REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, October 16, 2014

CHARTER SCHOOL FACILITIES PROGRAM NEW CONSTRUCTION SUPPLEMENTAL GRANT

PURPOSE OF REPORT

To seek State Allocation Board (Board) direction for the Charter School Facilities Program (CSFP) General Site Development grant calculation.

DESCRIPTION

Currently, School Facilities Program (SFP) Regulations for Preliminary Charter School Apportionments provide a different General Site Development supplemental grant calculation than the new construction grant. This results in applications for Preliminary Charter School Apportionment reserving more authority for the General Site Development grant than they receive upon conversion for the same grant.

Staff is requesting the Board to consider granting the applications for the 2014 CSFP Filing Round using a modified calculation for the General Site Development grant that is consistent with how the grant is calculated for new construction projects. Staff is also requesting that the Board consider approving conforming regulatory changes to the Preliminary Charter School Apportionment grant calculation.

AUTHORITY

See Attachment A.

BACKGROUND

By definition, the General Site Development grant provides funding for on-site hard surfaced areas for foot traffic, driveways, walks, parking, curbs and gutters, outdoor instructional play facilities, play areas, permanent playground equipment, outdoor places of assembly, sports fields, and landscaping. SFP Regulation Sections 1859.76(d) and 1859.163.1(a)(4) for the General Site Development supplemental grant for new construction projects and Preliminary Charter School Apportionments were originally approved by the Board at its June 2006 meeting.

When a Preliminary Charter School Apportionment converts to a Final Charter School Apportionment it receives new construction grants, per the *Application for Funding* (Form SAB 50-04). The grant calculations for new construction projects and Preliminary Charter School Apportionments produce differing amounts, due to differing language in the regulations. The original goal of providing Preliminary Apportionments was to reserve grant amounts that would approximate the Final Charter School Apportionment amount.

There have been two CSFP filing rounds since the approval of the General Site Development regulations. Both the Proposition 1D Filing Round and the 2009 Filing Round approved Preliminary Charter School Apportionments with a General Site Development grant amount consistent with the full funding SFP and Final Charter School Apportionment calculation outlined in SFP Regulation Section 1859.76, but inconsistent with the Preliminary Charter School Apportionment regulations.

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STAFF ANALYSIS/STATEMENTS

Differences Between the Grant Calculations

The General Site Development grant calculations currently outlined in SFP Regulation Section 1859.163.1(a)(4) are not consistent with the new construction calculation for the same grant.

New Construction General Site Grant Calculation
SFP Regulation Section 1859.76(d) begins by stating that "the Board shall provide funding equal to 50 percent of the following approved site development and applicable design costs." It then lists the General Site Development calculation as follows (emphasis added):

(1) ***$19,200*** per Useable Acre as approved by the CDE. This sum may be increased by the percentage identified in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
(2) 6 percent of ***the State and district share*** for Elementary School Pupils and Middle School Pupils and 3.75 percent ***of the State and district share*** for High School Pupils of the New Construction Grant. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the district on the Form SAB 50-04.
(3) 6 percent of ***the State and district share*** for Elementary School Pupils and Middle School Pupils and 3.75 percent of ***the State and district share*** for High School Pupils of the funding provided by Sections 1859.71.2, 1859.72, 1859.73, 1859.73.2, 1859.82, 1859.83(a), (b) and (c) and 1859.125(a)(1) through (a)(2).

Charter School Preliminary Apportionment General Site Grant Calculation
SFP Regulation Section 1859.163.1(a)(4) in its entirety lists most of the base and supplemental grants for a CSFP Preliminary Apportionment. It does not state that the grants will be funded at 50 percent, and all of the grants except for the General Site Development grant in that section mirror their counterpart grants for full funding SFP projects and Final Charter School Apportionments. The General Site Development grant reads as follows (emphasis added):

(A) ***$9,600*** per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
(B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1) ***multiplied by two.*** For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the Charter School on the Form SAB 50-09.
(C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5) ***multiplied by two***.

The lack of language stating that the grants will be provided at 50 percent in Section 1859.163.1 appears to have been partially taken into account, as the per acre allowance in Section 1859.163.1(a)(4)(A) was reduced by half, from $19,200 in Section 1859.76 to $9,600. However, no such change was made to Sections 1859.163.1(a)(4)(B) or 1859.163.1(a)(4)(C). While the additional step added with the phrase "multiplied by two" appears to result in the same calculation as Section 1859.76(d)(2) and 1859.76(d)(3), it does not.

