

COMMISSION ON STATE MANDATES

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SACRAMENTO, CA 95814
(916) 323-3562



September 3, 1998

Mr. Paul C. Minney, Esq.
Girard & Vinson
1676 North California Blvd. Suite 450
Walnut Creek, CA 94596

And Affected State Agencies (See Attached Mailing List)

RE: Test Claim filed by the Brentwood Union School District
Acquisition of Agricultural Land for a School Site, 98-TC-04,
Chapter 509, Statutes of 1996 (AB 1724), Education Code Section 39006

The Commission on State Mandates has determined that the subject test claim submittal identified above is complete. A test claim initiates the process for the Commission to consider whether the provisions of the chapters listed above impose a reimbursable state mandated program upon local agencies.

The state agencies addressed via the mailing list are receiving copies of this test claim because they have been identified as affected agencies that may have an interest in the Commission's determination of this test claim. The key issues before the Commission are:

- Do the subject statutes, executive orders, standards and procedures result in a new program or higher level of service within an existing program upon local agencies within the meaning of Government Code section 17514 and section 6, article XIII B of the California Constitution? If so, are there associated costs mandated by the state that are reimbursable?
- Do any of the provisions of Government Code section 17556 preclude the Commission from finding that the provisions of the subject statutes impose a reimbursable state mandated program upon local agencies?

The Commission requests your participation in the following activities concerning this test claim:

Informal Conference. No informal conference has been scheduled. One could be scheduled if requested by any interested party. (See section 1183.04 of regulations.)

State Agency Review of Test Claim. By October 8, 1998, all affected state agencies receiving this letter are requested to analyze the merits of the test claim and to file written responses, opposition, or recommendations on its validity under the provisions of Government Code sections 17500 through 17630 and section 1183.02 of the regulations. Alternatively, if a state agency chooses not to respond to this request, a written statement of non-response should be

opposition, or recommendations on its validity under the provisions of Government Code sections 17500 through 17630 and section 1183.02 of the regulations. Alternatively, if a state agency chooses not to respond to this request, a written statement of non-response should be filed with the Commission. Requests for extensions of time may be filed in accordance with section 1183.01 (c) and 118 1.1 (g) of the regulations.

Claimant Rebuttal. The claimant and interested parties may file a rebuttal to state agencies' responses, opposition or recommendations regarding the test claim under section 1183.02 of the regulations.

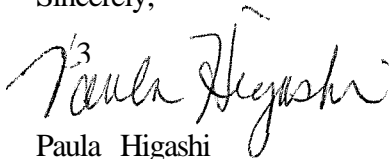
Public Hearing. The public hearing on the test claim is tentatively set for **October 29, 1998, at 9:30 a.m.**, in Room 437, State Capitol, Sacramento. State and local agency representatives may provide testimony at this hearing. A court reporter will be present during the hearing to tape the proceedings in order to prepare a transcript. If the test claim is disputed, the hearing may be continued up to 260 days from the date of the Commission's receipt of the complete test claim. Requests for postponement of the hearing may be filed with the executive director in accordance with section 1183.01 of the regulations.

Your participation in the test claim process is important to the Commission. The determination of whether the claims meet the constitutional and statutory requirements for reimbursable state mandated programs will be based upon information provided by the claimant, state agencies, and other interested parties. Upon receipt of all of this information, Commission staff will prepare analyses and recommendations for the Commission.

Should the Commission determine that a reimbursable state mandate exists, the Claimant is responsible for providing proposed parameters and guidelines for reimbursing all eligible local entities. In accordance with the Commission's regulations, all interested parties, including affected state agencies will be given an opportunity to comment on the Claimant's proposal. Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state mandated program within 18 months of receipt of a disputed test claim, or within 6 months of receipt of an undisputed test claim.

At this time, the test claim has not been assigned to a member of our staff. If you have any further questions or concerns, please contact me at (916) 323-3562.

Sincerely,

A handwritten signature in black ink that reads "Paula Higashi". The signature is written in a cursive style with a large initial "P".

Paula Higashi
Executive Director

Enclosure

c: Carol Berg, Diana Halpenny, Jim Cunningham, James Apps without enclosure.

Commission on State Mandates

Mailing List

04-Sep-98

SM/SB# and Claim Title 98-TC-04 Brentwood Union School District

Government Code Sec.

Chapters Chapter 509, Statutes of 1996, Education Code Sec 39006

Originated: 13-Sep-98

Issue Acquisition of Agriculture Land for a School Site

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SM/SB# and Claim Title 98-TC-04 Brentwood Union School District

Government Code Sec.

Chapters Chapter 509, Statutes of 1996, Education Code Sec 39006

Originated: 13-Sep-98

Issue Acquisition of Agriculture Land for a School Site

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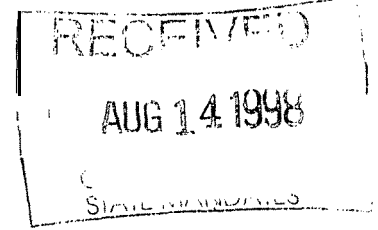
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July 22, 1998

Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814



98-TC-04

Re: 'Test Claim of Brentwood Union School District
Chapter 509, Statutes of 1996 (AB 1724)
Education Code Section 39006

Acquisition of Agricultural Land For a School Site

Dear Ms. Higashi:

Attached please find the original and seven (7) copies of the test claim of the Brentwood Union School District alleging reimbursable costs mandated by the State for schools districts and county offices of education to perform the administrative tasks associated with implementing the requirements of Chapter 509, Statutes of 1996 (AB 1724), 'Education Code Section 39006.

Brentwood Union School District has retained Mandated Cost Systems, Inc. who will be assisting us in processing this test claim. Mandated Cost Systems, Inc.'s representative is Paul C. Minney of GIRARD & VINSON. Should you have any questions or need additional information, please contact Mr. Minney at (925) 746-7660.

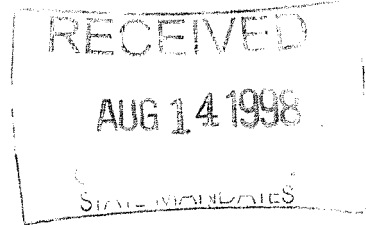
Very truly yours,

A handwritten signature in cursive script that reads "J. Douglas Adams".

J. Douglas Adams
Superintendent

cc: Steve Smith, Mandated Cost Systems, Inc.
Diana Halpenny, Chair, Education Mandated Cost Network Executive Committee

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Attorney for Mandated Cost Systems, Inc., and
Test Claimant Representative

BEFORE THE COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

Test Claim Of)
)
) No. CSM 98-TC-04
)
) **TEST CLAIM OF BRENTWOOD UNION SCHOOL**
) **DISTRICT**
)
) **BRENTWOOD UNION SCHOOL**
) **DISTRICT**
)
) Chapter 509, Statutes of 1996 (AB 1724)
) Education Code Section 39006
)
) *Acquisition of Agricultural Land for a School*
) *Site*
)
 _____)

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I. STATEMENT OF THE CLAIM

This test claim alleges State mandated reimbursable costs for school districts' to implement the requirements of Chapter 509, Statutes of 1996 (AB 1724) when acquiring agricultural land for a school site. Chapter 509, Statutes of 1996 added Education Code §39006 which requires the governing board of a school district which is acquiring real property designated as agricultural land for a school site to make certain findings prior to commencing acquisition of the property.

II. SOURCE OF THE MANDATED COSTS

The mandates described in this test claim are contained in Chapter 509, Statutes of 1996,² which added §39006 to the Education Code.

