THE ALVORD UNIFIED/RIVERSIDE 50/66977-00-000
ITEM HAS BEEN WITHDRAWN

THE ADMINISTRATIVE COSTS
ITEM HAS BEEN WITHDRAWN

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, September 19, 2012

OVERCROWDING RELIEF GRANT PROGRAM

PURPOSE OF REPORT

To seek State Allocation Board (Board) direction on the allocation of remaining Overcrowding Relief Grant (ORG) program bond authority.

DESCRIPTION

Staff is seeking Board direction on how to proceed with the remaining bond authority available for the ORG program. A preliminary review of the applications submitted for the tenth funding cycle estimates the remaining bond authority after funding these projects to be approximately $104.6 million. The Board has the option to continue allocating ORG funds by declaring additional funding cycles. This item includes a summary of all funding approvals to date and a preview of the funding applications received for the tenth cycle as of the filing deadline on July 31, 2012.

AUTHORITY

Education Code (EC) Section 101012 states,

"(a) The proceeds from the sale of bonds, issued and sold for the purposes of this chapter, shall be allocated in accordance with the following schedule:

….

(7) The amount of one billion dollars ($1,000,000,000) shall be available for providing new construction funding to severely overcrowded schoolsites pursuant to Article 14 (commencing with Section 17079) of Chapter 12.5 of Part 10.

….

(d) (1) The Legislature may amend this section to adjust the funding amounts specified in paragraphs (1) to (8), inclusive, of subdivision (a), only by either of the following methods:

(A) By a statute, passed in each house of the Legislature by roll call vote entered in the respective journals, by not less than two-thirds of the membership in each house concurring, if the statute is consistent with, and furthers the purposes of, this chapter.

(B) By a statute that becomes effective only when approved by the voters.

(2) Amendments pursuant to this subdivision may adjust the amounts to be expended pursuant to paragraphs (1) to (8), inclusive, of subdivision (a), but may not increase or decrease the total amount to be expended pursuant to that subdivision.

(e) Funds available pursuant to this section may be used for acquisition of school facilities authorized pursuant to Section 17280.5."

SFP Regulation Section 1859.184 states,

"(a) The Board shall accept approved applications for Overcrowding Relief Grants as follows:

(1) For the funding made available for this purpose for the first funding cycle, the School District shall submit an approved application by January 31, 2008.

(2) The Board shall accept approved applications on a semi-annual basis thereafter.

The Board shall apportion Overcrowding Relief Grants based upon the highest density of the eligible schools that have submitted an approved application. Any School District that does not receive an Overcrowding Relief Grant due to low school density and insufficient funds may request that its application remain with the OPSC for consideration in the following semi-annual funding cycle.

(b) The Board shall apportion the Overcrowding Relief Grants as follows:

(Continued on Page Two)

AUTHORITY (cont.)

(1) For the first funding cycle, up to a maximum of $500 million for all approved applications that are received by January 31, 2008.
(2) For the second funding cycle, up to a maximum of $300 million for all approved applications that are received by July 31, 2008, plus any remaining funds not apportioned during the previous funding cycle.
(3) Approved applications that are received by January 30, 2009 shall be apportioned any remaining funds not allocated at the previous funding cycles, plus an additional $200 million.
(4) Approved applications that are received by July 31, 2009 shall be apportioned any remaining funds not allocated at the previous funding cycles.
(5) Approved applications that are received by January 29, 2010 shall be apportioned any remaining funds not allocated at the previous funding cycles.
(6) Approved applications that are received by July 30, 2010 shall be apportioned any remaining funds not allocated at the previous funding cycles.
(7) The Board may accept applications every six months that are received by the last business day of January and July until the Overcrowding Relief Grant funds are exhausted.

The approved applications for Overcrowding Relief Grants filed after July 31, 2008 must provide a narrative that demonstrates that the project will relieve overcrowding at the eligible school, by increasing useable outdoor space for uses such as play areas, green space, or outdoor lunch areas.

A School District may submit an approved application to request an Overcrowding Relief Grant from the funding provided under Proposition 1D for a project that has been occupied, if the construction contract for the project was signed after Board approval of these regulations. The School District must have obtained all project approvals required for a new construction funding application prior to the construction contract date."

BACKGROUND

The ORG program enables districts to reduce the number of portable classrooms on eligible overcrowded school sites by replacing them with permanent classrooms. An overcrowded school site is defined as having a school site pupil population density that is equal to or greater than 175 percent pupil density recommended by the California Department of Education (CDE). This program does not require new construction eligibility and is based upon eligibility determined by CDE. Portables replaced using ORG program funds must be removed from the eligible school site and from K-12 grade classroom use within six months of the date of occupancy of the new ORG funded permanent classrooms.

On February 28, 2007, the Board approved SFP Regulation Section 1859.184. This section established three initial ORG funding cycles with the possibility for a fourth cycle if funds remained. In June of 2008, the Board approved regulations creating a fourth and fifth funding cycle. In January of 2010, the Board approved amended regulations, which established the sixth funding cycle and provided the Board with the option to establish subsequent filing rounds as needed. These regulations became effective on June 23, 2010.

As a result of concerns raised at the August 4, 2010 Board meeting, the Board requested Staff to discuss the ORG program at a future Implementation Committee meeting in order to obtain input regarding the program. Following Implementation Committee discussions in October and November of 2010, the Board approved the seventh and eighth ORG funding rounds at the December 2010 meeting. Staff was directed to bring back an item detailing the demand for additional rounds in order to help determine the future need for the ORG program following the eighth funding cycle. In September of 2011, the Board approved two more filing cycles for January 2012 and July 2012, with the intent of revisiting the issue of remaining ORG program funding in a year.

(Continued on Page Three)

STAFF ANALYSIS/STATEMENTS

Since the ORG program began, nine funding cycles have been processed and approved by the Board as follows:

FUNDING CYCLE	FILING DEADLINE	ELIGIBLE APPLICATIONS APPROVED	PORTABLES REPLACED	APPROVED TOTAL
1	01-30-2008	5	88	$ 39,953,524
2*	07-31-2008	12	155	$ 94,592,307
3	01-30-2009	21	368	$ 215,665,924
4	07-31-2009	15	183	$ 74,445,502
5	01-29-2010	19	248	$ 104,917,564
6	07-30-2010	6	39	$ 10,203,431
7*	01-31-2011	7	80	$ 32,195,709
8*	07-31-2011	17	202	$ 82,981,221
9**	01-31-2012	6	81	$ 34,615,750
	Totals	**108**	**1,444**	$ 689,570,932

*These cycles include an appeal item approved at a later Board meeting. Based on the application received date the application would have been processed as part of the respective funding cycle.
**Includes a project being presented for approval in this month's consent agenda.

Since the program was implemented in August 2007, 108 projects have received Board approval resulting in 1,444 portable classrooms being replaced with permanent classrooms.

The filing deadline for the tenth ORG funding cycle was July 31, 2012. Staff is currently processing the applications for presentation at a future Board meeting. Below are the preliminary numbers:

APPLICATIONS RECEIVED	PORTABLES TO BE REPLACED	PRELIMINARY TOTAL REQUESTED
23*	252*	$ 113,436,554*

*These numbers are preliminary and subject to change during the application review process.

Approximately $104.6 million in bond authority will remain in the program once the tenth funding cycle is processed and approved. This amount may change subject to the Board's consideration of the Options for Administrative Costs item also being presented at this month's meeting. At its August 2012 meeting, the Board approved the reservation of $53.7 million for administration costs related to the SFP for the 2012/2013, 2013/2014, and 2014/2015 fiscal years. The potential sources of this reservation include the ORG program and could reduce the amount of funding available for future cycles.

(Continued on Page Four)

STAFF ANALYSIS/STATEMENTS (cont.)

Staff is presenting the Board with the options below for the future allocation of ORG bond authority. If the Board does not take action on this item, no additional funding cycles will be scheduled.

OPTIONS

SFP Regulation Section 1859.184 prescribes when ORG applications will be accepted and apportioned.

If the Board wishes to continue the program, a maximum of two funding cycles can be held each year until bond authority is depleted. SFP Regulation Section 1859.184 states that funding cycles could be held every six months. Filing periods would be open from August 1st through January 31st and from February 1st through July 31st. The filing deadline for the eleventh cycle could be January 31, 2013, should the Board approve additional ORG funding cycles.

If the Board approves additional funding cycles, but remaining bond authority is exhausted in the eleventh funding cycle, then the twelfth funding cycle, or any future cycles, will not be opened pursuant to SFP Regulation 1859.184(b)(7). The regulation states, "The Board may accept applications every six months that are received by the last business day of January and July *until the Overcrowding Relief Grant funds are exhausted*" (Emphasis added.). In the future, if additional funds return to the program through rescissions or audits, the Board could establish one or more new funding cycles at that time.

The following are some of the possible methods for holding future filing rounds:

Option 1: The Board can elect to approve two funding cycles.