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STAFF ANALYSIS/STATEMENTS (cont.)

There is no 50 percent provision in the introductory statement of Sections 1859.163.1(a)(4)(B) or 1859.163.1(a)(4)(C). Therefore, the resulting calculation is double the amount in Sections 1859.76(d)(2) and 1859.76(d)(3). Section 1859.163.1(a)(4)(B) provides a percentage increase to the base grant, while Section 1859.163.1(a)(4)(C) provides a percentage increase to the multilevel and small size supplemental grants, if requested. The following table shows an example of how much difference it can make on an elementary school project with a base grant of $5 million that requests the multilevel construction ($600,000), located on a 10 acre site:

Preliminary Apportionment

SFP Regulation Section	Calculation	Preliminary Charter School Apportionment Grant
1859.163.1(a)(4)(A)	$9,600 per usable acre in project	**$96,000** ($9,600 X 10 acres)
1859.163.1(a)(4)(B)	6% of Base Grant *multiplied by two*	**$600,000** ($5 million X 6% X 2)
1859.163.1(a)(4)(C)	6% of Supplemental Grants *multiplied by two*	**$72,000** ($600,000 X 6% X 2)
Total General Site Grant		**$768,000**

Final Apportionment

SFP Regulation Section	Calculation	Final Charter School Apportionment Grant
1859.76(d)(1)	$9,600 per usable acre in project	**$96,000** ($9,600 X 10 acres)
1859.76(d)(2)	6% of the Base Grant	**$300,000** ($5 million X 6%)
1859.76(d)(3)	6% of the Supplemental Grants	**$36,000** ($600,000 X 6%)
Total General Site Grant		**$432,000**

Staff recommends removing the words "multiplied by two" to ensure the grants are calculated equally and consistent with the new construction General Site Development grant calculation.

Previous and Current CSFP Filing Rounds

The modified calculation was used for the last two CSFP Filing Rounds, as the discrepancy in the language had not been discovered. The applications that requested the General Site Development grant were provided with the grant amount calculated pursuant SFP Regulation Section 1859.76(d), not the amount in SFP Regulation Section 1859.163.1(a)(4). Staff is requesting authorization to provide the modified grant calculation to the 2014 CSFP Filing Round applications in advance of final adoption of regulatory changes, to ensure consistency in the calculation of grants for all projects.

Proposed Regulatory Amendments

In addition, Staff has prepared proposed regulatory amendments to address this issue. The proposed regulatory amendments shown on Attachment B remove the words "multiplied by two" from SFP Regulation Sections 1859.163.1(a)(4)(B) and 1859.163.1(a)(4)(C). Although these changes make these changes appear less similar to Section 1859.76(d), the end result is that the calculations are the same. Staff is requesting that the Board consider approval of the proposed regulatory changes. The Board previously approved amendments to this regulation section, but those amendments are not yet approved by the Office of Administrative Law (OAL).

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RECOMMENDATIONS

1. Authorize Staff to process the 2014 CSFP Filing Round applications using the modified calculation in the proposed regulations as shown on Attachment B.

2. Adopt the proposed regulations as shown on Attachment B.

3. Authorize the Executive Officer to file the proposed regulations with the OAL.

This Item was approved by the State Allocation Board on October 16, 2014.

ATTACHMENT A

AUTHORITY

Education Code Section 17070.35 states:

(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....

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

School Facility Program (SFP) Regulation Section 1859.2 states:

"General Site Development" means on-site hard surfaced areas for foot traffic, driveways, walks, parking, curbs and gutters; outdoor instructional play facilities such as turfed or paved play areas, permanent playground equipment, outdoor places of assembly, tennis/handball courts, running tracks and baseball, football and soccer fields; applicable landscaping of building frontages and outdoor facilities noted above.

SFP Regulation Section 1859.76 states:

In addition to any other funding authorized by these Regulations, the Board shall provide funding equal to 50 percent of the following approved site development and applicable design costs:

….(d) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired, with the exception of existing school site acreage that is leased pursuant to Section 1859.22, or a new school project, determined as follows:

(1) $19,200 per Useable Acre as approved by the CDE. This sum may be increased by the percentage identified in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.

