

**FACILITIES FINANCING**

When it is determined that school facilities must be built or expanded to accommodate an increased or projected increased enrollment, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the district's master plan for school facilities.

*(cf. 7110 – Facilities Master Plan)*

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998.

*(cf. 7211 – Developer Fees)*

2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act.

*(cf. 7212 – Mello-Roos Districts)*

3. Forming a school facilities improvement district pursuant to Education Code 15300-15425.
4. Issuing voter-approved general obligation bonds.
5. Imposing a qualified parcel tax pursuant to Government Code 50079.
6. Using lease revenues for capital outlay purposes from surplus school property.

*Legal Reference:*

EDUCATION CODE

15100-17059.2 School bonds, especially:

15122.5 Ballot statement

15300-15327 School facilities improvement districts

17000-17059.2 State School Building Lease-Purchase Law of 1976

17060-17066 Joint venture school facilities construction projects

17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998

17085-17095 State Relocatable Classroom Law of 1979

## **FACILITIES FINANCING (continued)**

### *Legal Reference (continued):*

#### EDUCATION CODE

17582 District deferred maintenance fund  
17620-17626 Levies against development projects by school districts  
17621 Procedures for levying fees

#### GOVERNMENT CODE

6061 One time notice  
6066 Two weeks' notice  
50075-50077 Voter-approved special taxes  
50079 School districts; qualified special taxes  
53175-53187 Integrated Financing District Act  
53311-53368.3 Mello-Roos Community Facilities Act of 1982  
53753 Assessment notice and hearing requirements  
53753.5 Exemptions  
54954.1 Mailed notice to property owners  
54954.6 New or increased tax or assessment; public meetings and hearings; notice  
65864-65867 Development agreements  
65970-65980.1 School facilities development project  
65995-65998 Payment of fees against a development project  
66000-66008 Fees for development projects  
66016-66018.5 Development project fees  
66020-66025 Protests and audits

#### HEALTH AND SAFETY CODE

33445.5 Overcrowding of schools resulting from redevelopment  
33446 School construction by redevelopment agency

#### CALIFORNIA CONSTITUTION

Article 13D, Sections 1-6 Assessment and property related fee reform

#### UNCODIFIED STATUTES

17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986

#### CODE OF REGULATIONS, TITLE 2

1859-1859.106 School facility program

#### COURT DECISIONS

Loyola Marymount University v. Los Angeles Unified School District (1996) 45 Cal.App.4th 1256  
Ehrlich v. City of Culver City (1996) 12 Cal.4th 854  
Dolan v. City of Tigard (1994) 114 S.Ct. 2309  
Canyon North Co. v. Conejo Valley Unified School District (1993) 19 Cal.App.4th 243,  
23 Cal.Rptr.2d 495  
Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal.App.4th 320,  
4 Cal.Rptr.2d 897  
Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141

#### ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 149 (1996)

### *Management Resources:*

#### WEB SITES

Department of General Services, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>