III. ACTIVITIES REQUIRED BY STATE PRIOR TO JANUARY 1, 1975

This section contains a summary of the law, pertaining to the mandated activities claimed herein, as of December 31, 1974.

The statutory scheme in existence in 1974 provided that prior to final site selection, school district governing boards were required to investigate prospective school sites to ensure that site selection was determined by an evaluation of all factors affecting the public interest and not limited to selection on the basis of raw land cost only.

The Education Code required that site investigation include geological and soil engineering studies as needed to provide an assessment of the site and potential for earthquake damage. The site investigation was to be conducted by competent personnel. The geological and soil engineering studies were required to be of such nature as to preclude siting a school in any location where the geological characteristics were such that the construction effort required to make the site safe for

¹ "School district" means any school district, community college district, or county superintendent of schools. (See Government Code §17519).

² A true and correct copy of Chapter 509, Statutes of 1996 is attached hereto, marked as Exhibit "A" and fully incorporated by reference herein.

occupancy would be economically unfeasible. The site evaluation was also required to include the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors that would affect the operating costs, as well as the initial costs, of the total project.

The statutes further required that no school building was to be constructed or situated on the trace of an active geological fault. An active geological fault is where surface ruptures can be reasonably expected to occur within the life of the building,

The statutes also required that similar geological and soil engineering investigations were to be made as deemed necessary by the Department of General Services for the construction of any school building. A study did not need to be made if the site or sites were the subject of an adequate prior study.

A copy of the investigation report conducted pursuant to these sections was required to be submitted to the Department of General Services and the Department of Education,

**IV. HISTORY OF REQUIRED ACTIVITIES FROM JANUARY 1, 1975 TO
DATE OF MANDATE CLAIMED HEREIN**

The following is a chronology of the statutory authority affecting school site land acquisition from January 1, 1975 to present:

Exhibit	Year	Title	Notes
"B"	1976	Stats. 1976, c. 557, §1 Education Code § 15002.1 ³	<ul style="list-style-type: none"> <li data-bbox="790 1466 1173 1502">• Amendment to Statute

³ A true and correct copy of Stats. 1976, c. 557, §1, Education Code §15002.1 is attached hereto, marked as Exhibit "B" and fully incorporated by reference herein.

Exhibit	Year	Title	Notes
<p>“B” (Con’ t)</p>	<p>1976</p>	<p>Stats. 1976, c. 557, §1 Education Code § 15002.1 (Con’t)</p>	<ul style="list-style-type: none"> • Added language stating that where any school site located within the boundaries of a “special studies zone” or “within an area designated as geologically hazardous in the seismic safety element of local general plan. . .” the school district is required to conduct an investigation which shall include “such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake of other geological hazard damage.” • Amendment relocated within the statute the language: “No such studies need be made if the site or sites under construction have been the subject of adequate prior studies.” • Statute now defines a “special study zone” as one which is shown on any map, or maps, compiled by the State Geologist pursuant to the provisions of the Public Resources Code Chapter 7.5 (commencing with §262 1). • Statute changed the recipient of the investigation reports. Only the Department of Education is required to receive a report. • Deleted language regarding that no school building may be constructed or situated on the trace of an ‘active geological fault. Statute also deleted definition of “active geological fault.” Language moved to Education Code § 15002.2.

Exhibit	Year	Title	Notes
“B” (on’t)	1976	Stats. 1976, c. 557, §1 Education Code § 15002.1 (Con’t)	<ul style="list-style-type: none"> Deleted language regarding “similar geological and soil engineering investigations” that are deemed necessary by the Department of General Services for the construction of any school building, or if the estimated costs exceeds ten thousand (\$10,000) dollars. Language moved to Education Code § 15002.2.
“C”	1976	Stats. 1976, c. 1010, §2 Education Code §39002 ⁴	<ul style="list-style-type: none"> Renumbered statute to Education Code §39002. Statute reverted to 1972 version. Operative date is April 30, 1977, the same operative date as Stats. 1977, c. 36, 9141.
“D”	1977	Stats. 1977, c. 36, §141 Education Code §39002 ⁵	<ul style="list-style-type: none"> Statute the same as Stats. 1976, c. 557, §1 above. Stats. 1976, c. 557, §1 is urgency legislation which amended a large portion of Education statutes. Section 39002 is included in c. 557. The change was operative on April 30, 1977, the same date as Stats. 1976, c. 1010, §2 which is listed above.
“E”	1984	Stats. 1984, c., 1009, §1 Education Code §39002 ⁶	<ul style="list-style-type: none"> Amendment to statute. Changed reference of local general plan from Government Code §65302(f) to Government Code §65302(g).

⁴ A true and correct copy of Stats. 1976, c. 1010, §2, Education Code §39002 is attached hereto, marked as Exhibit “C” and incorporated fully by reference herein.

⁵ A true and correct copy of Stats. 1977, c. 36, §141, Education Code §39002 is attached hereto, marked as Exhibit “D” and incorporated fully by reference herein.

⁶ A true and correct copy of Stats, 1984, c. 1009, §1, Education Code §39002 is attached hereto, marked as Exhibit “E” and incorporated fully by reference herein.

Exhibit	Year	Title	Notes
'F'	1994	Stats. 1994, c. 840, §10 [AB 3562] Education Code §39002 ⁷	<ul style="list-style-type: none"> Deleted language that a copy of the investigation report is required to be submitted to the State Department of Education. AB 3562 is a bill that deleted certain reports, certifications and submittals made by certain state agencies and local educational entities.
'G'	1998	Stats. 1996, c. 277 §3 [SB 1562] Education Code § 172 12 ⁸	<ul style="list-style-type: none"> Renumbered statute from §39002 to Education Code § 17212 without any substantive changes.

V. DESCRIPTION OF REQUIRED ACTIVITIES IMMEDIATELY
PRIOR TO NEWLY MANDATED ACTIVITIES

On December 31, 1996 (the day immediately prior to the effective date of Chapter 509, statutes of ,999, school districts acquiring agricultural land for a school site were required to do the following:

A. Evaluate Land At Public Hearing Pursuant To State Department of Education Standards

Prior to commencing the acquisition of real property for a new school site or an addition, a school district governing board was required to evaluate the property at a public hearing according to the standards set forth by the State Department of Education.’ Those standards are set forth in Title 5 of the California Administrative Code § 14010.”

⁷ A true and correct copy of Stats. 1994, c. 840, §10, [AB 3562], Education Code §39002 is attached hereto, marked as Exhibit “F” and incorporated fully by reference herein.

⁸ A true and correct copy of Stats. 1996, c. 277 §3 [SB 1562], Education Code §17212 is attached hereto, marked as Exhibit “G” and incorporated fully by reference herein,

⁹ A true and correct copy of Education Code §39001 is attached hereto, marked as Exhibit “H” and incorporated fully by reference herein.

¹⁰ A true and correct copy of §14010 of the California Administrative Code is attached hereto, marked as Exhibit “I” and incorporated fully by reference herein.

B. Notice to Planning Commission

Under Public Resources Code §2115 1.2, prior to acquiring title to real property, the school district governing board was required to give written notice of the proposed acquisition to the planning commission having jurisdiction. The planning commission was then required to conduct an investigation of the proposed site and within thirty (30) days after receipt of the notice, the commission was required to submit to the governing board a written report of the investigation and its recommendations regarding the acquisition of title. (Public Resources Code §2115 1.2).

The school district governing board could not acquire title to the property until the report was received. If the report did not favor acquisition of title, the governing board could not acquire title to the property until 30 days after the commission's report was received. (Public Resources Code §2115 1.2).