(2) 6 percent of the State and district share for Elementary School Pupils and Middle School Pupils and 3.75 percent of the State and district share for High School Pupils of the New Construction Grant. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the district on the Form SAB 50-04.

(3) 6 percent of the State and district share for Elementary School Pupils and Middle School Pupils and 3.75 percent of the State and district share for High School Pupils of the funding provided by Sections 1859.71.2, 1859.72, 1859.73, 1859.73.2, 1859.82, 1859.83(a), (b) and (c) and 1859.125(a)(1) through (a)(2).

SFP Regulation Section 1859.163.1 states:

The Preliminary Charter School New Construction Apportionment shall be determined as follows:

….(a)(4) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired or a new school project, determined as follows:

(A) $9,600 per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.

(B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1) multiplied by two. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the Charter School on the Form SAB 50-09.

(C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5) multiplied by two.

ATTACHMENT A

SFP Regulation Section 1859.165 states:

When a Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, all the following criteria must be met:

(a) The Final Charter School Apportionment request must meet all criteria on the Form SAB 50-04.

(b) A Charter School seeking to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment shall complete and file Form SAB 50-04. The number of pupils being requested cannot exceed the amount the Charter School originally requested and received at the Preliminary Charter School Apportionment.

The instructions for Part 5 of the *Application for Funding* (Form SAB 50-04) state:

Check the appropriate box(es) if the district requests an augmentation to the new construction grants for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82(a) and (b). Refer to Section 1859.72 through 1859.76 and 1859.82(1) and (b) for eligibility criteria.

….(f)….Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76.

ATTACHMENT B

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be determined as follows:
(a) The Preliminary Charter School Apportionment for construction costs shall be equal to the sum of (1) through (8) below:
(1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:
(A) $5,227 for each elementary school pupil.
(B) $5,534 for each middle school pupil.
(C) $7,226 for each high school pupil.
(D) $16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
(E) $11,137 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
(2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the Charter School.
(3) An amount for site development cost determined, at the option of the Charter School, by one of the following:
(A) One-half of the site development cost for the specific site as authorized by Section 1859.76.
(B) One-half of the site development cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
(C) $70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
(4) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired or a new school project, determined as follows:
(A) $9,600 per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
(B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1)~~ multiplied by two~~. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the Charter School on the Form SAB 50-09.
(C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5)~~ multiplied by two~~.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.
Reference: Sections 17078.52, 17078.58, and 17250.30, Education Code, and Section 1771.3, Labor Code.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, October 16, 2014

IMPLEMENTATION OF SENATE BILL 854
PROPOSED REGULATIONS

PURPOSE OF REPORT

To request State Allocation Board (Board) approval of proposed regulatory amendments to align School Facility Program (SFP) regulations with changes in Labor Code (LC) requirements as a result of Senate Bill (SB) 854 Chapter 28, Statutes of 2014.

DESCRIPTION

SB 854 repealed the provisions in LC Section 1771.3 which required school districts to provide payment to the Department of Industrial Relations (DIR) for prevailing wage monitoring. As a result, school districts awarding a construction contract on or after June 20, 2014 are not mandated to provide payment for DIR monitoring and enforcement of prevailing wage requirements. This item includes proposed regulations to remove the additional prevailing wage monitoring (PWM) grant for projects with a public works contract awarded on or after June 20, 2014.

AUTHORITY

See Attachment A.

BACKGROUND

Assembly Bill 1506, Chapter 868, Statutes of 2002 (Wesson) required a labor compliance program (LCP) for school construction projects funded from either the Kindergarten-University Public Education Facilities Bond Act of 2002 (Proposition 47) or Kindergarten-University Public Education Facilities Bond Act of 2004 (Proposition 55). The purpose of the LCP was to ensure appropriate compliance with public works prevailing wage and apprenticeship requirements for school construction projects.

SB X2 9, Chapter 7, Statutes of 2010 (Padilla) amended the LC to, among other things, require DIR to perform prevailing wage monitoring and enforcement for all school construction projects that receive State bond funds. SB X2 9 specified that prevailing wage monitoring and enforcement must be directly administered by DIR, excepting only projects for which the school district had an in-house LCP approved by DIR. However, because SB X2 9's operation was suspended, the requirements of AB 1506 remained in effect for public works projects awarded through December 31, 2011.

