

**ASSEMBLY BILL**

**No. 2588**

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**Introduced by Assembly Member Hertzberg**

February 21, 2002

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An act to add Chapter 12.6 (commencing with Section 17078) to Part 10 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2588, as introduced, Hertzberg. School facilities: collaborative community planning.

Existing law, the Leroy F. Greene School Facilities Act of 1998, establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization to applicant school districts. The act authorizes a school district to enter into a joint venture relationship for the purposes of school facilities construction. The act requires a school district, as part of its application for funding under that act, to certify that it has considered the feasibility of the joint use of land and facilities with other government entities to minimize school facilities costs, and authorizes funds provided under the act for growth and modernization to be used for the school portion of joint-use facilities.

This bill would require the Director of the Department of General Services to establish within the department the capability to provide support and assistance to school districts and other local agencies engaged in collaborative community planning for school facilities. The bill would establish a 6-member Collaborative School Facilities Implementation Board, appointed as specified. The bill would require

the board, no later than January 1, 2003, to develop and submit to the Legislature and the Governor a list of statutes and regulations that the board recommends be eligible for waiver by the board to facilitate the implementation of collaborative community planning for school facilities. The bill would, notwithstanding any other provision of law, authorize the board to waive any of the statutes or regulations identified in legislation enacted subsequent to the enactment of this bill as being eligible for waiver by the board to facilitate the implementation of a joint-use project or other collaborative school facilities project, and would prescribe related matters. The bill would authorize the State Allocation Board to use up to 1% of funding available for allocation by the board for new construction for implementing joint-use projects and other collaborative community planning for school facilities.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Chapter 12.6 (commencing with Section  
2 17078) is added to Part 10 of the Education Code, to read:

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4 CHAPTER 12.6. COLLABORATIVE COMMUNITY PLANNING FOR  
5 SCHOOL FACILITIES

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7 Article 1. Legislative Intent

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9 17078. It is the intent of the Legislature in enacting this  
10 chapter to encourage and facilitate collaborative community  
11 planning for school facilities. Collaborative community planning  
12 for school facilities includes, but is not limited to, the joint use of  
13 school facilities between school districts and other local agencies  
14 or jurisdictions. Examples of joint use include libraries designed  
15 to serve both as a school and community library, open space  
16 designed to serve both as school play fields and as community  
17 parks, and auditoriums or multipurpose rooms designed to serve  
18 both school and community functions.

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1 Article 2. State Assistance  
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3 17078.1. The Director of the Department of General Services  
4 shall establish within the Department of General Services the  
5 capability to provide support and assistance to school districts and  
6 other local agencies engaged in collaborative community planning  
7 for school facilities. The support and assistance shall include, but  
8 is not limited to, compiling and disseminating both successful  
9 examples and best practices of collaborative community planning  
10 for school facilities.

11  
12 Article 3. Collaborative School Facilities Implementation  
13 Board  
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15 17078.2. (a) The Collaborative School Facilities  
16 Implementation Board is hereby established, and shall be  
17 comprised of the following members:

- 18 (1) The Director of Finance.  
19 (2) The Director of the Department of General Services.  
20 (3) The Director of the Office of Planning and Research.  
21 (4) The Superintendent of Public Instruction.  
22 (5) One member appointed by the Speaker of the Assembly.  
23 (6) One member appointed by the Senate Committee on Rules.

24 (b) For purposes of this chapter, “board” means the  
25 Collaborative School Facilities Implementation Board.

26 17078.3. (a) Not later than January 1, 2003, the board shall  
27 develop and submit to the Legislature and the Governor a list of  
28 statutes and regulations that the board recommends be eligible for  
29 waiver by the board to facilitate the implementation of  
30 collaborative community planning for school facilities.

31 (b) Notwithstanding any other provision of law, upon  
32 submission of an application by a school district and one or more  
33 other local agencies involved in a joint-use project, the board may  
34 waive any of the statutes or regulations identified in legislation  
35 enacted subsequent to the enactment of this chapter as being  
36 eligible for waiver by the board, to facilitate the implementation  
37 of a joint-use project or other collaborative school facilities  
38 project.

1 (c) The application for a waiver pursuant to this article shall  
2 indicate why the school facilities project cannot be completed  
3 without the waiver being requested.

4 (d) The board shall act expeditiously on waiver requests.

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Article 4. Funding

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8 17078.4. (a) The State Allocation Board may use up to 1  
9 percent of the funding available to it for new construction for  
10 purposes of implementing joint-use projects and other  
11 collaborative community planning for school facilities.

12 (b) The State Allocation Board shall adopt rules and  
13 regulations for the implementation of this chapter. The rules and  
14 regulations shall give priority to projects that demonstrate the  
15 coordination of multiple sources of funding for the project.

16 SEC. 2. This act is an urgency statute necessary for the  
17 immediate preservation of the public peace, health, or safety  
18 within the meaning of Article IV of the Constitution and shall go  
19 into immediate effect. The facts constituting the necessity are:

20 To facilitate collaborative community planning for school  
21 facilities as expeditiously as possible, it is necessary that this act  
22 take effect immediately as an urgency statute.