C. Site Investigation

As of December 31, 1996, Education Code §39002 provided that prior to final site selection, school district governing boards were required to have prospective school sites investigated by competent personnel to ensure that the final site selection was determined by an evaluation of all factors affecting the public interest and was not limited to selection on the basis of raw land cost only. (Education Code §39002).

If the prospective site was located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan, then Education Code §39002 required the investigation to include geological and soil engineering studies by competent personnel to assess the nature of the site and potential for earthquake or other geological hazard damage. (Education Code §39002).

If the school district was required to conduct geological and soil engineering studies,

the studies were required to be of such nature as to preclude siting a school in any location where the geological characteristics were such that the construction effort required to make the site safe for occupancy would be economically unfeasible. (Education Code §39002).

The site evaluation was also required to include the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors that would affect the operating costs, as well as the initial costs, of the total project. (Education Code §39002).

D. Geological and Soil Engineering Study

The Department of General Services may also have required a school district to conduct geological and soil engineering studies for property located outside a special studies zone. (Education Code §39002.5). However, no such study was required if the site had been the subject of an adequate prior study. (Education Code §39002.5).

E. Submit Geological and Soil Engineering Study

Copies of any geological and **soil** engineering investigation report were required to be submitted to the Department of General Services and the Department of Education. (Education Code §39002.5).

F. Environmental Impact Report

A school district was required to prepare and consider an environmental impact report (“EIR”) before any project was approved or disapproved. (Public Resources Code 921151.8 and Education Code §39003). A school district could not approve an environmental impact report or negative declaration for any project involving the purchase of a schoolsite (or the construction of a new elementary or secondary school) by a school district unless all of the following occurred:

1. The environmental impact report or negative declaration included

information needed to determine if the property proposed to be purchased, or to be constructed upon, was any of the following:

- a. Current/Former Hazardous Waste Disposal Site: The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes had been removed.
 - b. Hazardous Substance Release Site: A hazardous substance release site identified by the State Department of Health Services in a list adopted pursuant to §25356 for removal or remedial action pursuant to Chapter 6.8 (commencing with §25300) of Division 20 of the Health and Safety Code.
 - c. Site With Pipelines Carrying Hazardous Materials: A site which contained one or more pipelines, situated underground or aboveground, which carried hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline was a natural gas line used only to supply natural gas to that school or neighborhood.
2. Identification of Neighboring Hazardous Sites: The school district preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed schoolsite was located, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify facilities within one-fourth of a mile of the proposed schoolsite which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. The notification by the

lead agency was required to include a list of the locations for which information is sought.

3. School District Governing Board Written Findings: The governing board of the school district makes one of the following written findings:
 - a. Consultation identified no such facilities specified in paragraph (2), above.
 - b. The facilities specified in paragraph (2), above, exist, but one of the following conditions applied:
 - i. The health risks from the facilities do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.
 - ii. Corrective measures required under an existing order by another agency having jurisdiction over the facilities will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.
 - c. If the governing board makes such a finding, it was required to also make a subsequent finding, prior to occupancy of the school, that the emissions have been mitigated.
4. Each administering agency, air pollution control district, or air quality

management district receiving written notification from a school district to identify facilities pursuant to paragraph (2), above, was required to provide the requested information and provide a written response to the lead agency within 30 days of receiving the notification.

5. The environmental impact report or negative declaration was required to be conclusively presumed to comply with this section as to the area of responsibility of any agency which did not respond within thirty (30) days.
6. If a school district carried out the consultation required by paragraph (2), the environmental impact report or the negative declaration was conclusively presumed to comply, notwithstanding any failure of the consultation to identify an existing facility specified in paragraph (2).

G. Acquisition of Contiguous Real Property

Under Education Code §39013, the governing board of a school district could acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of the site, the site would become a part of the district. A school site is considered contiguous even if the site is separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way. (Education Code §39013).

However, under Education Code §39013, a school district could not acquire a contiguous site until the county committee on school district organization of the county or of each of the counties concerned received the proposal for acquisition of the site, and the committee reported its recommendations to the governing boards of the districts and each county superintendent of schools concerned. The report of the county committee was required to be made within sixty (60) days from the time the proposal for acquisition of the site was submitted to it. (Education Code

939013).

H. Acquisition of Property Near An Airport

Under Education Code § 17215, school district governing boards were required to follow additional procedures prior to the purchase of property located within two miles of an airport.

The governing board of each school district was required to give the Department of Transportation written notice of the proposed acquisition. The board was also required to submit any information required by the Department of Transportation if the proposed site was within two miles, measured by air line, of an airport runway or a potential runway.

The Department of Transportation was required to investigate the proposed site. Within thirty (30) working days after receipt of the notice, the Department was required to submit to the governing board a written report and its recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation was required to give notice to the owner and operator of the airport who would be granted the opportunity to comment upon the proposed schoolsite.

The governing board could not acquire title to the property until the report of the Department of Transportation was received. If the report did not favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board could not acquire title to the property until thirty (30) days after the department's report was received and until the department's report has been read at a public hearing duly called after 10 days notice published once in a newspaper of general circulation within the school district or, if there was no newspaper of general circulation within the school district, in a newspaper of general circulation within the county in which the property was located.

If the recommendations of the Department of Transportation were not favorable, the

recommendations could not be overruled without the express approval of the State Allocation Board.

Education Code § 17215 did not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

I. Public Hearing Regarding: Property Acquisition Negotiations

Under Government Code §54956.8, prior to the negotiations to purchase real property, school district governing boards were required to hold an open and public session in which it identified the real property or real properties and the person or persons with whom its negotiator may negotiate. However, the school district governing board could hold a closed session with its negotiator to grant authority to its negotiator regarding price and terms of payment for the purchase of real property. (Government Code §54956.8).

VI. DESCRIPTION OF NEWLY MANDATED ACTIVITIES

A. School Districts Newly Mandated Activities

Chapter 509, Statutes of 1996 (which added §39006 to the Education Code and took effect on January 1, 1997) results in school districts incurring costs mandated by the State as defined in Government Code §17514,¹¹ by creating new state mandated duties relating to the uniquely governmental function of providing public education to children. The statute applies only to public schools and does not apply generally to all residents and entities in the State.

The new duties mandated by the State upon school districts by Chapter 509, Statutes

¹¹ Government Code §17514 states:

“‘Costs mandated by the State’ means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted upon or after January 1, 1975, which mandates a new program or higher level of service of any existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

of 1996 (Education Code §39006) which require state reimbursement are as follows:”

1. Develop and adopt policies and procedures in accordance with Education Code §39006 for the acquisition of real property for a school site.
2. Train school district personnel regarding the requirements of acquiring real property designated as agricultural land.
3. Evaluate the property based upon all factors affecting the public interest, not limited to selection on the basis of the cost of the land.
4. Prior to the commencement of purchasing property for any school site:
 - a. Research city and/or county general plans to determine if the desired parcel of land is designated in either document for agricultural use; and
 - b. Research city and/or county zoning requirements to determine if the desired parcel of land is zoned for agricultural production.
5. If the land sought to be purchased by the school district is designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production:
 - a. Notify the city, county, or city and county within which the prospective school site is located.
 - b. Consult with the city, county, or city and county within which the prospective school site is located.
6. Prepare a report for the governing board that will allow the governing board

¹² The Legislative Counsel has determined that Chapter 509, Statutes of 1996 “imposes additional duties on the governing boards of school districts” and therefore imposes a state mandated local program. (See Legislative Counsel’s Digest, Chapter 509, Statutes of 1996, attached as Exhibit “J”).

to make the following findings:

- a. The school district has notified and consulted with the city, county, or city and county within which the prospective school site is to be located.
 - b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
 - c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.
7. Conduct a meeting of the governing board so that the governing board may make the findings required by Education Code §39006 (i.e., Chapter 509, Statutes of 1996).
8. Prepare and draft a board resolution with the following findings:
- a. The school district has notified and consulted with the city, county, or city and county within which the prospective school site is to be located.
 - b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
 - c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.