Option 2: The Board can elect to approve one funding cycle and direct Staff to seek Board approval each December and June to create an additional filing round until all authority is allocated.

Option 3: The Board can approve multiple future funding cycles, not to exceed two per calendar year.

Option 4: The Board can direct Staff to continue funding cycles for Board approval on a continuous basis until all available funding is disbursed.

RECOMMENDATION

Staff recommends Option 1.

BOARD ACTION

In considering this Item, the SAB approved Option #1, which would provide for two additional funding cycles for this program.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, September 19, 2012

STATE ALLOCATION BOARD RULES AND OPERATING PROCEDURES

PURPOSE OF REPORT

To present the State Allocation Board (Board) with recommendations from the August 15, 2012 State Allocation Board Rules and Procedures Subcommittee hearing.

DESCRIPTION

The Board's Rules and Procedures Subcommittee (Subcommittee) met on August 15, 2012 to discuss three issues:

- The reintroduction of Special Consent items to the Agenda,
- The structure of Staff's recommendations for appeals presented to the Board, and
- The formation of working groups.

AUTHORITY

Government Code (GC) Section 15490 (a) states "There is in the state government the State Allocation Board, consisting of the Director of Finance, the Director of General Services, a person appointed by Governor, and the Superintendent of Public Instruction. The board shall also include three Members of the Senate appointed by the Senate Committee on Rules, two of whom shall belong to the majority party and one of whom shall belong to the minority party, and three Members of the Assembly appointed by the Speaker of the Assembly, two of whom shall belong to the majority party and one of whom shall belong to the minority party."

GC Sections 11120-11132 set forth the Bagley-Keene Open Meeting Act, which covers all State boards and commissions and requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session.

Education Code (EC) Section 17070.20 states "The Director of General Services shall administer this chapter and shall provide assistance to the board as it requires."

Regulation Section 1555, California Code of Regulations, states "There are ten persons that are constitutionally or statutorily empowered to vote and act upon matters before the State Allocation Board which pertain to the allocation and apportionment of funds to school districts for the purpose of school construction or purposes related thereto pursuant to Government Code Section 15490.

Any six such persons shall constitute a quorum. A consensus vote of at least six such persons is required for all decisions or actions of the Board which expressly pertain to the apportionment or allocation of funds for the purpose of school construction or purposes related thereto."

BACKGROUND

On December 15, 2010, the Board adopted the *Rules and Operating Procedures of the State Allocation Board*. The Board approved amendments to the *Rules and Operating Procedures of the State Allocation Board* at the April 2011 and May 2011 Board meetings. As a result of discussions at the March 2012 meeting, the Board referred the following to the Sub-Committee for further discussion:

- The reintroduction of Special Consent items to the Board agenda
- The structure of Staff's recommendations for appeals presented to the Board

(Continued on Page Two)

STAFF ANALYSIS/STATEMENTS

August 15, 2012 Subcommittee discussion:

The re-introduction of Special Consent items to the Board agenda.
The Subcommittee discussed the re-introduction of the Special Consent items category into the Board agenda. This includes items that staff highlights to the Board because of their unique nature. These items have met all of the requirements of law, regulation and Board policy. Further, the school districts concur with Staff's recommendations.

The Subcommittee reached consensus to move the Action Items that represent these types of projects/items to the Consent calendar portion of the Board agendas.

The structure of Staff's recommendations for appeals presented to the Board
The Subcommittee discussed the structure of Staff's recommendations for appeals to the Board. The Office of Public School Construction (OPSC) administers the SFP on behalf of the Director as prescribed in law and is the administrative arm of the Board and is responsible for analyzing all factual information related to a project to assist the Board in making decisions based on law, regulation, and Board policy. In rare instances, school districts disagree with the OPSC's findings. In these cases, the school district may file a *School District Appeal Request* (Form SAB 189) to request that the Board overturn the staff's actions. School districts are then able to present their case to the Board.

There have been suggestions that staff should not be providing recommendations, but instead provide options for the Board to consider. When viable options exist, staff will include them in the presentation of the facts to the Board. However, in the case of appeals, staff, as the administrative arm to the Board, has already taken an action to deny the district's specific request.

The Subcommittee reached consensus to change the structure of appeals by presenting options to the Board rather than recommendations and add language to all appeals that reiterate that it would take six positive votes of the Board members to approve a district's appeal or any other action. The structure of the Subcommittee's recommendation has been incorporated into Attachment A.

The formation of working groups
The Subcommittee made no changes regarding the formation of working groups since it is currently addressed in the existing *Rules and Operating Procedures of the State Allocation Board* document.

The Subcommittee did reiterate that these types of meetings would be webcast and this recommendation has been incorporated into Attachment A.

RECOMMENDATIONS

1. Approve the Subcommittee's recommendation to move non-controversial Action Items to the Consent portion of the Board agendas.

2. Approve the Subcommittee's recommendation that Staff present options rather than recommendations and reiterate in each item that it would take six positive votes to approve a school district's appeal, otherwise staff's administrative action stands.

3. Approve the changes to the *Rules and Operating Procedures of the State Allocation Board* document, as shown on Attachment A.

This Item was approved by the State Allocation Board on September 19, 2012.

RULES AND OPERATING PROCEDURES
of the State Allocation Board

Amended May 25, 2011

State Allocation Board

The State Allocation Board membership is comprised of the Director of Finance, Director of the Department of General Services, Superintendent of Public Instruction, three members of the Senate, three members of the Assembly, and one appointee by the Governor.

Rules and Operating Procedures

Adopted December 15, 2010
Amended April 27, 2011 - Section 5 E, F, and G
Amended May 25, 2011 - Section 5 D viii

State Allocation Board
Rules and Operating Procedures

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State Allocation Board
Rules and Operating Procedures

SECTION (1): ORGANIZATIONAL MEETING

The State Allocation Board (Board) shall review and adopt the operating Rules & Procedures of the Board at their first meeting at the beginning of each two (2) year legislative session. These rules shall remain in effect until replaced or revised by a majority vote of the Board.

SECTION (2): OFFICERS

A. Chair of the Board

1. At the beginning of the two year Legislative session, the Board shall elect an Administration or Agency Designee as the Chair of the Board for a two year term.
2. The Chair shall:
   - i. Call the Board together at the times and places necessary to enable the Board to properly perform its duties.
   - ii. Preside over meetings of the Board.
   - iii. Maintain order and decide all questions of order subject to appeal.
   - iv. Collaborate with the Vice Chair, Executive Officer, and the Assistant Executive Officer in the preparation of the agenda and reports to the Board.

B. Vice Chair

1. At the beginning of the two year Legislative session, the Board shall elect the Vice-Chair who shall be a Legislative member of the Board.
2. The Vice-Chair shall:
   - i. Assume all responsibilities of the Chair during his/her absence.
   - ii. Collaborate with the Chair in reviewing the proposed Board agenda.
   - iii. Chair the Personnel Sub-Committee.

SECTION (3): MEETINGS

A. **Time and Place:** The time and place of the Board meeting shall be designated by the Chair and coordinated with the Office of Public School Construction (OPSC) staff.

B. **Date:** The regularly scheduled monthly Board meeting shall occur on the fourth Wednesday of each month. Meetings are subject to change upon notice at a regular Board meeting with approval by a majority of the Board.

C. **Call:** The Chair may call a meeting of the Board by regular mail or electronic mail to each member with written notice ten (10) days prior to the meeting, in accordance with the Bagley-Keene Open Meeting laws.

D. **Quorum:** The quorum necessary for the Board to transact business shall be a majority of the Board Members. A majority is defined as six (6) Board Members.

E. **Voting Procedures**

1. Once a quorum is established, motions may be made by any of the Board Members present. A second to the motion is required.
2. The Board may take testimony and hear items as a subcommittee. A majority of those present as a subcommittee and voting does not constitute a quorum.
3. Upon establishment of a unanimous roll call, Board items (Consent, Appeal, Action and Discussion) may be acted upon by a single vote. However, any Board Member may request a voice roll call vote on any Board agenda item.
4. A Board Member can request a call be lifted or the Chair can initiate a lift of a call when additional members are available or desire to vote.
5. After the final vote on a motion is announced, any Board Member may change his or her vote or "add on" before adjournment of the Board meeting, unless the change or addition would alter the announced outcome of the item.
6. All roll call votes taken at a Board meeting shall be recorded by the Secretary of the Board. The provisions of this rule shall not apply to:
   i. Procedural motions which do not have the effect of disposing of an agenda item.
   ii. Withdrawal of an item from a Board agenda at the request of a Board Member.
7. At the Chair's initiative, or at the request of any Board Member, the Chair shall place an item on call. When an agenda item is on call, a Board Member may vote on the item only when the call is lifted. When an item has received a majority vote of the Board, a Board Member shall be allowed to add his or her vote to the roll, provided that his or her vote will not affect the passage or failure of the item.
8. Under no circumstances shall a Board Member be allowed to add his or her vote to any item after the Board meeting has been officially adjourned.

