

**LOS GATOS UNION SCHOOL DISTRICT
BOARD OF TRUSTEES MEETING
FEBRUARY 24, 2015**

Staff Report on the School Facilities Act



Martin Fregoso, Assistant Superintendent, Business Services/CBO

DISCUSSION TOPICS

- Overview of School Facilities Act
- Required Actions by LGUSD
- Potential Outcomes
- Questions



GOVERNMENT CODE 65970

- Through its enactment of Government Code sections 65970 et seq., the California Legislature has declared its intent regarding overcrowding of schools caused by residential development and has clearly acknowledged that:
 - (a) Adequate school facilities should be available for children residing in new residential developments.
 - (b) Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.



GOVERNMENT CODE 65970

- (c) Funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.
- (d) New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated under existing law within a reasonable period of time



GOVERNMENT CODE 65970

- To remedy over crowding concerns, Government Code sections 65970 et seq. permits a city or town to impose additional mitigation obligations on residential developers to alleviate the impact of overcrowding in schools caused by new development.



GOVERNMENT CODE 65971

- The governing board of a school district shall make the written findings of over crowding, supported by clear and convincing evidence, required by Government Code section 65971 and notify the city or town council of its findings.



GOVERNMENT CODE 65971

- The findings required by section 65791 include:
 - That conditions of overcrowding exist in one or more attendance areas within the district that will impair the normal functioning of educational programs, including the reason for the existence of those conditions (i.e., new residential development); and
 - That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exists.



REQUIRED ACTIONS BY LGUSD

- Establish that overcrowding conditions exist in the District
- Complete an Overcrowding Relief Grant Application with the Office of Public School Construction (OPSC)
 - No funding available
- Submit notice of findings to the Town



REQUIRED ACTIONS BY TOWN

- No action taken for 60 days after receipt of notice of findings
- Town can concur or not concur within 61-150 days after the date of receipt of the findings
- Town can extend period for response by 30 days
- Failure to concur or not concur if no response is received after 180 days is deemed an act of concurrence
- If concurrence - Impose the additional fees on new construction



USE OF AVAILABLE FUNDS

- Funds must be used to support temporary facilities
- Expenditure reports must be provided to Town if Town concurs with findings



NEXT STEPS

- District staff seeks direction from the Governing Board as to next steps