VII. CONSTITUTIONAL PROVISIONS, FEDERAL REQUIREMENTS
AND COURT DECISIONS AFFECTING THE MANDATED ACTIVITIES

There are neither state nor federal constitutional provisions which impact the mandates which are the subject of this test claim. There are no state or federal statutes or executive orders which materially impact the mandated activities which are subject to this test claim. There are no court decisions which impact the mandated activities which are the subject of this test claim. In addition, none of the Government Code § 17556¹³ statutory exemptions to a finding of costs mandated by the

¹³ Government Code § 17556 states, in pertinent part:

‘The commission shall not find costs mandated by the state, as defined in Section 7514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:

- (a) The claim is submitted by a local agency or school district which requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the governing body or a letter from a delegated representative of the governing body of a local agency or school district which requests authorization for that local agency or school district to implement a given program shall constitute a request within the meaning of this paragraph.
- (b) The statute or executive order affirmed for the state that which had been decked existing law or regulation by action of the courts.
- (c) The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
- (d) The local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.
- (e) The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.
- (f) The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in

State apply to these statutes. To the extent that school districts may have previously performed functions similar to those mandated by Chapter 509, Statutes of 1996, such efforts did not establish a pre-existing duty that would alleviate the State of its constitutional requirement to reimburse school districts when these activities became mandated.¹⁴

VIII. ESTIMATED COSTS RESULTING FROM THE MANDATE

A. School Districts

It is estimated that the Claimant, Brentwood Union School District, will incur more than \$1,600 in personal services, contracted services, training, supplies, (and other direct and indirect costs) in meeting the requirements mandated by Chapter 509, Statutes of 1996 as further set forth in the Declarations of William B. Bristow and Denise Wakefield attached hereto and fully incorporated by reference herein.

X. APPROPRIATIONS

No funds are appropriated by the statutes for reimbursement of these new costs mandated by the State and there is no other provision of law for recovery of costs for any other services.

XI. CLAIM REQUIREMENTS

The following elements of this claim are provided pursuant to Section 1183, Title 2, California Code of Regulations:

a statewide election.

- (g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.”

¹⁴ Government Code § 17565 states as follows:

“If a local agency or school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate.”

EXHIBITS

DESCRIPTION

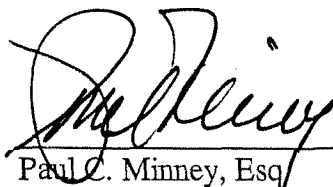
Exhibit "A"	Chapter 509, Statutes of 1996
Exhibit "B"	Stats. 1976, c. 557, §1 Education Code §15002.1
Exhibit "C"	Stats. 1976, c. 1010, §2 Education Code §39002
Exhibit "D"	Stats. 1977, c. 36, §141 Education Code §39002
Exhibit "E"	Stats. 1984, c. 1009, §1 Education Code §39002
Exhibit "F"	Stats. 1994, c. 840, §10 [AB 3562] Education Code §39002
Exhibit "G"	Stats. 1996, c. 277 §3 [SB 1562] Education Code §172 12
Exhibit "H"	Education Code §39001
Exhibit "I"	California Administrative Code §140 10
Exhibit "J"	Legislative Counsel's Digest, Chapter 509, Statute of 1996
Exhibit "IS"	Declaration of William B. Bristow of Brentwood Union School District in Support of Test Claim
Exhibit "L"	Declaration of Denise Wakefield of Brentwood Union School District in Support of Test Claim

XI. CERTIFICATION

I certify by my signature below that the statements in this document are true and correct of my own knowledge, and as to all other matters, I believe them to be true and corrected based upon information and belief.

Executed on 8/12/98, 1998 at Walnut Creek, California, by:

GIRARD & VINSON



Paul C. Minney, Esq.
Counsel for Claimant BRENTWOOD
UNION SCHOOL DISTRICT on Behalf of
Representative Organization MANDATED
COST SYSTEMS, INC.

AUTHORIZATION TO ACT AS REPRESENTATIVE
FOR BRENTWOOD UNION SCHOOL DISTRICT'S TEST CLAIM


ACQUISITION OF AGRICULTURAL LAND FOR A SCHOOL SITE
CSM NO. : _____

I, J. Douglas Adams, Superintendent of Brentwood Union School District, hereby authorize Paul C. Minney of the Law Office of GIRARD & VINSON to act as the representative and sole contact of Brentwood Union School District in the above-referenced test claim. All correspondence and communications regarding this test claim should be forwarded to:

Paul C. Minney, Esq.
GIRARD & VINSON
1676 North California Blvd., Suite 450
Walnut Creek, CA 94596
Telephone: (510) 746-7660
Fax: (510) 935-7995

Dated:

July 22, 1998



J. DOUGLAS ADAMS, Superintendent
Brentwood Union School District

C:\gandv8\mcs\lrp\ag land #2 test claim.wpdJuly 22, 1998 (9:06AM)

EXHIBIT A

CHAPTER 509, STATUTES OF 1996

FAMILY LAW

(1) Under existing law, prior to commencing the acquisition of real property for a new schoolsite, the governing board of a school district is required to evaluate the property at a public hearing using the site selection standards established by the State Department of Education.

This bill would provide that prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of the school district shall make certain findings, including a finding that the school district will attempt to minimize any public health and safety issues resulting from the agricultural uses that may affect the pupils and employees at the schoolsite.

By imposing additional duties on the governing boards of school districts, the bill would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

SECTION 1. Section 39006 is added to the Education Code, to read:

39006. (a) Prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of a school district shall make all of the following findings:

(1) The school district has notified and consulted with the city, county, or city and county within which the prospective schoolsite is to be located.

(2) The final site selection has been evaluated by the governing board of the school district on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.

(3) The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the schoolsite.

(b) Subdivision (a) shall not apply to any schoolsite approved by the State Department of Education prior to January 1, 1997.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

AN ACT to amend Sections 8802, Code, relating to family law.

[Appr:

Filed w:

LE

AB 2165, Goldsmith. Childre

(1) Existing law requires each parent to file a petition for custody and visitation with the court. This bill would authorize, with the consent of the court, the court to require agencies to certify prospective adoptive parents no more than one year prior to the filing of the petition. This bill would limit the fees that may be charged for a preplacement evaluation.

(2) Existing law authorizes special proceedings for the child's legal guardian for more than 60 days after the independent adoption of the child. This bill would reduce this time period to 30 days, with certain exceptions. It also would require the guardian to file a report with the court.

(3) Existing law provides for the independent adoption of a child, and the bill would instead provide for the adoption of a child, prior to the filing of the petition with Social Services or the delegated agency, and the fees relating to the filing of the petition with the agency.

(4) Under existing law, after the birth parents have 90 days to consent, or allow the consent to be withdrawn, the bill would authorize an adoption without the signing of the waiver.

The bill would authorize an adoption without the signing of the waiver.

This bill would authorize an adoption without the signing of the waiver.

This bill would authorize an adoption without the signing of the waiver.

This bill would authorize an adoption without the signing of the waiver.