SECTION (4): AGENDA

A. The Board's final agenda is set by the Chair and Vice-Chair.

B. Requesting Items on the Agenda: Any Board Member may request the Chair, Vice-Chair, the Executive Officer, or the Assistant Executive Officer to put an item on the Board agenda. The request may be made at a Board meeting or if made outside of a meeting, shall be approved by both the Chair and Vice-Chair. Any Board Member may request an item be placed on future agendas at a Board meeting or 15 days in advance of a Board meeting to the Chair, Vice-Chair, the Executive Officer, or the Assistant Executive Officer.

C. Publishing Meeting Notice: Staff shall post a notice of the Board meeting in accordance with Government Code Sections 11120 -11132 (Bagley-Keene Open Meeting Act).

SECTION (5): ORDER OF BUSINESS

The OPSC shall prepare and present the following Board agenda items, in order as outlined below.

A. Standard Order of Business

1. Quorum Call
2. Minutes
3. Executive Officers Report
4. Consent
5. Appeals
6. Action Items
7. Reports, Discussion, and Information Items
8. Public Comment
9. Board Member Requests for Future Agenda Item
10. Adjournment

B. Removal of an item from Consent: A Board Member may request that any item be pulled from the Consent calendar for separate consideration and vote. An item removed from the Consent calendar shall become the next order of business following approval of the consent items.

C. Delay of an Agenda Item: The Chair shall notify the Board and the public upon an item being put over. Once the agenda is publicly noticed, any Board Member during the meeting may request an item to be put over to the next meeting. If there is an objection to an item being put over the issue shall be decided by a majority vote.

D. **Limit on Setting of Board Agenda Items:** Board items may be set on the agenda no more than three (3) times, unless new information is available for consideration that shall aid in the resolution of the item.

1. Exceptions to the Three Time Rule

   i. No quorum (before or during the issue).

   ii. A Board Member requests an item be put over.

   iii. District unable to attend the Board meeting.

   iv. District and the OPSC both agree to request that the item be withdrawn.

   v. Staff analysis is not distributed or deemed complete at least seventy-two (72) hours in advance of the Board meeting.

   vi. More information on the item is requested by a Board Member.

   vii. The Chair pulls an item.

   viii. An Appeals item is postponed at the request of the OPSC.[05-25-11]

E. **Filing an Appeal:** Upon reaching a disagreement with the Office of Public School Construction (OPSC) on an item, the school district must file a *School District Appeal Request (*Form SAB 189) to begin the formalized appeal process. The Form SAB 189 shall be filed with the OPSC. The Form should state the basis or bases for the appeal and any relevant information for resolving the dispute. [04-27-11]

F. **Timeline for Processing an Appeal:** Timeline for processing a policy appeal is 90-120 days. In the event the appeal is dealing with a health and safety issue, the appeal shall take precedence and be processed to the Board within 60-90 days. Within five (5) working days of receiving the appeal the analyst will send an acknowledgement letter informing the school district OPSC has received the appeal, has begun processing it, and the date the item will be placed on the SAB workload, but no later than 120 days from receipt of a Form SAB 189. A copy of this letter shall go to the Assistant Executive Officer and the Chair of the Board. [04-27-11]

G. **Request for Postponement:** A request for postponement by the school district or the OSPC may be submitted at any time prior to the Board meeting. The request shall be in written form addressed to the Chair and Vice Chair of the Board and shall include a statement of the reasons supporting postponement. The first time the District or OPSC requests a postponement, the request will be approved automatically, but a second request will be subject to the approval or disapproval of the SAB Chair and Vice Chair. [04-27-11]

An approval or disapproval shall be communicated in writing to the party seeking postponement within two (2) working days of receipt of the request. If the request is received within two (2) days of the hearing, the response shall be verbal. If approved, a new notice of the SAB meeting date shall be mailed to the school district no later than 15 days before the new SAB meeting date. [04-27-11]

SECTION (6): STAFF ANALYSES

A. **Each agenda item shall have a staff analysis:** Staff shall provide the analysis to the Board and post them to the internet no less than three (3) working days prior to the meeting, except for appeals which shall be five (5) working days.

B. **Policy Issues:** On ~~appeals~~, policy discussions, reports and information items the staff analysis shall be presented in the following format:

- » Purpose
- » Description
- » Authority (Law / Regulation / Precedent)
- » Background*
- » Staff Analysis/ Statements
- » Recommendation

C. **Appeal Issues:** On appeals, the staff analysis shall be presented in the following format:

- » Purpose
- » Description
- » Authority (Law / Regulation / Precedent)
- » Background*
- » Staff Analysis/ Statements
- » Options

The "Options" section for all appeal items will contain the following statement to provide transparency to the Board and public that absent a positive vote by six members of the Board, staff 's administrative action remains unchanged.

"Staff is providing the following options for the Board's consideration. A positive vote by six members is required for the Board to take action that is an alternative to staff 's administrative action. Absent a positive vote by six members of the Board, staff's administrative action will stand and the school district's appeal will be considered closed."

** Background information for Financial Hardship designation shall include the date and amount of the last approved district bond, as well as information about the subsequent bond efforts. Background information on appeals analyses shall also include a timeline of events and other information about prior Board actions that are relevant.*

SECTION (7): TESTIMONY ON AGENDA ITEMS

The Chair, in the interest of time, and while preserving fairness and equity, may limit individual witness testimony and/or the number of witnesses, excluding presenters, on any given agenda item, upon a majority vote of the Board. Such restrictions will apply equally to both proponents and opponents of any agenda item.

SECTION (8): PUBLIC COMMENT

An opportunity for public comment shall be included at the end of every agenda to provide an opportunity for testimony on any item not on the agenda.

SECTION (9): SUBCOMMITTEES AND WORKING GROUPS

The Chair, or any other Board Member, subject to a majority of the Board concurring, may create a subcommittee or working group of the Board.

A. Subcommittees

1. Composition
   - i. To the extent possible, membership on subcommittees shall be distributed among Legislative and Administrative appointees to ensure nearly proportional representation.
   - ii. Subcommittees shall have a number of Board Members as designated by the full Board, but no subcommittee shall have less than three (3) appointed Board Members.
   - iii. Subcommittees are subject to the Bagley-Keene Open Meeting Laws and shall be webcast.
2. **Quorum:** A quorum of a subcommittee with an even number of Board Members shall be one-half (1/2) of the Board Members. A quorum of a subcommittee with an odd number of Board Members shall be a simple majority of the membership.
3. **Duties:** Subcommittees shall perform the duties assigned to them and shall report on all matters referred to them. Actions of a subcommittee shall be reported in the form of proposals or recommendations to the Board and shall have no force or binding effect except by action of the Board.
4. **Rules:** Rules relating to the Board shall be followed by subcommittees, except with regard to a quorum.
5. **Staff:** Staff to the subcommittee shall be determined by the Board.

B. Working Groups

1. Composition

   i. Membership of a working group shall be determined by the Board or a subcommittee of the Board.

   ii. Working Group meetings shall be ~~publicly noticed and allow for public comment.~~ subject to the Bagley-Keene Open Meeting Laws and shall be webcast.

2. Duties

   i. Working groups shall perform the duties assigned to them and report on all matters referred to them.

C. Implementation Committee

1. The Implementation Committee shall be subject to the Bagley-Keene Open Meeting Laws and shall be webcast.

SECTION (10): FINAL ARBITER OVER RULES

In case of a dispute regarding the operating rules and procedures, the final arbiter shall be Senate Rules Committee staff.

SECTION (11): CLOSED SESSION

The Board may meet in closed session in accordance with Government Code Section 11126, which may include, but is not limited to the following items.

A. Pending and/or ongoing litigation [(pursuant to California Government Code Section 11126(e)].

B. Appointment, employment, evaluation of performance, or dismissal of an employee [(pursuant to California Government Code Section 11126(a)].

SECTION (12): PROCEDURAL GUIDELINES

On all other parliamentary procedures, including motions and other actions not provided for by these rules, the authority is the California Senate Rules, with a default to *Mason's Manual of Legislative Procedure* which shall govern procedural matters for the Board and its subcommittees not covered elsewhere in these rules.

The Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, September 19, 2012

MULTIPURPOSE ROOM/GYMNASIUM
HYBRID USE OF GRANTS REQUESTS

PURPOSE OF REPORT

To present proposed regulations for Use of Grants (UOG) requests to fund construction of a Multipurpose Room (MPR)/Gymnasium Hybrid pursuant to School Facility Program (SFP) Regulation Section 1859.77.3.

DESCRIPTION

At the February 2012 meeting, the State Allocation Board (Board) directed Staff to bring a discussion to the State Allocation Board Implementation Committee related to the unique challenges faced by K-8 school districts, such as expansion of existing ancillary facilities to include two or more facilities within the same building structure.

