment Account or at the highest rate  
21 of interest for the most recent issue of state general  
22 obligation bonds as established pursuant to the Chapter



1 4 (commencing with Section 16720), of Part 3 of Division  
2 4 of Title 2 of the Government Code, whichever is  
3 greater.

4 (2) The board shall prohibit the school district from  
5 self-certifying certain project information for any  
6 subsequent applications for project funding for a period  
7 of up to five years following the date of the finding of a  
8 material inaccuracy or until the district's repayment of  
9 the entire amount owed under paragraph (1).

10 (c) For school districts found to have provided  
11 material inaccuracies when a funding apportionment has  
12 occurred, but no fund release has been made, the board  
13 shall direct its staff to reduce the apportionment as  
14 necessary to reflect the actual nature of the project and  
15 to disregard the inaccurate information or material, and  
16 paragraph (2) of subdivision (b) shall apply.

17 (d) For those school districts found to have provided  
18 material inaccuracies when no funding apportionment or  
19 fund release has been made, the inaccurate information  
20 or materials shall not be considered, and paragraph (2) of  
21 subdivision (b) shall apply. The project may continue if  
22 the application, minus the inaccurate materials, is still  
23 complete.

24 SEC. 2. Section 17088.2 is added to the Education  
25 Code, to read:

26 17088.2. Any surplus funding in the State School  
27 Building Aid Fund may be available for portable  
28 classrooms under provisions relating to new construction,  
29 modernization, or hardship purposes authorized by  
30 Sections 17072.10, 17074.10 and 17075.10 or the deferred  
31 maintenance program basic participation and critical  
32 hardship grants authorized by Section 39619 and 17587.

33 SEC. 3. Section 17092 of the Education Code is  
34 amended to read:

35 17092. (a) No portable classrooms shall be made  
36 available to any school district unless the district furnishes  
37 evidence, satisfactory to the board, that the district has no  
38 available bond proceeds that could be used for the  
39 purchase of classroom facilities.



1 (b) Notwithstanding any other provision of law, a  
2 school district or county superintendent of schools that  
3 has received approval for a project that includes a  
4 justified number of new teaching stations pursuant to  
5 Chapter 12 (commencing with Section 17000) and  
6 Chapter 12.5 (commencing with Section 17070.15) shall  
7 be eligible for at least the same number of emergency  
8 portable classrooms as approved new teaching stations.

9 (c) Subdivision (a) does not apply to leases or  
10 subleases under this chapter for the purpose of providing  
11 facilities, pursuant to subdivision (c) of Section 17091, for  
12 licensed child day care programs or any recreation or  
13 enrichment activities or programs for schoolage children.

14 *SEC. 4. Section 12 of Chapter 1601 of the Statutes of*  
15 *1988 is amended to read:*

16 Sec. 12. All provisions of the federal model  
17 contractors accreditation plan (40 C.F.R. Appendix C,  
18 Subpart E, Part 763), as it became effective June 1, 1987,  
19 are hereby adopted as the contractor accreditation plan  
20 of this state, and are hereby incorporated in Chapter 9  
21 (commencing with Section 49400) of Part 27 of the  
22 Education Code as though set forth in full therein.—~~Any~~  
23 ~~person who seeks accreditation, in addition to complying~~  
24 ~~with that state plan, shall register with the Office of Local~~  
25 ~~Assistance.~~