The people of the State of California

SECTION 1. Section 8802 of the

8802. (a)(1) Any of the following persons may file a petition in the court for the purpose of:

(A) A grandparent, aunt, uncle,

(B) A person named in the will of the child has no other parent * * *

(C) A person with whom a child

(D) A legal guardian who has

However, if the parent nominator files a petition within the specified time period, or if the guardian

receipt of the notice in any case where a petition to declare the minor a dependent child of the court pursuant to Section 300 was dismissed at or before the jurisdictional hearing.

(b) The liability established by this section, when combined with any liability arising under Section 903, shall not exceed one hundred dollars (\$100) for each 24-hour period, beginning when notice of release was actually received, or beginning 48 hours after notice of release was actually received in any case where a petition to declare the minor a dependent child of the court pursuant to Section 300 was dismissed at or before the jurisdictional hearing, in which a notified parent or guardian has failed to make a reasonable effort to take delivery of the minor, in person or through a responsible relative, in accordance with the request and instructions of the probation officer.

(c) The liability established by this section shall be limited by the financial ability of the parents, guardians, or other persons to pay. Any parent, guardian, or other person who is assessed under this section shall, upon request, be entitled to an evaluation and determination of ability to pay under the provisions of Section 903.45. Any parent, guardian, or other person who is assessed under this section shall also be entitled, upon petition, to a hearing and determination by the juvenile court on the issues of liability and ability to pay.

SEC. 4. Section 903.3 of the Welfare and Institutions Code is amended to read:

903.3. (a) The father, mother, spouse, or other person liable for the support of a minor person, the person himself or herself if he or she is an adult, or the estates of those persons shall, unless indigent, be liable for the cost to the county for any investigation related to the sealing and for the sealing of any juvenile court or arrest records pursuant to Section 781 pertaining to that person. The liability of those persons and estates shall be a joint and several liability.

(b) In the event a petition is filed for an order sealing a record, the father, mother, spouse, or other person liable for the support of a minor, that person if he or she is an adult, or the estate of that person, may be required to reimburse the county for the actual cost of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the county board of supervisors not to exceed one hundred twenty dollars (\$120). Ability to make this reimbursement shall be determined by the court using the standards set forth in paragraph (2) of subdivision (g) of Section 987.8 and shall not be a prerequisite to a person's eligibility under this section. The court may order reimbursement in any case in which the petitioner appears to have the ability to pay, without undue hardship, all or any portion of the cost for services.

(c) Notwithstanding subdivision (a), the father, mother, spouse, or other person liable for the support of the minor, the person himself or herself if he or she is an adult, the estate of that person, or the estate of the minor, shall not be liable for the costs described in this section if a petition to declare the minor a dependent child of the court pursuant to Section 300 is dismissed at or before the jurisdictional hearing

SCHOOLS AND SCHOOL DISTRICTS--AGRICULTURAL LAND-SCHOOLSITES

CHAPTER 509

A.B. No. 1724

AN ACT to add Section 39006 to the Education Code, relating to school facilities.

[Approved by Governor September 14, 1995.]

[Filed with Secretary of State September 16, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, McPherson. School facilities: areas zoned for agricultural production.

Additions or changes indicated by underline; deletions by asterisks * * .

EXHIBIT B

STATS. 1976, c. 557, §1
EDUCATION CODE §15002.1

CHAPTER 555

An act to amend Section 35786 of the Food and Agricultural Code, relating to milk.

[Approved by Governor August 24, 1976. Filed with
Secretary of State August 25, 1976.]

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

SECTION 1. Section 35786 of the Food and Agricultural Code is amended to read:

35786. Market goat milk may be standardized to a milk fat content of not less than 3.0 percent. Market goat milk at the time of delivery to the consumer shall contain not less than 8.15 percent of solids not fat.

CHAPTER 556

An act to amend Section 41522 of the Food and Agricultural Code, relating to olives.

[Approved by Governor August 24, 1976. Filed with
Secretary of State August 25, 1976.]

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

SECTION 1. Section 41522 of the Food and Agricultural Code is amended to read:

41522. In addition to any other marking or wording on the label, the label which covers the walls of a container of olives shall bear a statement of the net drained weight of the olives contained therein and, except for olives which are packed in clear glass, shall show a cut or imprint which represents the approximate size of the fruit.

CHAPTER 557

An act to amend Section 15002.1 of, to amend and renumber Section 15062.2 of, and to add Section 15002.2 to, the Education Code, relating to school building sites.

[Approved by Governor August 24, 1976. Filed with
Secretary of State August 25, 1976.]

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

SECTION 1. Section 15002.1 of the Education Code is amended to read:

15002.1. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 15452 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective school site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the seismic safety element of the local general plan as provided in subdivision (f) of Section 65302 of the Government Code, the investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No such studies need be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is defined as one which is shown on any map, or maps, compiled by the State Geologist pursuant to the provisions of Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of Education.

SEC. 2. Section 15002.2 is added to the Education Code, to read:

15002.2. Geological and soils engineering studies as described in Section 15002.1 shall be made, within the boundaries of any special studies zone, for the construction of any school building as defined in Section 15452 or, if the estimated cost exceeds ten thousand dollars (\$10,000), the reconstruction or alteration of or addition to any such school building for work which alters structural elements. The Department of General Services may require similar geological and soils engineering studies for the construction or alteration of any school building on a site located outside of the boundaries of any special studies zone. No such studies need be made if the site under consideration has been the subject of adequate prior studies.

No school building shall be constructed, reconstructed, or relocated on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of this division and to the Department of Education. The cost of geological and soil engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure.

SEC. 3. Section 15002.2 of the Education Code is amended and renumbered to read:

15002.3. The reconstruction of any school on all or a portion of a site which has been used for public school purposes uninterruptedly since prior to 1890 may be financed through the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 (Chapter 15.8 (commencing with Section 19946) of Division 14), if the legal title to such site or a portion thereof is held either by: (a) a city school district, or (b) a charter city, and a city school district has obtained or is in the process of obtaining a lease of not less than 50 years on such site or portion thereof from the charter city.

CHAPTER 558

An act to amend Section 31671.01 and Section 31671.6 of the Government Code, relating to County Employees Retirement Law of 1937.

(Approved by Governor August 24, 1976. Filed with Secretary of State August 25, 1976.)

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

SECTION 1. Section 31671.01 of the Government Code is amended to read:

31671.01. This section shall apply to any county subject to the provisions of Section 31676.11, 31676.13, 31676.14, or 31676.15. On January 1, 1977, every member, who had attained age 65 shall be retired forthwith. Thereafter, every member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65.

This section shall not apply to any officer holding an elective office.

SEC. 2. Section 31671.6 of the Government Code is amended to read:

31671.6. In any county subject to the provisions of Section 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, or 31676.15 every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his 70th birthday.

EXHIBIT C

STATS. 1976, C. 1010, §2
EDUCATION CODE § 39002

Section 41330) of Chapter 3 of Part 24 of this division. In no event, however, shall the school district receive apportionments in a total amount in excess of the amount determined pursuant to this article.

37644. Any school district with an average daily attendance of more than 500 which, prior to July 1, 1979, converts one or more schools to a continuous school program pursuant to this chapter, shall, upon the approval of the Superintendent of Public Instruction, receive from funds appropriated for this purpose, a one-time grant not to exceed twenty-five thousand dollars (\$25,000). School districts already operating continuous school programs on effective date of this section shall be eligible for the grant.

Any school district with an average daily attendance of 500 or less, which, prior to July 1, 1979, converts one or more schools to a continuous school program pursuant to this chapter, shall, upon the approval of the Superintendent of Public Instruction, receive from funds appropriated for this purpose, a one-time grant not to exceed five thousand dollars (\$5,000).

37645. The Superintendent of Public Instruction may require the submission of such reports and information as designated by the Department of Education to properly evaluate all programs established pursuant to this chapter.