Having discussed the issue at the June, July and August Board Implementation Committee meetings, Staff proposes amending the SFP Regulations (Attachment A) to provide square footage funding allowances specifically for MPR/Gym Hybrid facilities for districts making a UOG request.

AUTHORITY

See Attachment B.

BACKGROUND

UOG Funding Requests

Under the SFP, a school district's eligibility for new construction State funding is determined by a formula that projects the number of unhoused pupils and assigns available new construction pupil grants. These grants are used to construct new classrooms and other building necessary to house and facilitate projected new students or to relieve classroom overcrowding.

Pursuant to SFP Regulation Section 1859.77.3, school districts meeting specific requirements may also use these new construction pupil grants to construct an MPR, gymnasium, library, counseling offices and/or conference rooms instead of using them to fund new classrooms. As written, these regulations provide criteria to determine what types of facilities may be funded for schools serving elementary, middle, or high school students, and a formula to determine whether the square footage of an existing facility exceeds the threshold to qualify for State funding under the UOG option. The formula also identifies the maximum number of new construction grants that may be used to fund construction of these ancillary facilities instead of classrooms. However, the regulations did not anticipate hybrid facilities located within the same structure and sharing a portion of the square footage.

(Continued on Page Two)

BACKGROUND (cont.)

Facilities Eligible for the UOG Option

For the purpose of developing funding eligibility, the facility size is calculated using the chart in SFP Regulation Section 1859.77.3 for Alternative Education projects, and Section 1859.82 for all other projects. Eligible facilities under the UOG option only include:

- MPR
- Gymnasium (for High Schools and Middle Schools only)
- Library/Media Center
- Counseling and/or Conference Rooms (Alternative Education only)

School Board Resolution

Before a school district submits an application containing a UOG request to the Office of Public School Construction (OPSC), the district must adopt a school board resolution containing the following:

- An acknowledgement that funds for the purpose of housing the excess pupils are being diverted to another project.
- An acknowledgement that the State has satisfied its obligation to house the pupils receiving grants in the project, pursuant to SFP Regulation Section 1859.50.
- A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings, as defined in Education Code Section 17368. The plan must certify one of the following methods:
    - The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match, within five years of project approval by the Board, and the district must identify the source of the funds; or
    - The district will utilize higher district loading standards provided the loading standards are within the approved district's teacher contract, and do not exceed 33 students per classroom.

STAFF ANALYSIS/STATEMENTS

The proposed regulations were discussed at the June, July and August 2012 Board Implementation Committee meetings. The Implementation Committee reached a consensus on the proposed regulatory changes.

Hybrids for MPR/Gym for Middle School and High Schools

It appears that this issue is unlikely to occur for facilities other than MPR/Gym Hybrid buildings. A building that contains both gym space and library space, for example, could easily be calculated as separate facilities because they would serve clearly separate functions, and be separated by a wall. However, the floor space in an MPR may already be used for indoor physical education, so the addition of extra space to create full gym function would typically be considered an expansion to the MPR as opposed to building a gym.

(Continued on Page Three)

STAFF ANALYSIS/STATEMENTS (cont.)

K-6 sites are not eligible for a separate gym, so this issue would not impact elementary schools. However, it could occur at middle schools, high schools, or schools that combine grade levels.

At the June 2012 Board Implementation Committee meeting, Committee members and stakeholders indicated that some districts are moving to different grade level combinations besides K-8, making this a potential issue at school sites other than K-8. Therefore, the proposed regulation amendments would provide square footage amounts for MPR/Gym Hybrids for school sites with high school pupils and/or middle school pupils.

Proposed Square Footage for MPR/Gym Hybrid

The square footage amounts currently in SFP Regulations are based on square footage amounts provided for similar facilities for the Lease-Purchase Program (LPP). The proposed square footage amounts for an MPR/Gym Hybrid are a combination of (1) the square footages in the current regulations for a gymnasium, (2) the amount of square footage allowed for food service or kitchen under the LPP, and (3) the amount of square footage allowed for MPR mechanical/electrical under the LPP (food service would have mechanical and electrical needs beyond what would be required in a gymnasium).

Middle School MPR/Gym Hybrid	
Gymnasium	12.9 square feet
Food Service	2.0 square feet
Mechanical/Electrical	0.3 square feet
Proposed Total MPR/Gymnasium Hybrid square footage per pupil	15.2 square feet

High School MPR/Gym Hybrid	
Gymnasium	15.3 square feet
Food Service	3.0 square feet
Mechanical/Electrical	0.3 square feet
Proposed Total MPR/Gymnasium Hybrid square footage per pupil	18.6 square feet

The proposed minimum and maximum square footage amounts were calculated based on the number of pupils that would be required to meet the minimum and maximum square footage amounts for a gymnasium under current SFP regulations. This method was used to calculate the proposed minimum and maximum square feet for both middle school and high school hybrids, and is consistent with current regulations.

School sites with students at the middle school or high school levels would be eligible to have an MPR and a Gym, or an MPR/Gym Hybrid. The MPR/Gym Hybrid would be the equivalent of having both the MPR and Gym facilities.

Current UOG regulations refer to SFP Regulation Section 1859.82(b) for the per-square-foot funding amount, which is currently $154. This is the 2012 per square foot amount for non-toilet facilities, including

(Continued on Page Four)

STAFF ANALYSIS/STATEMENTS (cont.)

multipurpose rooms and gymnasiums. Instead of continuing to reference an additional SFP regulation section, Staff proposes to include this amount directly in the UOG regulation to simplify the regulation. If the Board approves the next annual Class B Construction Cost Index (CCI) adjustment before the proposed regulations are approved by the Office of Administration Law (OAL), Staff will notify the OAL to increase the per square foot amount to be consistent with the square footage amount identified elsewhere in the SFP regulations.

The CDE discussed the issue with architects and school districts prior to the August Implementation Committee meeting, and then provided input to the OPSC on square footage amounts for the components of an MPR/Gym Hybrid. The CDE provided three examples of MPR/Gym Hybrids, including the square footage amount and number of pupils to be served. When comparing the proposed regulations to the CDE's data, the square footage amounts are comparable. Therefore, the proposed amounts are consistent with the intent of the regulations and with what some school districts are building for this type of facility.

Method to Determine UOG Project Eligibility under Proposed Regulations

Under existing regulations, districts may request funding under the UOG option for a new ancillary facility only if there is no existing facility of that type, or if the existing facility is less than 60 percent of the square footage allowance. Under the proposed regulations, the MPR/Gym Hybrid is considered the equivalent of both an MPR and a gym. Districts may convert an existing MPR or gym into an MPR/Gym Hybrid, as long as the end result is that the site has no more than one adequate MPR and one adequate gym.

At the Implementation Committee meetings, several members of the committee and the public expressed concern regarding the 60 percent threshold requirement. Specifically, that any facility that is less than the per pupil square foot regulatory allowance should be eligible for the UOG funding option. Staff does not propose changes to the 60 percent threshold calculation at this time.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown on Attachment A and begin the regulatory process.

2. Authorize the Executive Officer to file the regulations with the Office of Administrative Law.

3. If the proposed regulations are not in effect by December 31, 2012, then the CCI adjustment for 2013 will be applied to the square foot amount in the proposed regulations.

This Item was approved by the State Allocation Board on September 19, 2012.

ATTACHMENT A

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

Section 1859.2. Definitions.

...

"Multipurpose/Gymnasium Hybrid" means a single facility that is comprised of both a multipurpose room and a gymnasium that share common space for purposes of Section 1859.77.3. The facility must be identified as a Multipurpose/Gymnasium Hybrid by the California Department of Education.

…

Section 1859.77.3. Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003.

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213.

Authorization for use of New Construction Grants for which the final plans and specifications for the project were accepted by the DSA after January 22, 2003 may be requested as follows:

(a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or

2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.

(2) The existing school site was not constructed under the SFP.

(3) The proposed project includes no more than eight classrooms.

(4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.

(5) For purposes of this section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this section.

~~(5)~~(6) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82(b), except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18,000 sq. ft.
Counseling Offices, and/or Conference Rooms	1,000 sq. ft. Combined Total	1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

* The proposed project cannot include more than eight classrooms.

~~(6)~~ (7) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:

(A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, as follows: ~~pursuant to Section 1859.82(b), except for Alternative Education Schools.~~

1. For Alternative Education Schools, refer to the chart above.
2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section 1859.82(b).
3. For a Multipurpose/Gymnasium Hybrid:

a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.

b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.

(B) Multiply the product in (a)~~(6)~~(7)(A) above by the per square foot grant amount of $154. ~~for multipurpose, gymnasium or library facilities pursuant to Section 1859.82(b); utilize the same per square foot grant amount for the Alternative Education school facilities as shown in Section 1859.82(b).~~ This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.

(C) Divide the product in (a)~~(6)~~(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.

…

ATTACHMENT B

AUTHORITY

Education Code Section 17070.35. Board's Duties

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

(3) Determine the eligibility of school districts to receive apportionments under this chapter.