On September 30, 2011, Assembly Bill (AB) 436, Chapter 378, Statutes of 2011 (Solorio) was signed into law, amending many of the provisions in SBX2 9. Any public works projects for which the construction contract was awarded on or after January 1, 2012 was subject to its provisions, including the requirement that the DIR "enforce compliance with applicable prevailing wage requirements" for these projects. For SFP projects, applicable school districts paid DIR for these costs. AB 436 also included an exception for projects for which the school district either had a DIR-approved in house LCP or a qualifying project labor agreement.

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BACKGROUND (cont.)

On June 20, 2014, SB 854 was signed into law, amending many of the public works provisions of the LC. Among other things, SB 854 created a new public works contractor registration system that funds all of DIR's public activities and repealed the requirement for districts to pay DIR for monitoring on a bond-funded public works project. Therefore, any public works project awarded on or after June 20, 2014 will not receive the additional prevailing wage monitoring grant.

See the chart included as Attachment B for a history of the changes from AB 1506 through SB 854.

STAFF ANALYSIS/STATEMENTS

SB 854 provides a number of changes to the existing LC. The statute adds, amends, and repeals various LC Sections that have a direct impact on the SFP.

DIR Notification of Contract Award
Under the new statute, school districts seeking state funding are still required to notify DIR of public works contracts. Pursuant to LC Section 1773.3, school districts shall notify DIR within five days of the award of a public works contract.

DIR Monitoring and Enforcement of Prevailing Wage Requirements
SB 854 still requires DIR to monitor and enforce prevailing wage compliance. School districts are no longer required to pay a fee to DIR for prevailing wage monitoring and enforcement. Pursuant to LC Section 1725.5 contractors and subcontractors must register with DIR and pay registration fees in order to be listed in a bid proposal or engage in the performance of any public works project. These fees will be used to cover the cost of DIR monitoring and enforcement of prevailing wage requirements.

Verification of Monitoring Requirements
Once the proposed SFP Regulations implementing changes in SB 854 take effect, OPSC will no longer verify that school districts have complied with the monitoring requirements prior to SFP fund release for all projects for which construction contracts were awarded on or after January 1, 2012. School districts will no longer be required to submit a copy of the PWC-100 and a DIR confirmation email upon submittal of the PWC-100 as part of the *Fund Release Authorization* (Form SAB 50-05) submittal package. The PWC-100 is an online form used to notify DIR that a public works contract has been awarded and to provide specific details about the project.

However, school districts will continue to be subject to the statutory requirements that were in effect at the time of the contract award. Therefore, school districts seeking funding for which construction contracts were awarded on or before June 19, 2014 may be required to provide documentation to support compliance with the applicable LC at the time.

Proposed Amendments
The OPSC is proposing to amend SFP Regulations and forms to remove the SFP grant that provides additional funding for prevailing wage monitoring for all projects for which construction contracts are awarded on or after June 20, 2014.

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STAFF ANALYSIS/STATEMENTS (cont.)

Once the proposed regulations become effective, Staff will bring an item to a future Board meeting to amend existing unfunded approvals. Projects on the Unfunded List (Lack of AB 55 Loans) and Unfunded List (Lack of Authority) that received the PWM grant and awarded construction contracts on or after June 20, 2014 will have the PWM grant removed.

Attachment C includes proposed amendments to SFP Regulations 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5 and 1859.193.

The regulatory changes impact New Construction (NC), Modernization (MOD), Career Technical Education Facilities Program (CTEFP), Charter School Facility Program (CSFP), Joint-Use (JU) Program, and Facility Hardship applications. In addition, there have been minor technical changes to three form names in the definitions section of the regulations.

The regulatory changes fall into two main categories:

1. Providing language stating that only construction contracts on or after January 1, 2012 and on or before June 19, 2014 are eligible to receive the PWM grant.
2. To update LC references within the SFP Regulations.