The Superintendent of Public Instruction shall compile and disseminate evaluations of the instructional and financial aspects of these programs.

PART 23. SCHOOL FACILITIES

CHAPTER 1. SCHOOL SITES

Article 1. General Provisions

39000. The State Department of Education shall establish standards for school sites.

39001. The governing board of any school district may, and when so directed by a vote of the voters within the district shall, purchase or improve school lands.

39002. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 39141 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. The investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological characteristics are such that the construction effort

required to make the site safe for occupancy is economically unfeasible. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

No school building shall be constructed or situated on the trace of an active geological fault. For purposes of this section, an active geological fault is defined as one along which surface rupture can be reasonably expected to occur within the life of the building.

Similar geological and soil engineering investigations shall be made as deemed necessary by the Department of General Services for the construction of any school building as defined in Section 39141 or, if the estimated cost exceeds ten thousand dollars (\$10,000), the reconstruction or alteration of or addition to any such school building for work which alters structural elements. No such study need be made if the site or sites under consideration have been the subject of adequate prior study.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services and the Department of Education pursuant to Article 3 (commencing with Section 39140) of Chapter 2 of this part. The cost of geological and soil engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure.

39003. The reconstruction of any school on all or a portion of a site which has been used for public school purposes uninterruptedly since prior to 1890 may be financed through the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 (Chapter 19 (commencing with Section 17400) of Part 10 of Division 1 of Title 1), if the legal title to such site or a portion thereof is held either by: (a) a city school district, or (b) a charter city, and a city school district has obtained or is in the process of obtaining a lease of not less than 30 years on such site or portion thereof from the charter city.

39004. To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days

EXHIBIT D

STATS. 1977, C. 36, §141
EDUCATION CODE §39002

pupil per week.

Attendance at classes conducted on Saturday or Sunday, or both, shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil.

Except as otherwise provided in this code, any class which is offered on a Saturday or Sunday shall be one offered during the regular Monday through Friday school week.

The voluntary attendance of pupils in approved programs for mentally gifted minors, as defined in Section 52200, in special educational activities conducted on Saturday or Sunday shall not be included in the computation of the average daily attendance of the district.

SEC. 141. Section 39002 of the Education Code as enacted by Chapter 1010 of the Statutes of 1976 is amended to read:

39002. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 39141 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective school site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the seismic safety element of the local general plan as provided in subdivision (f) of Section 65302 of the Government Code, the investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No such studies need be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is defined as one which is shown on any map, or maps, compiled by the State Geologist pursuant to the provisions of Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of Education.

SEC. 142. Section 39140 of the Education Code as enacted by Chapter 1010 of the Statutes of 1976 is amended to read:

39140. The Department of General Services under the police power of the state shall supervise the design and construction of any

school building or, if the cost exceeds twenty thousand dollars (\$20,000), the reconstruction of any school building, to ensure compliance with the rules and regulations and building regulations published by the Department of General Services and to ensure that the work is done in accordance with the applicable provisions of life and fire insurance laws construed to allow a school district to employ forces in excess of the limit prescribed in this article.

SEC. 143. Section 39140 of the Education Code as enacted by Chapter 1010 of the Statutes of 1976 is amended to read: 39143. The Department of General Services shall approve or reject all plans for the construction of a school building if the cost exceeds twenty thousand dollars. To enable a school district and any other person to submit plans for such school building to the Department of General Services for review as prescribed in this article.

Where the estimated cost of the construction of a school building exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) a structural engineer shall be employed to determine if it is a structural alteration. If he determines that the project is a structural alteration, he shall prepare specifications for the project and submit them to the Department of General Services for review. A copy of the specifications shall be filed with the Department of General Services. If the project does not affect structural safety, the project shall be subject to the specifications for structural alterations with the Department of General Services.

SEC. 144. Section 39149 of the Education Code as enacted by Chapter 1010 of the Statutes of 1976 is amended to read: 39149. As of January 1, 1977, the Department of General Services shall record to inspect the construction of any school building shall be subject to the supervision of construction inspectors in-training as defined by Section 91000 and (b) persons who are employed by the local school district for the purpose of enforcement by the local school district, and are qualified under the provisions of civil service laws or regulations.

Persons employed as registered construction inspectors-in-training in accordance with Section 91000 shall not apply for the position of registered engineer, land surveyor,

EXHIBIT E

STATS. 1984, c. 1009, §1
EDUCATION CODE §39002

CHAPTER 1009

An act to amend Sections 39002 and 81003 of the Education Code, to amend Sections 27720, 51115, 65300, 65301, 65302, 65302.3, 65400, 65403, 65585, 65587, 65854, 65856, 65858, 65867, 65901, 66451.3, 66477, 66479, 66484, and 66484.5 of, to add Sections 65010, 65300.9, 65303, and 65905 to, to add Chapter 2.7 (commencing with Section 65090) to Division 1 of Title 7, and to add Article 6 (commencing with Section 65350) and Article 8 (commencing with Section 65450) to Chapter 3 of Division 1 of Title 7 of, to repeal Sections 65302.2, 65302.4, 65302.5, 65302.6, 65302.7, 65303, 65304, 65305, 65306, 65801, 65854.5, 65905, 66451.4, and 66451.5 of, to repeal Article 6 (commencing with Section 65350), Article 7.5 (commencing with Section 65420), Article 8 (commencing with Section 65450), Article 9 (commencing with Section 65500), and Article 10 (commencing with Section 65550) of Chapter 3 of Division 1 of Title 7 of, and to repeal Chapter 5 (commencing with Section 66100) of Division 1 of Title 7 of, the Government Code, to amend Sections 56032 and 56037 of the Health and Safety Code, and to amend Sections 21080.7, 21080.10, 30108.55, and 30500 of the Public Resources Code, relating to planning.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1984.]

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

SECTION 1. Section 39002 of the Education Code is amended to read:

39002. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 39141 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective school site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site

with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area which is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the State Department of Education.

SEC. 1.1. Section 81033 of the Education Code is amended to read:

81033. The governing board of a community college district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 81131 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective college site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geological hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a college in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area which is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the board of governors.

SEC. 1.2. Section 27720 of the Government Code is amended to read:

27720. The board of supervisors of any county may establish the office of county hearing officer. The duties of the office are to

EXHIBIT F

STATS. 1994, c. 840, §10 [AB 3562]
EDUCATION CODE §39002

commission chairperson to the Superintendent of Public Instruction, the Governor, and to appropriate Members of the Legislature.

SEC. 9. Section 35275 of the Education Code is amended to read:

35275. The governing board of any school district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and * * * schoolsites or major additions to existing school facilities and recreation and park facilities in the community,
* * *

SEC. 10. Section 39002 of the Education Code is amended to read:

39002. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 39141 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective * * * schoolsites is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area which is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
* * *

SEC. 11. Section 41375 of the Education Code is amended to read:

41375. It is the intent and purpose of the Legislature to encourage, by every means possible, the reduction of class sizes and the ratio of pupils to teachers in all grade levels in the public schools, and to urge every effort to this end to be undertaken by the local school administrative authorities. * * *

SEC. 12. Section 41380 of the Education Code is amended to read:

41380. The Covina Valley Unified School District may conduct an experimental kindergarten program pursuant to this section.

