

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2882 (Chu) – As Amended May 13, 2020

Policy Committee: Environmental Safety and Toxic Materials Vote: 7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires charter schools and private schools to follow the same requirements as public schools for evaluating a school site for potential hazardous substances, hazardous emissions or hazardous waste.

Additionally, this bill requires the evaluation of a potential charter school site to follow the same process as a potential public school site under the California Environmental Quality Act (CEQA).

FISCAL EFFECT:

By placing additional requirements on local education agencies (LEAs) serving as chartering authorities, this bill may create a state-mandated local program. To the extent the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service on LEAs, the LEAs, could claim reimbursement for those costs (General Fund). The annual amount is unknown, but would likely exceed \$150,000.

COMMENTS:

- 1) **Purpose.** According to the author, "Private schools and charter schools need to meet the same health and safety requirements as public schools to prevent schools from being built at unsafe locations." This bill requires the same assessments and evaluations for potential private and charter school sites as is currently required for public schools.
- 2) **Background.** All proposed public school sites, including charter school sites receiving state funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under the oversight of the Department of Toxic and Substance Control (DTSC). School districts are required to reimburse DTSC for all the response costs incurred under this program.

Additionally, the governing board of a school district is prohibited from approving a project involving the acquisition of a school site unless the school district, as the lead agency, determines that the property to be built upon is not a current or former hazardous waste or substance release site and the school district, as the lead agency, has consulted with state and local agencies. The state and local agencies must then make a finding that the health risks or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.

CEQA provides a process for evaluating the environmental effects of applicable projects approved or undertaken by public agencies. For projects not exempt from CEQA, an initial study is prepared to determine if the projects may have a significant impact on the environment. If the initial study shows no significant impacts, a negative declaration is issued. If the project may significantly impact the environment, a full Environmental Impact Report (EIR) must be prepared, including the identification of environmental impacts and required mitigation, compliance and reporting measures intended to reduce the environmental impacts to the extent feasible. CEQA also provides for public process and legal challenges.

Existing law prohibits an EIR from being certified or a negative declaration from being approved for a project involving the purchase of a school site or the construction of a new elementary or secondary school by a school district unless certain conditions are met.

- 3) **Charter Schools.** Charter schools are authorized by school district boards and county boards of education. A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law. According to the California Department of Education (CDE), in the 2018-19 academic year, there were 1,317 charter schools in California, with an enrollment of over 630,000 students. Some charter schools are new, while others are conversions from existing public schools. Charter schools are part of the state's public education system and are funded by public dollars.

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