

Senate Bill No. 2066

CHAPTER 590

An act to amend Section 17092 of, and to add Sections 17070.51 and 17088.2 to, the Education Code, to amend Section 14615.1 of the Government Code, and to amend Section 12 of Chapter 1601 of the Statutes of 1988, relating to school facilities, and making an appropriation therefor.

[Approved by Governor September 22, 2000. Filed
with Secretary of State September 23, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2066, 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, notwithstanding contrary provisions of law, authorize the board to transfer certain funds from the State School Building Aid Fund to the 1998 State School Facilities Fund or to the State School Deferred Maintenance Fund for allocation by the board for purposes of those funds, 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.

Appropriation: yes.

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

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

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

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

(1) Pursuant to a repayment schedule approved by the board of no more than five years, the school district shall repay to the board, for deposit into the 1998 State School Facilities Fund, an amount proportionate to the additional funding received as a result of the material inaccuracy including interest at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of state general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater.

(2) The board shall prohibit the school district from self-certifying certain project information for any subsequent applications for project funding for a period of up to five years following the date of the finding of a material inaccuracy or until the district's repayment of the entire amount owed under paragraph (1). Although a school district that is subject to this paragraph may not self-certify, the school district shall not be prohibited from applying for state funding under this chapter. The board shall establish an alternative method for state or independent certification of compliance that shall be applicable in these cases. The process shall include, but shall not be limited to, procedures for payment by the school district of any increased costs associated with the alternative certification process.

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

(d) For those school districts found to have provided material inaccuracies when no funding apportionment or fund release has



been made, the inaccurate information or materials shall not be considered, and paragraph (2) of subdivision (b) shall apply. The project may continue if the application, minus the inaccurate materials, is still complete.

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

17088.2. Notwithstanding any provision of law to the contrary, including, but not limited to, Section 17587, the board may transfer any funds within the State School Building Aid Fund that are in excess of the amounts needed by the board for the maintenance of portable buildings or for the purchase of new portable buildings, for that fiscal year, to either of the following:

(a) The 1998 State School Facilities Fund for allocation by the board for any purpose authorized pursuant to that fund.

(b) The State School Deferred Maintenance Fund for allocation by the board for any purpose authorized pursuant to that fund. The board may utilize up to 100 percent of the funds transferred by the board to the State School Deferred Maintenance Fund pursuant to this section for funding extreme hardship critical projects.

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

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

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

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

SEC. 4. Section 14615.1 of the Government Code is amended to read:

14615.1. Where the Legislature directs or authorizes the department to maintain, develop, or prescribe processes, procedures, or policies in connection with the administration of its duties under this chapter, Chapter 2 (commencing with Section 14650), or Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the action by the department shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500)). This section shall



apply to actions taken by the department with respect to the State Administrative Manual and the State Contracting Manual.

SEC. 5. Section 12 of Chapter 1601 of the Statutes of 1988 is amended to read:

Sec. 12. All provisions of the federal model contractors accreditation plan (40 C.F.R. Appendix C, Subpart E, Part 763), as it became effective June 1, 1987, are hereby adopted as the contractor accreditation plan of this state, and are hereby incorporated in Chapter 9 (commencing with Section 49400) of Part 27 of the Education Code as though set forth in full therein.