The provisions of Section 45342, of subdivision (a) of Section 45347, and of Sections¹41378 * * * are not applicable to the experimental kindergarten program which may be conducted by the Covina Valley Unified School District in three schools which has been approved by the Superintendent of Public Instruction.
* * *

SEC. 13. Section 42127.8 of the Education Code is amended to read:

42127.8. (a) The governing board provided for in subdivision (b) shall establish a unit to be known as the County Office Fiscal Crisis and Management Assistance Team. The team shall consist of persons having extensive experience in school district budgeting, accounting, data processing, risk management, food services, pupil transportation, purchasing and warehousing, facilities maintenance and operation, personnel administration, organization, and staffing. The Superintendent of Public Instruction may appoint one employee of the State Department of Education to serve on the unit. The unit shall be operated under the

¹ So in enrolled bill.

EXHIBIT G

STATS. 1996, C. 277, §3 [SB 1562]
EDUCATION CODE §17212

17199.3. An action may be commenced under Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of any issuance or proposed issuance of revenue bonds, the loan of the proceeds thereof, the sale, purchase, or lease of facilities under this chapter, or the legality and validity of any proceedings previously taken or proposed in a resolution of the authority to be taken for the authorization, issuance, sale, and delivery of the bonds, for the use of the proceeds thereof, or for the payment of the principal and interest thereon.

17199.3. (a) The total amount of revenue bonds which may be issued and outstanding at any time under this chapter shall not exceed four hundred million dollars (\$400,000,000).

(b) For purposes of subdivision (a), bonds which meet any of the following conditions shall not be deemed to be outstanding:

(1) Bonds which have been refunded pursuant to Section 17188.

(2) Bonds for which money or securities in amounts necessary to pay or redeem the principal, interest, or any redemption premium on the bonds have been deposited in trust.

(3) Bonds which have been issued to provide working capital.

SEC. 3. Part 10.5 (commencing with Section 17211) is added to the Education Code, to read:

PART 10.5. SCHOOL FACILITIES

CHAPTER 1. SCHOOLSITES

Article 1. General Provisions

17211. Prior to commencing the acquisition of real property for a new schoolsite or addition to an existing schoolsite, the governing board of a school district shall evaluate the property at a public hearing using the site selection standards established by the State Department of Education pursuant to subdivision (b) of Section 17251. The governing board may direct the district's advisory committee established pursuant to Section 17388 to evaluate the property pursuant to those site selection standards and to report its findings to the governing board at the public hearing.

17212. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 17283 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective schoolsite is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area which is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.

17212.5. Geological and soil engineering studies as described in Section 17212 shall be made, within the boundaries of any special studies zone, for the construction of any school building as defined in Section 17283, or if the estimated cost exceeds twenty thousand dollars (\$20,000), for the reconstruction or alteration of or addition to any school building for work

EXHIBIT H

EDUCATION CODE §39001

WEST'S ANNOTATED CALIFORNIA CODES
EDUCATION CODE
TITLE 2. ELEMENTARY AND SECONDARY EDUCATION
DIVISION 3. LOCAL ADMINISTRATION
PART 23. SCHOOL FACILITIES
CHAPTER 1. SCHOOL SITES
ARTICLE 1. GENERAL PROVISIONS

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Current through 1997 portion of 1997-98 Reg. Sess. and 1st Ex. Sess.

§ 39001. Public hearing for evaluation prior to acquisition in accordance with site selection standards

Prior to commencing the acquisition of real property for a new school site or an addition to an existing school site, the governing board of a school district shall evaluate the property at a public hearing using the site selection standards established by the State Department of Education pursuant to subdivision (b) of Section 39101. The governing board may direct the district's advisory committee established pursuant to Section 39296 to evaluate the property pursuant to those site selection standards and to report its findings to the governing board at the public hearing.

CREDIT(S)

1993 Main Volume

(Added by Stats.1991, c. 846 (A.B.1603), § 12.)

< <PART 23. SCHOOL FACILITIES > >

<<REPEAL >>

<Part 23 is repealed by Stats.1996, c. 277 (S.B.1562), § 6, operative Jan. 1, 1998. >

<For another Part 23, Supplemental Services, added by Stats.1996, c. 277 (S.B.1562), § 5, operative Jan. 1, 1998, see Education Code § 38000 et seq. >

REPEAL

<Part 23 is repealed by Stats.1996, c. 277 (S.B.1562), § 6, operative Jan. 1, 1998. See Disposition Table preceding § 39000. >

West's Ann. Cal. Educ. Code § 39001

CA EDUC § 39001

END OF DOCUMENT

EXHIBIT I

CALIFORNIA ADMINISTRATIVE CODE
514010

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Title 5. Education

Division 1. State Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 1. School Housing

Article 2. School Sites

§ 14010. Standards for School Site Selection.

All districts shall select a school site that provides safety and that supports learning. The following standards shall apply:

(a) The acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established on pages 14-20 of the 1966 Edition, "School Site Analysis and Development" published by the California State Department of Education as last amended in 1987 and incorporated into this section by reference, in toto, unless sufficient land is not available or circumstances exist due to any of the following:

(1) Urban or suburban development results in insufficient available land even after considering the option of eminent domain.

(2) Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications which pose a threat to the health and/or safety of students and staff.

(3) Sufficient acreage is available but not within the attendance area of the unhoused students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.

(4) Geographic barriers, traffic congestion, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.

(b) If a school site is less than the recommended acreage required in subsection (a) of this section, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.

(c) The property line of the site even if it is a joint use agreement as described in subsection (a) of this section shall be at least the following distance from the edge of respective power line easements:

(1) 100 feet for 50-133 KV line.

(2) 150 feet for 220-230 KV line.

(3) 350 feet for 500-550 KV line.

(d) The site shall be a sufficient distance from a railroad track easement, as ascertained by an analysis of the cargo, speed, grade, curves, and/or type of track (mainline or spur) to determine that it poses no personal injury or property damage risk on the school site in the event of a derailment or other disaster.

(e) The site shall not be adjacent to a road or freeway that any site-related traffic sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.

(f) The site shall not contain an active earthquake fault or fault trace.

(g) The site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

(h) The site shall not be located near an above-ground water or fire storage tank that can pose a safety hazard as determined by a risk analysis study.

(i) The site is not subject to moderate to high liquefaction or landslides.

(j) The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.

(k) The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.

(1) The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.

(m) Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with Education Code Section 39003 and Government Code Section 65402 and available studies of traffic surrounding the site.

(n) The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.

(o) The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.

(p) The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.

(q) The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.

(r) Easements on or adjacent to the site shall not restrict access or building placement.

(s) The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:

(1) Distance of utilities to the site, availability and affordability of bringing utilities to the site.

(2) Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.

(3) Eminent domain, relocation costs, severance damage, title clearance and legal fees.

(4) Long-term high landscaping or maintenance costs.

(5) Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.

(t) At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific circumstances overrides a standard without compromising a safe and supportive school environment.

Note: Authority cited: Section 39101(b), Education Code. Reference: Sections 39002, 39003, 39101(a), and 39101(f), Education Code; Section 65402, Government Code; Sections 21372, 22350, 22352, 22358.4, and 22358.5, Vehicle Code.

History

1. Renumbering of former section 14010 to section 14011 and new section filed 11-12-93; operative 12-13-93 (Register 93, No. 46). For prior history, see Register 77, No. 39.

5 CA ADC s 14010
END OF DOCUMENT

EXHIBIT J

LEGISLATIVE COUNSEL'S DIGEST
CHAPTER 509, STATUTE OF 1996

Citation	Search Result	Rank 1 of 1	Database
LEGIS 509 (1996)			CA-LEGIS-OLD
1996Cal. Legis. Serv. Ch. 509 (A.B. 1724) (WEST)			

CALIFORNIA 1996 LEGISLATIVE SERVICE
 1996 Portion of 1995-96 Regular Session
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Additions are indicated by <<+ Text +>>; deletions by <<- * * * ->>. Changes in tables are made but not highlighted.

