

SB 1556 Regulatory Amendments:

These amendments implement Senate Bill (SB) 1556, Chapter 723, Statutes of 2008 (Ducheny). SB 1556 allows an elementary school district which is located within a high school district to establish School Facility Program (SFP) new construction funding eligibility on a "high school attendance area (HSAA)" basis if it meets all of the following criteria:

- Average daily attendance greater than 20,000 pupils,
- Maintains at least 37 elementary schools, and the high school district maintains at least 12 high schools, and
- Geographical boundaries encompassing more than 100 square miles.

Districts may attain greater new construction eligibility if the applications are filed on an HSAA or Super HSAA basis (using one or several attendance areas) than by filing on a district-wide basis.

Amend Regulation Section 1859.2

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

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"Form SAB 50-01" means the *Enrollment Certification/Projection*, Form SAB 50-01 (Revised ~~06/08~~ 05/09) and, when utilizing HSAA residency reporting, the High School Attendance Area Residency Reporting Worksheet (New 06/08), which are incorporated by reference.

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"Form SAB 50-02" means the *Existing School Building Capacity*, Form SAB 50-02 (Revised ~~09/02~~ 05/09), which is incorporated by reference.

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Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

Amend Regulation Section 1859.41

Section 1859.41. High School Attendance Area Reporting.

- (a) A district may request that its eligibility determination for a New Construction Grant be based on a HSAA or Super HSAA basis if it meets all the following criteria:
 - (1) The district demonstrates that the eligibility determination for a New Construction Grant in at least one of the district's HSAA or Super HSAA results in negative eligibility for maximum funding at any grade level within the HSAA or Super HSAA.
 - (2) The New Construction Grant eligibility determination for the HSAA or Super HSAA is based on the existing boundaries of the HSAA or Super HSAA and the capacity and projected enrollment of the HSAA or Super HSAA as shown on the Form SAB 50-03.
 - (3) The eligibility determination for the HSAA or Super HSAA includes a currently operated high school that serves any combination of grades nine through twelve and that high school is not a continuation high school or a community school.
- (b) An elementary school district may request that its eligibility determination for a new construction grant be based on this section if the district meets the criteria in subsection (a) and meets all of the conditions set forth in Education Code Section 17071.76(c).
- ~~(b)~~ (c) If a district meets the criteria in subsection (a) or (b) and requests its eligibility determination to be based on an HSAA or Super HSAA, eligibility for a future New Construction Grant, with the exception of community school pupil grants for a county superintendent, in that HSAA or Super HSAA must be filed on the same basis for a period of five years from the date the district received an apportionment that was justified by eligibility under that HSAA or Super HSAA. A county superintendent reporting on the basis of one or more HSAA basis may file applications by utilizing HSAA or Super HSAA boundaries of any district within the county. A county superintendent may report enrollment and file eligibility for a future New Construction Grant separately for special education pupils or for community school pupils.

If a district requests to re-file its eligibility determination from HSAA or Super HSAA to district-wide after the five year time period has elapsed, the existing school building capacity in the district will be determined based on classrooms available in the HSAA or Super HSAA at the time of initial request for eligibility determination and the current classrooms in the remaining portion of the district. Once the baseline eligibility has been determined for the district, it will be adjusted for classrooms constructed, funded or acquired in that HSAA or Super HSAA as provided by Section 1859.51.

Existing boundaries of a HSAA or Super HSAA may only be changed as a result of Section 1859.51(f).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17071.75 and 17071.76, Education Code.