Regulation Section	Program Impacted	LC Reference Update	Eligible PWM grant contract award window defined
1859.2	Multiple - Definitions	✓	
1859.71.4	NC	✓	✓
1859.78.1	MOD	✓	✓
1859.79.2	MOD	✓	
1859.82	Facility Hardship	✓	✓
1859.83	Multiple - Excessive Cost Hardship Grant	✓	✓
1859.125	JU	✓	✓
1859.125.1	JU	✓	✓
1859.145	NC Preliminary Apportionment	✓	✓
1859.163.1	CSFP NC	✓	
1859.163.5	CSFP Rehabilitation	✓	
1859.167.2*	CSFP Rehabilitation	✓	✓
1859.193	CTEFP Grant	✓	✓

*The Board recently approved SFP Regulation Section 1859.167.2 as part of the CSFP Rehabilitation Supplemental Grants item presented at the May 28, 2014 Board meeting but it is not yet effective. The anticipated regulatory effective date is January 1, 2015.

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STAFF ANALYSIS/STATEMENTS (cont.)

Attachment C includes proposed amendments to the following forms:

Application for Funding (Form SAB 50-04)
Fund Release Authorization (Form SAB 50-05)
Application for Joint-Use Funding (Form SAB 50-07)
Application for Preliminary Apportionment (Form SAB 50-08)
Application for Charter School Preliminary Apportionment (Form SAB 50-09)
Application for Career Technical Education Facilities Funding (Form SAB 50-10)

Forms SAB 50-04, 50-07, 50-08, 50-09 and 50-10
The forms listed above contain changes to the instructions, prevailing wage monitoring, and certifications sections of the documents. The Forms SAB 50-04 and SAB 50-09 contain changes to regulations that were approved as part of the CSFP Rehabilitation Supplemental Grants item presented at the May 28, 2014 Board meeting but are not yet effective. There is a key which delineates the types of regulatory changes at the top of Attachment C. The changes are as follows:

1. Include language stating that only construction contracts awarded on or after January 1, 2012 and on or before June 19, 2014 are eligible to receive the PWM grant.
2. Remove reference to the Compliance Monitoring Unit
3. Update and remove references to new, amended or repealed LC sections.

Form SAB 50-05
The Form SAB 50-05 contains changes to the General Information and Certifications sections. The changes are as follows:

1. Language requiring school districts to submit evidence that the school district notified DIR within five days of awarding a construction contract has been removed.
2. The numbering in the General Information Section has been updated
3. The Certifications section is amended to highlight that even though school districts are no longer required to contract with DIR for prevailing wage monitoring, they must still ensure that the project is compliant with LC provisions.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown on Attachment C.

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

This Item was approved by the State Allocation Board on October 16, 2014.

ATTACHMENT A

Education Code (EC) Section 17070.35 states:

(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....

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

Labor Code (LC) Section 1725.5 states:

A contractor shall be registered pursuant to this section to be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of this chapter. For the purposes of this section, "contractor" includes a subcontractor as defined by Section 1722.1.

(a) To qualify for registration under this section, a contractor shall do all of the following:

(1) Beginning July 1, 2014, register with the Department of Industrial Relations in the manner prescribed by the department and pay an initial nonrefundable application fee of three hundred dollars ($300) to qualify for registration under this section and an annual renewal fee on or before July 1 of each year thereafter. The annual renewal fee shall be in a uniform amount set by the Director of Industrial Relations, and the initial registration and renewal fees may be adjusted no more than annually by the director to support the costs specified in Section 1771.3.

(2) Provide evidence, disclosures, or releases as are necessary to establish all of the following:

(A) Workers' Compensation coverage that meets the requirements of Division 4 (commencing with Section 3200) and includes sufficient coverage for any worker whom the contractor employs to perform work that is subject to prevailing wage requirements other than a contractor who is separately registered under this section. Coverage may be evidenced by a current and valid certificate of workers' compensation Insurance or certification of self-insurance required under Section 7125 of the Business and Professions Code.

(B) If applicable, the contractor is licensed in accordance with Chapter 9 (commencing with Section 7000) of the Business and Professions Code.

(C) The contractor does not have any delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award. However, for purposes of this paragraph, the contractor shall not be disqualified for any judgment, order, or determination that is under appeal, provided that the contractor has secured the payment of any amount eventually found due through a bond or other appropriate means.

(D) The contractor is not currently debarred under Section 1777.1 or under any other federal or state law providing for the debarment of contractors from public works.