(4) Apportion funds to eligible school districts under this chapter.

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

Education Code Section 17072.35. Use of new construction grant funds

17072.35. A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use. A grant for new construction may also be used for the costs of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools.

Section 1859.77.3. Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003.

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213.

Authorization for use of New Construction Grants for which the final plans and specifications for the project were accepted by the DSA after January 22, 2003 may be requested as follows:

(a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or

2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.

(2) The existing school site was not constructed under the SFP.

(3) The proposed project includes no more than eight classrooms.

(4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.

(5) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82(b), except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18, 000 sq. ft.
Counseling Offices, and/or Conference Rooms	1,000 sq. ft. Combined Total	1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

* The proposed project cannot include more than eight classrooms.

(6) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:

(A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, pursuant to Section 1859.82(b), except for Alternative Education Schools. For Alternative Education Schools, refer to the chart above.

(B) Multiply the product in (a)(6)(A) above by the per square foot grant amount for multipurpose, gymnasium or library facilities pursuant to Section 1859.82(b); utilize the same per square foot grant amount for the Alternative Education school facilities as shown in Section 1859.82(b).

(C) Divide the product in (a)(6)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.

(b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that include the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or
3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.

(2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b), in the following order:

(A) At the grade level of the proposed project, if available.

(B) At the lowest grade level other than the proposed project, if available.

(C) At the next highest grade level other than the proposed project.

(c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 or 1859.77.3, as appropriate, in place as of the date of a local bond election provided that clear language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

If a district wishes to amend its Approved Application to include or increase its use of grants request after the submittal to the OPSC, the district must request in writing that the Approved Application be withdrawn and removed from the OPSC workload list. The resubmitted application will receive a new processing date by the OPSC.

The New Construction Grant amount provided shall be determined based on the grant amount provided in Education Code Section 17072.10 for the grade level that generated the eligibility and any New Construction Additional Grant or New Construction Excessive Cost Hardship Grant the district qualifies for as provided by these regulations.

Note: Authority cited: Sections 17070.35 and 17072.13, Education Code.

Reference: Sections 17072.13 and 17072.35, Education Code.

Section 1859.82. Facility Hardship.

…

Facility	*Elementary School Pupils*	*Middle School Pupils*	*High School Pupils*
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

…

THE SFP REGULATORY AMENDMENTS
ITEM HAS BEEN WITHDRAWN

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, September 19, 2012

ACCEPTING SCHOOL FACILITY PROGRAM APPLICATIONS ONCE BOND AUTHORITY HAS BEEN EXHAUSTED

PURPOSE OF REPORT

To present proposed regulations to establish a method for accepting and tracking School Facility Program (SFP) project funding applications once bond authority has been exhausted.

DESCRIPTION

At the August 2012 meeting, the State Allocation Board (Board) directed staff to draft regulations to establish a new method to accept and track SFP project funding applications when there is insufficient bond authority for the Board to apportion. This item presents the proposed regulations and amendments to the *Application for Funding* (Form SAB 50-04) (Attachments A and B).

AUTHORITY

See Attachment C.

BACKGROUND

At the September 2011 Board meeting, the Board created a sub-committee to consider the future of the SFP. In particular, members wished to discuss how to address the diminishing New Construction (NC) bond authority until the next potential school facilities bond could be placed on the ballot. The New Construction Sub-committee (Sub-committee) met on November 7, 2011, and January 11 and February 14, 2012. The Sub-committee's recommendations were presented to the Board at the February 23, 2012 Board meeting.

In order to demonstrate ongoing school facility needs in the State, the Sub-committee recommended that once the NC existing authority is exhausted, the Board should continue to accept applications and develop a method for tracking these projects. Current SFP Regulations define two separate types of lists for cataloging unfunded projects. The first is the Unfunded List. This is a list that contains applications that have been approved by the Board in the event that the State has no remaining bond authority, and shall be referred to as the "Unfunded List - Lack of Authority" for this item. The second type is the Unfunded List (Lack of AB 55 Loans). This list contains applications that have had bond authority reserved by the Board; however, the State does not currently have the cash available to provide an Apportionment for the funding request. The Unfunded List (Lack of AB 55 Loans) is the list used to make Priority Funding apportionments.

The Board expressed concerns that the use of an Unfunded List (Lack of Authority) could create a liability for the State. Additionally, the Board was concerned about how program changes included in a future voter approved facilities bond could impact current funding applications on the lists. The Board directed Staff to discuss these issues at the Implementation Committee.

At the August 2012 meeting, the Board considered four options that were discussed by the Implementation Committee, and decided to establish a Board acknowledged list of projects received by the OPSC, but not processed or approved by the Board, once bond authority is exhausted. Districts would submit a school board resolution along with the funding application acknowledging, among other things, that State bond authority does not currently exist for the funding request.

(Continued on Page Two)

STAFF ANALYSIS/STATEMENTS

As of August 31, 2012, Staff has received applications exceeding the available new construction bond authority by approximately $58.4 million and applications exceeding the available modernization bond authority by approximately $116.2 million.

Current Regulations

If the Board does not approve regulatory changes, the current regulations would remain in effect. SFP Regulation Section 1859.95 specifies that when bond authority is exhausted the Office of Public School Construction (OPSC) will continue to accept and process both eligibility and funding applications for full review and presentation to the Board. Any funding applications, once approved by the Board, would then be placed on an Unfunded List (Lack of Authority) until such time as additional bond authority became available. The regulation excludes from this process any eligibility applications that use alternative enrollment projection, or NC funding applications based on eligibility that has been generated through an alternative enrollment projection.

Proposed Regulations

The proposed regulatory changes would revise SFP Regulation Section 1859.2 to include several new definitions, and would add Section 1859.95.1, allowing the OPSC to accept both eligibility and funding applications when bond authority is exhausted, without fully processing them.

Staff would review application packages to ensure that no required documents are missing. Application packages that include all required documentation would be identified as Approved Applications. An Approved Application would be required to include a school board resolution acknowledging that State bond authority is insufficient for the district's funding request, that a future bond may have different eligibility and funding requirements, that there is no guarantee of funding, and that the district's Approved Application may be returned to the district.

Approved Applications would be placed on the "Applications Received Beyond Bond Authority List" in the order of date received. This list would be presented to the Board for acknowledgement, but not approval. Because the applications would not be fully processed for final grant determination, the project funding amounts on the list would be estimates only, and would likely be different, if finalized.

The term "Approved Application" is currently defined in SFP Regulation section 1859.2. Staff is proposing to revise the definition (see Attachment A) to remove an obsolete reference to Education Code section 17072.25(a) (related to priority points assigned to applications for Proposition 1A[1] funds), and to remove redundancy in the list of forms, which are each defined in the Regulations. These changes do not alter the meaning of the term.

(Continued on Page Three)

[1] The Class Size Reduction Kindergarten-University Public Education Facilities Act of 1998.

STAFF ANALYSIS/STATEMENTS (cont.)

Financial Hardship Requests

Currently, school districts must apply for financial hardship status and receive OPSC approval prior to submission of an *Application for Funding* (Form SAB 50-04). The financial hardship approval letter is a required document for a complete application.

Once a district has a financial hardship status approval, they must submit the Form SAB 50-04 within six months, or reapply for a new financial hardship status review. Financial hardship status approvals cover only those funding applications that are specifically listed on the letter. During the six months, the district may revise the request to add other applications; however, the original six month time limit is not changed.

Currently, when a financial hardship Form SAB 50-04 is placed on the Unfunded List (Lack of AB 55 Loans), the district must undergo a financial hardship status re-review if more than 180 calendar days have passed before the district receives an apportionment, pursuant to SFP Regulation 1859.81(e).

The proposed regulations (Attachment A) and Form SAB 50-04 amendments (Attachment B) would allow school districts seeking financial hardship funds to submit a Form SAB 50-04 without a financial hardship status approval, if bond authority is exhausted for their funding request. The district would not be required to have the financial hardship status approval until sufficient bond authority becomes available to process the Form SAB 50-04.

Corrections to Form SAB 50-04

While preparing proposed amendments to the Form SAB 50-04, Staff discovered a typographical error. In Parts 21 and 22 of the form, the word “rehabilitation” is missing a “t” in three places. This error has been codified and cannot be corrected administratively. The correction is included in the proposed amendments for Board approval.

Staff also noticed that the certification, previously approved by the Board that the district will comply with all applicable school construction laws was inadvertently omitted on a previous revision to the form. Staff has reinserted this certification back into the form as originally approved by the Board.

RECOMMENDATIONS

1. Approve the emergency regulations as shown on Attachments A and B.

2. Authorize the Executive Officer to file the regulations on an emergency basis with the Office of Administrative Law.

This Item was approved by the State Allocation Board on September 19, 2012.

Attachment A

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

Section 1859.2. Definitions

. . . .