CHAPTER 509
 A.B. No. 1724
 SCHOOLS AND SCHOOL DISTRICTS--AGRICULTURAL LAND--SCHOOLSITES

Ch. 509

AN ACT to add Section 39006 to the Education Code, relating to school facilities.

[Approved by Governor September 14, 1996.1

[Filed with Secretary of State September 16, 1996.1

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, McPherson. School facilities: areas zoned for agricultural production.

(1) Under existing law, prior to commencing the acquisition of real property for a new schoolsite, the governing board of a school district is required to evaluate the property at a public hearing using the site selection standards established by the State Department of Education.

This bill would provide that prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of the school district shall make certain findings, including a finding that the school district will attempt to minimize any public health and safety issues resulting from the agricultural uses that may affect the pupils and employees at the schoolsite.

By imposing additional duties on the governing boards of school districts, the bill would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide

CA LEGIS 509 (1996)

. 509
costs exceed \$1,000,000.

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.

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

Ch. 509 , § 1

SECTION 1. Section 39006 is added to the Education Code, to read:

<< CA EDUC § 39006 >>

39006. (a) Prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of a school district shall make all of the following findings:

- (1) The school district has notified and consulted with the city, county, or city and county within which the prospective schoolsite is to be located.
- (2) The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
- (3) The school district will attempt to minimize any public health and safety uses resulting from the neighboring agricultural uses that may affect the pupils and employees at the schoolsite.

(b) Subdivision (a) shall not apply to any schoolsite approved by the State Department of Education prior to January 1, 1997.

Ch. 509 , § 2

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

:A LEGIS 509 (1996)

END OF DOCUMENT

BEFORE THE COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Test Claim Of

**BRENTWOOD UNION SCHOOL
DISTRICT**

) CSM NO. _____

) **DECLARATION OF WILLIAM B. BRISTOW OF
BRENTWOOD UNION SCHOOL DISTRICT IN
SUPPORT OF TEST CLAIM CSM NO. _____**

) **(ACQUISITION OF AGRICULTURAL LAND
FOR A SCHOOL SITE)**

I, William B. Bristow, Construction and Facilities Consultant **to the** Brentwood Union School District, make the following declaration and statement.

1. In my capacity as a consultant to the Brentwood Union School District for construction and facilities, I am responsible for land acquisition. I am familiar with the new requirements of Education Code §39006, as added to the Education Code by Chapter 509, Statutes of 1996 (effective January 1, 1997). Education Code §39006 requires the Brentwood Union School District to perform additional duties prior to the commencement of purchasing land for use as a school site. These duties are:

1. Develop and adopt policies and procedures in accordance with Education Code §39006 for the acquisition of real property for a school site.
2. Train school district personnel regarding the requirements of acquiring real property designated as agricultural land.
3. Evaluate the property based upon all factors affecting the public interest, not limited to selection on the basis of the cost of the land.
4. Prior to the commencement of purchasing property for any school site:

- a. Research city and/or county general plans to determine if the desired parcel of land is designated in either document for agricultural use; and
 - b. Research city and/or county zoning requirements to determine if the desired parcel of land is zoned for agricultural production.
5. If the land sought to be purchased by the school district is designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production:
- a. Notify the city, county, or city and county within which the prospective school site is located.
 - b. Consult with the city, county, or city and county within which the prospective school site is located.
6. Prepare a report for the governing board that will allow the governing board to make the following findings:
- a. The school district has notified and consulted with the city, county, or city and county within which the prospective school site is to be located.
 - b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
 - c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.
7. Conduct a meeting of the governing board so that the governing board may make the findings required by Education Code §39006 (i.e., Chapter 509, Statutes of 1996).
8. Prepare and draft a board resolution with the following findings:
- a. The school district has notified and consulted with the city, county,

or city and county within which the prospective school site is to be located.

- b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
- c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.

3. It is estimated that the Brentwood Union School District incurred more in \$1,600 in staffing, contracting costs, training and notice requirements for the fiscal year 1996/97, in meeting the duties mandated by Chapter 509, Statutes of 1996. The District has not been reimbursed for these costs, nor is it eligible for reimbursement by any federal, state or local governmental agency.

The foregoing facts are known to me personally and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed this 22 day of July, 1998, in Brentwood, California.

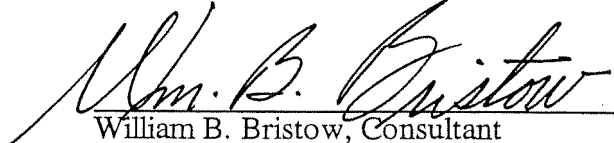

William B. Bristow, Consultant

EXHIBIT L

DECLARATION OF DENISE WAKEFIELD

BEFORE THE COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

Test Claim Of:) CSM NO. _____
)
BRENTWOOD UNION SCHOOL)
DISTRICT)
) DECLARATION OF DENISE WAKEFIELD OF
) BRENTWOOD UNION SCHOOL DISTRICT IN
) SUPPORT OF TEST CLAIM CSM NO. _____
)
) (**ACQUISITION OF AGRICULTURAL LAND**
) (**FOR A SCHOOL SITE**)
_____)

I, Denise Wakefield, Finance and Facilities Analyst, Brentwood Union School District, make the following declaration and statement.

1. In my capacity as Finance and Facilities Analyst, I am responsible for the site acquisition process and obtaining approvals by the appropriate state and local agencies. I am familiar with the new requirements of Education Code §39006, as added to the Education Code by Chapter 509, Statutes of 1996 (effective January 1, 1997). Education Code §39006 requires the Brentwood Union School District to perform additional duties prior to the commencement of purchasing land for use as a school site. These duties are:

- 1. Develop and adopt policies and procedures in accordance with Education Code §39006 for the acquisition of real property for a school site.
- 2. Train school district personnel regarding the requirements of acquiring real property designated as agricultural land.
- 3. Evaluate the property based upon all factors affecting the public interest, not limited to selection on the basis of the cost of the land.
- 4. Prior to the commencement of purchasing property for any school site:

- a. Research city and/or county general plans to determine if the desired parcel of land is designated in either document for agricultural use; and
 - b. Research city and/or county zoning requirements to determine if the desired parcel of land is zoned for agricultural production.
5. If the land sought to be purchased by the school district is designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production:
- a. Notify the city, county, or city and county within which the prospective school site is located.
 - b. Consult with the city, county, or city and county within which the prospective school site is located.
6. Prepare a report for the governing board that will allow the governing board to make the following findings:
- a. The school district has notified and consulted with the city, county, or city and county within which the prospective school site is to be located.
 - b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
 - c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.
7. Conduct a meeting of the governing board so that the governing board may make the findings required by Education Code §39006 (i.e., Chapter 509, Statutes of 1996).
8. Prepare and draft a board resolution with the following findings:
- a. The school district has notified and consulted with the city, county,

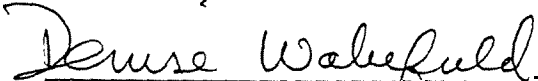
or city and county within which the prospective school site is to be located.

- b. The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.
- c. The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.

3. It is estimated that the Brentwood Union School District incurred more in \$1,600 in staffing, contracting costs, training and notice requirements for the fiscal year 1996/97, in meeting the duties mandated by Chapter 509, Statutes of 1996. The District has not been reimbursed for these costs, nor is it eligible for reimbursement by any federal, state or local governmental agency.

The foregoing facts are known to me personally and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed this 31 day of July, 1998, in Brentwood, California.


Denise Wakefield, Finance and Facilities
Analyst