

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 203 (O'Donnell) – As Amended April 17, 2017

SUBJECT: School facilities: design and construction

SUMMARY: Requires the California Department of Education (CDE), in establishing standards for school facilities, to provide school districts with flexibility in the design of instructional facilities and to develop strategies to assist small school districts in navigating the school construction and funding processes. Requires CDE, the Office of Public School Construction (OPSC) and the Division of State Architect (DSA) to report to the Legislature on how their respective applications can be better aligned. Specifically, **this bill:**

- 1) Requires the CDE to establish standards for use by school districts to ensure that the design and construction of school facilities provide school districts with flexibility in designing instructional facilities and requires the CDE to work with the OPSC to ensure that regulations adopted by the State Allocation Board (SAB) allow for the funding of flexible instructional facilities.
- 2) Requires the CDE to develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. Specifies that the strategies may include informing the districts of how to receive the approval required for school construction, including the requirements of the DSA and how to secure state funding, including from the state bond funds made available through the School Facility Program (SFP).
- 3) Defines “small school district” as a school district with fewer than 2,501 units of average daily attendance (ADA).
- 4) Requires, on or before July 1, 2018, the CDE, DSA, and the OPSC to submit to the appropriate fiscal and policy committees of the Legislature a report that addresses the following relating to the construction of school facilities:
 - a) The feasibility of using one application, or using a common application number, for all three entities. If those entities determine that neither is feasible, how to otherwise reduce duplicative information being required of their applications.
 - b) The feasibility of using common software for the submission of multiple applications and architectural plans.
- 5) Expresses the intent of the Legislature to identify ways to streamline the school construction process, assist small school districts to navigate the entities and requirements relating to state bond funding, and allow school districts to design classrooms that accommodate 21st century learning. Further states the intent of the Legislature for the three main state entities involved in the School Facility Program – the CDE, DSA and OPSC – to work together to streamline their application processes to avoid duplicative information being required of their applications.

EXISTING LAW:

- 1) Requires, under the Leroy F. Greene School Facilities Act of 1998, the SAB 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.
- 2) Prohibits the SAB from apportioning funds to any school district unless the applicant school district has certified to the SAB that it has obtained the written approval of the CDE that the site selection, and the building plans and specifications, comply with the standards adopted by the CDE.
- 3) Requires the CDE to establish standards for use by a school district in the selection of schoolsites and standards to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.
- 4) Prohibits the SAB from apportioning funds to any school district that has not received approval from the DSA that the project meets Field Act requirements.
- 5) Requires the DSA, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with existing law and Title 24 regulations.

FISCAL EFFECT: Unknown

COMMENTS: *Background.* The construction and modernization of public kindergarten through grade 12 (K-12) facilities are funded by a combination of state and local general obligation (GO) bonds, developer's fees and local assessments such as Mello Roos community facilities districts. California voters have approved \$42.4 billion in state GO bonds since 1998 for the SFP, including \$7 billion for K-12 and \$2 billion for California Community Colleges facilities approved by voters last November through Proposition 51.

The SAB, a ten member body, oversees state bond funds administered by the OPSC. Constructing a new school or even modernizing schools can take many years. In order to be eligible for funding, local educational agencies (LEAs) must receive approval from several state agencies, including the CDE, DSA and OPSC, and work with local agencies. The CDE reviews plans to ensure that the site and the proposed facility are safe and meet the educational program of the school.

All K-14 proposed public school construction and modernization projects must also receive approval from the DSA, which reviews architectural plans for compliance with the Field Act (seismic safety); fire, life and safety requirements; and access requirements under the Americans with Disability Act. DSA grants approvals based on the requirements specified by Title 24 regulations, also known as the California Building Standards Code. However, there are some exemptions based on the cost of a project that are adjusted annually.

For a long time, entities involved in school construction and the Legislature have expressed concerns that the process takes a long time, part of which is due to how long it takes to receive approval from state agencies.

In February, this Committee held an informational hearing on how the school construction and school facilities funding processes can be streamlined. The author states, “The hearing highlighted several common themes. Speakers talked about the need to provide technical assistance to small school districts, and expressed frustrations over how long it takes to receive state agency approvals and the amount of duplicative information required by each agency.”

Lack of coordination by state agencies. School districts have long complained of a lack of coordination between the major state agencies involved in school construction and funding. Each requires a separate application that requests similar information to be provided. This bill directs the three agencies to explore the feasibility of using one application, using one common number, using the same technology for submission of application and architectural plans, or otherwise reducing the duplication of information required.

Small school districts. Small school districts, defined as those with 2500 or fewer ADA, face additional challenges in navigating the school construction and facility funding processes. Small school districts may not have facility staff. In many districts, facilities may be handled by the district superintendent, who may also be the principal of a school. Speakers at the Committee’s informational hearing supported the establishment of an ombudsman to provide technical assistance to small school districts, or agencies establishing regional offices throughout the state. This bill requires CDE to develop strategies to assist small school districts.

Instructional facilities flexibility. Current law requires CDE to establish standards for location of sites for schools and designs of facilities, established under Title 5 regulations. Based on these regulations and regulations adopted by the SAB, the SFP generally funds classrooms that are 960 square foot spaces. Teaching and learning have changed over time. Teachers do not stand in front of a classroom with a blackboard six hours a day anymore. Today, teachers may utilize more project based learning, with students working in small groups, which require larger common areas with movable walls and/or furniture. In 2013 and 2014, a subcommittee formed by the SAB made a number of recommendations to reform and streamline the program. One of the recommendations was to align the SFP and CDE regulations to give LEAs more flexibility in designing instructional facilities. The Governor’s proposed 2015-16 and 2016-17 budgets also expressed concerns that the SFP does not provide flexibility, stating, in 2015-16, “The current program does not provide adequate local control for districts designing school facilities plans. Program eligibility is largely based on standardized facility definitions and classroom loading standards. As a result, districts are discouraged from utilizing modern educational delivery methods.”

This bill requires CDE to develop standards that allow flexibility in the design of classrooms. The bill also requires CDE to work with OPSC to ensure that regulations adopted by the SAB allow different configurations of classrooms to be funded.

The Central Valley Education Coalition, writing in support of the bill, states, “AB 203 addresses recognized shortcomings in the state’s school facilities program, including those faced by small districts. The measure promotes common sense improvements that move the program into the 21st Century by recognizing the need for some flexibility in the design of instructional facilities and in developing a more coherent and efficient project approval process....As state agencies, local school districts and county offices of education gear up for implementation of Proposition 51 and allocation of much-needed funding for school modernization and construction, the program improvements called for in AB 203 are essential.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Suburban School Districts
Central Valley Education Coalition
Coalition for Adequate School Housing
Los Angeles Unified School District
Small School Districts' Association

Opposition

None on file

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