"Applications Received Beyond Bond Authority List" means an informational list of applications submitted to the Office of Public School Construction (OPSC) and presented to the Board. Funding applications placed on this list contain the preliminary grant amounts requested by a district. The OPSC has not determined that the Approved Application(s) are Ready for Apportionment.

. . . .

"Approved Application(s)" means a district has submitted the application and all documents to the Office of Public School Construction that are required to be submitted with the application as identified in the General Information Section of Forms SAB 50-01~~, *Enrollment Certification/Projection*~~; SAB 50-02~~, *Existing School Building Capacity*~~; SAB 50-03~~, *Eligibility Determination*, (Revised 03/09)~~; and SAB 50-04, ~~*Application for Funding*,~~ as specified in Section 1859.2. ~~"Form SAB 50-04", and the Office of Public School Construction has completed and accepted a preliminary approval review pursuant to Education Code Section 17072.25(a).~~

. . . .

"Bond Authority" means the authority of the Board to Apportion bond funds pursuant to Education Code Section 17070.40.

. . . .

"Insufficient Bond Authority" means the total funding requested on the Approved Application received by the OPSC exceeds the Bond Authority.

. . . .

Section 1859.95. Acceptance of Applications When Funding Is Unavailable.

This Section shall not apply to Approved Applications submitted to the OPSC on or after the effective date of Section 1859.95.1.

When the Board has no funds to apportion or the application does not qualify for funding because of the Board's priority point mechanism pursuant to Sections 1859.91 and 1859.92, the Board will continue to accept and process applications for eligibility determination, with the exception of applications that include a request for review of an Alternative Enrollment Projection method. The Board will also accept and process applications for apportionment for purposes of developing an Unfunded List based on the date the application is Ready for Apportionment, with the exception of New Construction funding applications that utilize eligibility generated by the Alternative Enrollment Projection.

The Board will return any applications for the review of the Alternative Enrollment Projection method and New Construction applications that utilize eligibility generated by the Alternative Enrollment Projection once the funding apportioned for these projects reaches $500 million or the Board has no funds to apportion from the Kindergarten-University Public Education Facilities Bond Act of 2004.

If either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE or the Chief of the School Property Evaluation and Cleanup Division within the Department of Toxic Substances Control certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time, the application may, at the discretion of the Board, receive a date on the Unfunded List or receive funding pursuant to Section 1859.91 based on

the date the application is Ready for Apportionment, adjusted back in time for the number of calendar days the application was delayed.

Applications for New Construction Adjusted Grants for a project where the site was apportioned pursuant to Section 1859.75.1 shall receive a date on the Unfunded List based on the date the environmental hardship site apportionment was made for the project.

With the exception of financial hardship eligibility, a district with an application included on an Unfunded List shall not be required to re-establish eligibility for that application prior to apportionment.

An application for funding included on an Unfunded List is eligible for reimbursement subject to adjustments in the New Construction Grants amount pursuant to Section 1859.77.

Note: Authority cited: Sections 17070.35 and 17072.25, Education Code.

Reference: Sections 17070.35 and 17071.75, Education Code.

Section 1859.95.1. Applications Received When Bond Authority Is Unavailable.

This Section shall not apply to Approved Application for Joint-Use Funding, Approved Application for Career Technical Education Facilities Project Funding, a Form SAB 50-04 submitted for Critically Overcrowded Schools Facilities funding, (commencing with Section 1859.140), Charter School Facilities Program funding (commencing with Section 1859.160), or for Overcrowding Relief Grants.

(a) When the Board has Insufficient Bond Authority to apportion the School District's funding request on the Form SAB 50-04, the following will apply:

(1) The Office of Public School Construction (OPSC) will receive and determine if the Form SAB 50-04 is an Approved Application. To be placed on the Applications Received Beyond Bond Authority List, the Approved Application for funding shall be accompanied by a school board resolution, as specified in paragraph (b) of this Section. The OPSC will not determine if the Approved Application is Ready for Apportionment.

(2) A School District seeking financial hardship funding will not be required to submit a financial hardship status pre-approval request pursuant to Section 1859.81. The OPSC will not process requests for financial hardship status. The School District may continue to submit the Form SAB 50-04 pursuant to (a)(1).

(b) A resolution from the governing board of the school district shall be submitted with the Form SAB 50-04 prior to the Approved Application being placed on the Applications Received Beyond Bond Authority List, pursuant to paragraph (a) of this Regulation. A School District's governing board resolution shall include paragraphs (b)(1) through (b)(5) or, if applying for financial hardship funding, paragraphs (b)(1) through (b)(6).

(1) The school board acknowledges that the remaining School Facility Program bond authority is currently exhausted for the funds being requested on this application.

(2) The school board acknowledges that the State of California is not expected nor obligated to provide funding for the project and the acceptance of the application does not provide a guarantee of future State funding.

(3) The school board acknowledges that any potential future State bond measures for the School Facility Program may not provide funds for the application being submitted.

(4) The school board acknowledges that criteria (including, but not limited to, funding, qualifications, and eligibility) under a future State school facilities program may be substantially different than the current School Facility Program. The district's Approved Application may be returned.

(5) The school board acknowledges that they are electing to commence any pre-construction or construction activities at the district's discretion and that the State is not responsible for any pre-construction or construction activities.

(6) The school board acknowledges that, if bond authority becomes available for the Board to provide funding for the submitted application, the School District must apply for financial hardship status.

(c) The OPSC will continue to receive and determine if the Forms SAB 50-01, 50-02, and 50-03 are Approved Applications. The OPSC will not determine if the Approved Application is Ready for Apportionment. This Regulation Section does not constitute notification from the Board pursuant to Government Code Section 65995.5(b)(1).

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17072.20, 17070.35 and 17070.40, Education Code.

GENERAL INFORMATION

If this application is submitted when there is Insufficient Bond Authority, as defined in Regulation Section 1859.2, the School District must adopt and submit a school board resolution, pursuant to Regulation Section 1859.95.1. For information regarding remaining bond authority, contact the Office of Public School Construction (OPSC) prior to submittal of this application.

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE.
   - Preliminary appraisal of property.
   - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE (site apportionment only).
   - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Site approval letter from the CDE.
   - Appraisal of district-owned site.
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Site/plan approval letter from the CDE.
   - Appraisal of property if requesting site acquisition funds.
   - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
   - Cost estimate of proposed site development, if requesting site development funding.
   - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
   - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
   - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
   - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
   - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
   - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

   The district is not required to submit its current CBEDS enrollment data.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.

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- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

Prior to acceptance of an application for funding that includes a financial hardship request;~~,~~

- If the application is submitted pursuant to Section 1859.81, the district must have its financial hardship status "pre-approved" by the ~~Office of Public School Construction (~~OPSC~~)~~. To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.dgs.ca.gov/opsc.
- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at www.dgs.ca.gov/opsc.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings, or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box(es).

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is for an Overcrowding Relief Grant, check the New Construction (Overcrowding Relief Grant) box.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction Final Apportionment, New Construction Final Charter School Apportionment or the Rehabilitation Final Charter School Apportionment box, as appropriate.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 23 only.

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility (pursuant to Section 1859.182 and 1859.183) as reflected in the total number of eligible pupils determined by the Form SAB 50-11 or the CDE Overcrowding Relief Grant Eligibility Determination form.

b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:

- The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
- The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
- Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).

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- If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.

c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.

d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.

f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

g. Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

h. Indicate the site scenario that best represents the project request.

i. For ORG projects, the district must provide the following information in the space provided:
   - Name of the eligible school site(s) where portables will be replaced in this project
   - Number of portables being replaced at each school site
   - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the appropriate box(es) if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. ~~Refer to Section 1859.81 for eligibiity criteria. Districts requesting financial assistance~~

- If the district is submitting this form pursuant to Section 1859.81, the district must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.dgs.ca.gov/opsc for details and necessary documentation needed in order to determine eligibility.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82(a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82(a) and (b) for eligibility criteria. Enter the:

a. Therapy area in square feet as provided in Section 1859.72.

b. Multilevel classrooms in the P&S pursuant to Section 1859.73.

c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.

d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

   1) Enter 50 percent of the actual cost.
   2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
   3) Enter 50 percent of the allowable relocation cost.
   4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum $25,000).
   5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

   A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.

f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

   Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

g. If the district is requesting replacement facilities on the same site, (including seismic replacement), enter the square footage requested as provided in Section 1859.82(a) or (b).

h. If the request for seismic rehabilitation does not exceed 50 percent of the current replacement cost of the classroom or related facility, report 50 percent of the health/safety seismic mitigation cost and the ancillary costs as authorized by Section 1859.82(a).

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i. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.

j. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).

k. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

l. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6.

6. Modernization or Charter School Facilities Program Rehabilitation Additional Grant Request

a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form. (Not available for Charter School Facilities Program Rehabilitation).

b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiently that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).

c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a). (Not available for Charter School Facilities Program Rehabilitation).

d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4. (Not available for Charter School Facilities Program Rehabilitation).

e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction, Modernization or Charter School Facility Program Rehabilitation Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization base grant or enter 60 percent of the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83(e).

8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

11. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

13. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

a. Report all classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).

In the additional classroom column, indicate the number of additional net classrooms provided if not previously reported.

In the replacement classroom column, indicate the number of classrooms that were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75 but replaced in a locally funded project.

Enter the date the initial construction contract was signed for additional or replacement classrooms.

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14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

15. Joint-Use Facility/Leased Property

Check the box if:

a. The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
b. The new construction or modernization grants will be used for facilities located or to be located on leased property.

16. Project Progress Dates

Complete this section for new construction/modernization projects:

a. Enter the date(s) the construction contract(s) was awarded for this project(s). If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
b. Enter the issue date(s) for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.
c. If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

17. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract for this project was or will be awarded on or after January 1, 2012, check the appropriate box to indicate which of the following methods will be used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3:

- The DIR Compliance Monitoring Unit (CMU)
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3).

18. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

19. Career Technical Education Funds Request

Indicate if Career Technical Education (CTE) funds will be requested for classroom(s) included in the plans and specifications for this project pursuant to Section 1859.193. If "Yes", enter the number of CTE classroom(s) shown on the P&S.

20. Overcrowding Relief Grant Narrative

The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

21. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

22. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

23. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at www.dgs.ca.gov/opsc.

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The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- ☐ New Construction
- ☐ New Construction (Final Apportionment)
- ☐ New Construction (Final Charter School Apportionment)
- ☐ New Construction (Overcrowding Relief Grant)
- ☐ Rehabilitation (Final Charter School Apportionment)
- ☐ Modernization
- ☐ Modernization of California Schools for Deaf/Blind

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
- ☐ Site Only (District owned)—New Construction [Section 1859.81.2]
- ☐ Site Only—Environmental Hardship [Section 1859.75.1]
- ☐ Design Only—New Construction [Section 1859.81.1]
- ☐ Design Only—New Construction with High Performance
- ☐ Design Only—Modernization
- ☐ Design Only—Modernization with High Performance
- ☐ Design Only—Modernization of California Schools for Deaf/Blind
- ☐ Facility Hardship [Section 1859.82(a)]
  - ☐ Seismic Replacement
  - ☐ Seismic Rehabilitation
- ☐ Facility Hardship [Section 1859.82(b)]
- ☐ Rehabilitation [Section 1859.83(e)]
- ☐ Advance Funding for Evaluation and RA

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____

b. ☐ 50 Years or Older Building Funding (Modernization Only)
Total Eligible Classrooms/Square Footage: _____
Classroom/Square Footage at Least 50 Years Old: _____
Ratio of 50 Years Old Classrooms/Square Footage: _____ %
From 2a above, how many are 50 Year or Older Pupil Grants?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

d. Is this a 6–8 school? ☐ Yes ☐ No
If you answered yes, how many K–6 pupils reported above are sixth graders? _____
Is this an Alternative Education School? ☐ Yes ☐ No

e. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____
Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____

f. ☐ Facility Hardship (no pupils assigned)

g. Charter School Facility Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

h. Project to be located on:
- ☐ Leased Site
- ☐ New Site
- ☐ Existing Site with Additional Acreage Acquired
- ☐ Existing Site with No Additional Acreage Acquired

i. ORG Projects Only

NAME OF ELIGIBLE SCHOOL SITE(S)	NUMBER OF PORTABLES BEING REPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
	Total	

3. Number of Classrooms: _____
Master Plan Acreage Site Size (Useable): _____
Recommended Site Size (Useable): _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. ☐ **Type of Financial Hardship Request** ~~**—Must Have Pre-Approval by OPSC**~~
☐ Submittal with OPSC "pre-approval" letter
☐ Submittal with school board resolution, pursuant to Section 1859.95.1 (Insufficient Bond Authority)

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5. New Construction Additional Grant Request—New Construction Only

a. Therapy: Toilets (sq. ft.) _____
Other (sq. ft.) _____

b. Multilevel Construction (CRS): _____

c. ☐ Project Assistance

d. Site Acquisition:
(1) 50 percent Actual Cost: $ _____
(2) 50 percent Appraised Value: $ _____
(3) 50 percent Relocation Cost: $ _____
(4) 2 percent (min. $25,000): $ _____
(5) 50 percent DTSC Fee: $ _____

e. 50 percent hazardous waste removal: $ _____
☐ Response Action (RA)

f. Site Development
☐ 50 percent Service-Site: $ _____
☐ 50 percent Off-Site: $ _____
☐ 50 percent Utilities: $ _____
☐ General Site

g. Facility Hardship Section 1859.82(a) or (b)
☐ Toilet (sq. ft.): _____
☐ Other (sq. ft.): _____

h. ☐ Seismic Rehabilitation [Section 1859.82(a)] $ _____

i. Replacement area
☐ Toilet (sq. ft.): _____
☐ Other (sq. ft.): _____

j. ☐ Energy Efficiency: _____ %

k. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System

l. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization or Charter School Facilities Program Rehabilitation Additional Grant Request

a. ☐ Project Assistance

b. ☐ Energy Efficiency: _____ %

c. ☐ Site Development—60 percent utilities: $ _____

d. ☐ Automatic Fire Detection/Alarm System

e. ☐ High Performance Incentive (Indicate Points): _____

7. Excessive Cost Hardship Request

New Construction Only

☐ Geographic Percent Factor: _____ %
☐ New School Project [Section 1859.83(c)(1)]
☐ New School Project [Section 1859.83(c)(2)]
☐ Small Size Project
☐ Urban/Security/Impacted Site;
If a new site, $ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization or Charter School Facility Program Rehabilitation Only

☐ Rehabilitation/Mitigation [Section 1859.83(e)]: $ _____
☐ Geographic Percent Factor: _____ %
☐ Accessibility/Fire Code
☐ 3 percent of base grant; or,
☐ 60 percent of minimum work $ _____
☐ Number of 2-Stop Elevators: _____
☐ Number of Additional Stops: _____
☐ Small Size Project
☐ Urban/Security/Impacted site

8. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

Project meets:
☐ Density requirement pursuant to Section 1859.92(c)(3).
☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

9. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: $ _____

13. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

Additional		Replacement	
K–6:	_____	K–6	_____
7–8:	_____	7–8	_____
9–12:	_____	9–12	_____
Non-Severe:	_____	Non-Severe	_____
Severe:	_____	Severe	_____

Construction Contract(s) for the project signed on:
_____ _____

14. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

15. Joint-Use Facility/Leased Property

a. ☐ Joint-Use Facility
b. ☐ Leased Property

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16. Project Progress Dates

a. Construction Contract(s) awarded on: _____
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

b. Notice(s) to Proceed issued on: _____

c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

17. Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was or will be awarded on or after January 1, 2012, please indicate which monitoring requirements was or will be used, pursuant to Labor Code Section 1771.3:

☐ DIR CMU Administered
☐ DIR approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3)

18. Construction Delivery Method

☐ Design-Bid-Build
☐ Design-Build
☐ Developer Built
☐ Lease Lease-Back
☐ Energy Performance Contract
☐ This project includes or will include piggyback contract(s) as defined in Section 1859.2
☐ Other: _____

19. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? ☐ Yes ☐ No
Number of CTE classroom(s): _____

20. Overcrowding Relief Grant Narrative

_____
_____
_____
_____

21. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE	DATE

22. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share , less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE	DATE

23. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 21 and 22, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,

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- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- Facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facility Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,

PRELIMINARY

- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district will contract or has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), if the construction contract is awarded on or after January 1, 2012 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b). The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K–12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c).;and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects.; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.

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NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

ATTACHMENT C

AUTHORITY

Education Code (EC) Section 17009.5. states:

(a) Except as set forth in Section 17052, on and after November 4, 1998, the board shall only approve and fund school facilities construction projects pursuant to Chapter 12.5 (commencing with Section 17070.10).
(b) A school district with a first priority project that has received a construction approval by the Department of General Services, Division of the State Architect, or a joint-use project approval by the board, prior to November 4, 1998, for growth or modernization pursuant to this chapter shall receive funding pursuant to this chapter for all unfunded approved project costs as it would have received under this chapter, and the increased capacity assigned to the project shall be included in calculating the district's capacity pursuant to Chapter 12.5 (commencing with Section 17070.10). Funds received for projects described in this subdivision shall constitute the state's final and full contribution to these projects. The board shall not consider additional project funding except when otherwise authorized under Chapter 12.5 (commencing with Section 17070.10).
(c) A school district with a second priority project that has received a construction approval by the Department of General Services, Division of the State Architect prior to November 4, 1998, for growth or modernization pursuant to this chapter shall elect to do either of the following:
(1) Withdraw the application under this chapter, submit an initial report and application pursuant to Chapter 12.5 (commencing with Section 17070.10), and receive per pupil allocations as set forth in Chapter 12.5 (commencing with Section 17070.10). If the district withdraws the application, any funds previously allocated under this chapter for the project shall be offset from the first grant to the district under Chapter 12.5 (commencing with Section 17070.10).
(2) Convert the second priority project approved under this chapter to a first priority status and receive funds in accordance with this chapter.
(d) Notwithstanding priorities established pursuant to Chapter 12.5 (commencing with Section 17070.10), projects authorized for funding as set forth in this section shall be funded by the board pursuant to this chapter prior to funding other projects pursuant to Chapter 12.5 (commencing with Section 17070.10).
(e) For purposes of funding priority for modernization grants under Chapter 12.5 (commencing with Section 17070.10), a district that applies under subdivision (b) or paragraph (1) of subdivision (c) shall retain its original project approval date.
(f) Notwithstanding Section 17017.1, West Contra Costa Unified School District shall be eligible for state facilities funds beginning November 4, 1998.
(g) The State Allocation Board shall adopt regulations to ensure that an appropriate offset is made from funds approved pursuant to this chapter, for funds awarded to school districts pursuant to Chapter 12 (commencing with Section 17000) prior to November 4, 1998."

EC Section 17070.15(m) states:

…
"School district" means a school district or a county office of education. For purposes of determining eligibility under this chapter, "school district" may also mean a high school attendance area.

EC Section 17070.40. states:

…
(a)(3) The board may make apportionments in amounts not exceeding those funds on deposit in the 1998 State School Facilities Fund, and any amount of bonds authorized by the committee, but not yet sold by the Treasurer.

…

(b) (3) The board may make apportionments in amounts not exceeding those funds on deposit in the 2002 State School Facilities Fund, and any amount of bonds authorized by the committee, but not yet sold by the Treasurer.

…

(c) (3) The board may make apportionments in amounts not exceeding those funds on deposit in the 2004 State School Facilities Fund, and any amount of bonds authorized by the committee, but not yet sold by the Treasurer.

…

(d) (3) The board may make apportionments in amounts not exceeding those funds on deposit in the 2006 State School Facilities Fund, and any amount of bonds authorized by the committee, but not yet sold by the Treasurer.

…

EC Section 17072.20 states:

(a) An applicant school district that has been determined by the board to meet the eligibility requirements for new construction funding set forth in Article 2 (commencing with Section 17071.10) or Article 3 (commencing with Section 17071.75) may submit at any time a request to the board for a project apportionment for all or a portion of the funding for which the school district is eligible.

(b) The application shall include, but shall not be limited to, the school district's determination of the amount of state funding that the district is otherwise eligible for relating to site acquisition, site development, new construction, and hardship funding provided pursuant to Article 8 (commencing with Section 17075.10), if any. The amount shall be reduced by the amount of the alternative fee collected pursuant to subdivision (a) of Section 65995.7 of the Government Code if a reimbursement election or agreement pursuant to Section 65995.7 of the Government Code is not in effect.

(c) The board shall verify and adjust, as necessary, and approve the district's application.

EC Section 17072.25. states:

(a) The board shall adopt regulations to develop a mechanism to rank approved applications for new construction funding. This mechanism shall be used to determine the priority of approved applications when either of the following conditions are met:

(1) The total state funds necessary for funding all approved projects pursuant to this chapter exceed the total state funds in the fund for allocation pursuant to this chapter.

(2) The actual amount of unallocated proceeds of state bonds available on or after July 1, 2000, for new construction for the purposes of this chapter is at three hundred million dollars ($300,000,000).

(b) The ranking mechanism shall allocate priority points based upon the percentages of currently and projected unhoused pupils relative to the total population of the applicant district or attendance area and the total number of currently and projected unhoused pupils in an applicant district or attendance area.

(c) The board may award priority points based on other factors that in its judgment result in the most equitable distribution of resources among applicants. The additional factors may not constitute greater than a 10-percent weight in the overall priority ranking.

(d) This section shall apply only to projects funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.

EC Section 100410 (a) states:

Three billion three hundred fifty million dollars ($3,350,000,000) of the proceeds of bonds issued and sold pursuant to this part shall be deposited in the 1998 State School Facilities Fund, which is established by Section 17070.40, and allocated by the State Allocation Board pursuant to this chapter. Before requesting the sale of bonds pursuant to Section 100432 for deposit in the State School Facilities Fund, the State Allocation Board shall request, pursuant to Section 100432, the sale of bonds sufficient to finance all

projects for which application was made pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 12 (commencing with Section 17000) of Part 10) and for which an application was approved for construction, but funding was not available, prior to November 4, 1998."

EC Section 100620(a)(3) states:

The amount of two billion nine hundred million dollars ($2,900,000,000) for new construction of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 for those school districts that have filed an application with the Office of Public School Construction on or before February 1, 2002, including, but not limited to, hardship applications. If the amount made available for purposes of this paragraph is not needed and expended for the purposes of this paragraph, the State Allocation Board may allocate the remainder of these funds for purposes of paragraph (1)."

EC Section 100620(a)(4) states:

The amount of one billion nine hundred million dollars ($1,900,000,000) for the modernization of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10, for those school districts that have filed an application with the Office of Public School Construction on or before February 1, 2002, including, but not limited to, hardship applications. If the amount made available for purposes of this paragraph is not needed and expended for the purposes of this paragraph, the State Allocation Board may allocate these funds for purposes of paragraph (2)."

School Facility Program (SFP) Regulation Section 1859.2 states:

…

"Apportionment" shall have the meaning set forth in Education Code Section 17070.15(a).

…

"Approved Application(s)" means a district has submitted the application and all documents to the Office of Public School Construction that are required to be submitted with the application as identified in the General Information Section of Forms SAB 50-01, *Enrollment Certification/Projection*; SAB 50-02, *Existing School Building Capacity*; SAB 50-03, *Eligibility Determination*, (Revised 03/09); and SAB 50-04, *Application for Funding*, as specified in Section 1859.2 "Form SAB 50-04", and the Office of Public School Construction has completed and accepted a preliminary approval review pursuant to Education Code Section 17072.25(a).

"Approved Application for Career Technical Education Facilities Project Funding" means an applicant has submitted an *Application for Career Technical Education Facilities Funding,* Form SAB 50-10, including all required supporting documents as identified in the General Information Section of that Form, to the OPSC and the OPSC has accepted the application for processing.

"Approved Application for Joint-Use Funding" means a district has submitted an *Application for Joint-Use Funding,* Form SAB 50-07, including all required supporting documents as identified in the General Information Section of that Form, to the OPSC and the OPSC has accepted the application for processing.

…

"Critically Overcrowded School (COS)" means a school that has a pupil population density greater than 115 pupils per useable acre in grades Kindergarten through six, or a pupil population density greater than 90 pupils per useable acre in grades seven through twelve based on the 2001 CBEDS enrollment.

…

"Office of Public School Construction (OPSC)" means the State office within the Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director.

…

"Overcrowding Relief Grant" (ORG) means the funding provided pursuant to Education Code Section 17079, et seq.

…

"Ready for Apportionment" means a final review of an Approved Application has been completed by the OPSC and it has been determined that it meets all requirements of law for an apportionment or eligibility determination, and the OPSC will recommend approval to the Board.

…

"School District" shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

…

"Unfunded List" means an information list of unfunded projects, with the exception of the unfunded list defined below as "Unfunded List (Lack of AB 55 Loans)".

…

"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the State's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction projects as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

SFP Regulation Section 1859.95 states:

When the Board has no funds to apportion or the application does not qualify for funding because of the Board's priority point mechanism pursuant to Sections 1859.91 and 1859.92, the Board will continue to accept and process applications for eligibility determination, with the exception of applications that include a request for review of an Alternative Enrollment Projection method. The Board will also accept and process applications for apportionment for purposes of developing an Unfunded List based on the date the application is Ready for Apportionment, with the exception of New Construction funding applications that utilize eligibility generated by the Alternative Enrollment Projection.

The Board will return any applications for the review of the Alternative Enrollment Projection method and New Construction applications that utilize eligibility generated by the Alternative Enrollment Projection once the funding apportioned for these projects reaches $500 million or the Board has no funds to apportion from the Kindergarten-University Public Education Facilities Bond Act of 2004.

If either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE or the Chief of the School Property Evaluation and Cleanup Division within the Department of Toxic Substances Control certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time, the application may, at the discretion of the Board, receive a date on the Unfunded List or receive funding pursuant to Section 1859.91 based on the date the application is ready for Apportionment, adjusted back in time for the number of calendar days the application was delayed.

Applications for New Construction Adjusted Grants for a project where the site was apportioned pursuant to Section 1859.75.1 shall receive a date on the Unfunded List based on the date the environmental hardship site apportionment was made for the project.

With the exception of financial hardship eligibility, a district with an application included on an Unfunded List shall not be required to re-establish eligibility for that application prior to apportionment.

An application for funding included on an Unfunded List is eligible for reimbursement subject to adjustments in the New Construction Grants amount pursuant to Section 1859.77.