(E) The contractor has not bid on a public works contract, been listed in a bid proposal, or engaged in the performance of a contract for public works without being lawfully registered in accordance with this section, within the preceding 12 months or since the effective date of the requirements set forth in subdivision (e), whichever is earlier. If a contractor is found to be in violation of the requirements of this paragraph, the period of disqualification shall be waived if both of the following are true:

(i) The contractor has not previously been found to be in violation of the requirements of this paragraph within the preceding 12 months.

(ii) The contractor pays an additional nonrefundable penalty registration fee of two thousand dollars ($2,000).

(b) Fees received pursuant to this section shall be deposited in the State Public Works Enforcement Fund established by Section 1771.3 and shall be used only for the purposes specified in that section.

(c) A contractor who fails to pay the renewal fee required under paragraph (1) of subdivision (a) on or before the expiration of any prior period of registration shall be prohibited from bidding on or engaging in the performance of any contract for public work until once again registered pursuant to this section. If the failure to pay the renewal fee was inadvertent, the contractor may renew its registration retroactively by paying an additional nonrefundable penalty renewal fee equal to the amount of the renewal fee within 90 days of the due date of the renewal fee.
(d) If, after a body awarding a contract accepts the contractor's bid or awards the contract, the work covered by the bid or contract is determined to be a public work to which Section 1771 applies, either as the result of a determination by the director pursuant to Section 1773.5 or a court decision, the requirements of this section shall not apply, subject to the following requirements:
(1) The body that awarded the contract failed, in the bid specification or in the contract documents, to identify as a public work that portion of the work that the determination or decision subsequently classifies as a public work.
(2) Within 20 days following service of notice on the awarding body of a determination by the Director of Industrial Relations pursuant to Section 1773.5 or a decision by a court that the contract was for public work as defined in this chapter, the contractor and any subcontractors are registered under this section or are replaced by a contractor or subcontractors who are registered under this section.
(3) The requirements of this section shall apply prospectively only to any subsequent bid, bid proposal, contract, or work performed after the awarding body is served with notice of the determination or decision referred to in paragraph (2) of this subdivision.
(e) The requirements of this section shall apply to any bid proposal submitted on or after March 1, 2015, and any contract for public work, as defined in this chapter, entered into on or after April 1, 2015.

LC Section 1771.1 states:

(a) A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.
(b) Notice of the requirement described in subdivision (a) shall be included in all bid invitations and public works contracts, and a bid shall not be accepted nor any contract or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5.
(c) An inadvertent error in listing a subcontractor who is not registered pursuant to Section 1725.5 in a bid proposal shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply:
(1) The subcontractor is registered prior to the bid opening.
(2) Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.
(3) The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code.
(d) Failure by a subcontractor to be registered to perform public work as required by subdivision (a) shall be grounds under Section 4107 of the Public Contract Code for the contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.
(e) The department shall maintain on its Internet Web site a list of contractors who are currently registered to perform public work pursuant to Section 1725.5.

(f) A contract entered into with any contractor or subcontractor in violation of subdivision (a) shall be subject to cancellation, provided that a contract for public work shall not be unlawful, void, or voidable solely due to the failure of the awarding body, contractor, or any subcontractor to comply with the requirements of Section 1725.5 or this section.
(g) This section shall apply to any bid proposal submitted on or after March 1, 2015, and any contract for public work entered into on or after April 1, 2015.

LC Section 1771.3 states:

(a) The State Public Works Enforcement Fund is hereby created as a special fund in the State Treasury to be available upon appropriation of the Legislature. All registration fees collected pursuant to Section 1725.5 and any other moneys as are designated by statute or order shall be deposited in the fund for the purposes specified in subdivision (b).
(b) Moneys in the State Public Works Enforcement Fund shall be used only for the following purposes:
(1) The reasonable costs of administering the registration of contractors and subcontractors to perform public work pursuant to Section 1725.5.
(2) The costs and obligations associated with the administration and enforcement of the requirements of this chapter by the Department of Industrial Relations.
(3) The monitoring and enforcement of any requirement of this code by the Labor Commissioner on a public works project or in connection with the performance of public work as defined pursuant to this chapter.
(c) The annual contractor registration renewal fee specified in subdivision (a) of Section 1725.5, and any adjusted application or renewal fee, shall be set in amounts that are sufficient to support the annual appropriation approved by the Legislature for the State Public Works Enforcement Fund and not result in a fund balance greater than 25 percent of the appropriation. Any yearend balance in the fund greater than 25 percent of the appropriation shall be applied as a credit when determining any fee adjustments for the subsequent fiscal year.
(d) To provide adequate cashflow for the purposes specified in subdivision (b), the Director of Finance, with the concurrence of the Secretary of the Labor and Workforce Development Agency, may approve a short-term loan each fiscal year from the Labor and Workforce Development Fund to the State Public Works Enforcement Fund.
(1) The maximum amount of the annual loan allowable may be up to, but shall not exceed 50 percent of the appropriation authority of the State Public Works Enforcement Fund in the same year in which the loan was made.
(2) For the purposes of this section, a “short-term loan” is a transfer that is made subject to both of the following conditions:
(A) Any amount loaned is to be repaid in full during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the annual Budget Act for the subsequent fiscal year.
(B) Loans shall be repaid whenever the funds are needed to meet cash expenditure needs in the loaning fund or account.

LC Section 1771.4 states:

(a) All of the following are applicable to all public works projects that are otherwise subject to the requirements of this chapter:
(1) The call for bids and contract documents shall specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.
(2) The awarding body shall post or require the prime contractor to post job site notices, as prescribed by regulation.

(3) Each contractor and subcontractor shall furnish the records specified in Section 1776 directly to the Labor Commissioner, in the following manner:
(A) At least monthly or more frequently if specified in the contract with the awarding body.
(B) In a format prescribed by the Labor Commissioner.
(4) The department shall undertake those activities it deems necessary to monitor and enforce compliance with prevailing wage requirements.
(b) The Labor Commissioner may exempt a public works project from compliance with all or part of the requirements of subdivision (a) of this section if either of the following occurs:
(1) The awarding body has enforced an approved labor compliance program, as defined in Section 1771.5, on all public works projects under its authority, except those deemed exempt pursuant to subdivision (a) of Section 1771.5, continuously since December 31, 2011.
(2) The awarding body has entered into a collective bargaining agreement that binds all contractors performing work on the project and that includes a mechanism for resolving disputes about the payment of wages.
(c) (1) The requirements of paragraph (1) of subdivision (a) shall only apply to contracts for public works projects awarded on or after January 1, 2015.
(2) The requirements of paragraph (3) of subdivision (a) shall only apply to the following projects:
(A) Projects that were subject to a requirement to furnish records to the Compliance Monitoring Unit pursuant to Section 16461 of Title 8 of the California Code of Regulations, prior to the effective date of this section.
(B) Projects for which the initial contract is awarded on or after April 1, 2015.
(C) Any other ongoing project in which the Labor Commissioner directs the contractors or subcontractors on the project to furnish records in accordance with paragraph (3) of subdivision (a).
(D) All projects, whether new or ongoing, on or after January 1, 2016.

LC Section 1771.5 states:

(a) Notwithstanding Section 1771, an awarding body may choose not to require the payment of the general prevailing rate of per diem wages or the general prevailing rate of per diem wages for holiday and overtime work for any public works project of twenty-five thousand dollars ($25,000) or less when the project is for construction work, or for any public works project of fifteen thousand dollars ($15,000) or less when the project is for alteration, demolition, repair, or maintenance work, if the awarding body has elected to initiate and has been approved by the Director of Industrial Relations to enforce a labor compliance program pursuant to subdivision (b) for every public works project under the authority of the awarding body.
(b) For purposes of this section, a labor compliance program shall include, but not be limited to, the following requirements:
(1) All bid invitations and public works contracts shall contain appropriate language concerning the requirements of this chapter.
(2) A prejob conference shall be conducted with the contractor and subcontractors to discuss federal and state labor law requirements applicable to the contract.
(3) Project contractors and subcontractors shall maintain and furnish, at a designated time, a certified copy of each weekly payroll containing a statement of compliance signed under penalty of perjury.
(4) The awarding body shall review, and, if appropriate, audit payroll records to verify compliance with this chapter.
(5) The awarding body shall withhold contract payments when payroll records are delinquent or inadequate.
(6) The awarding body shall withhold contract payments equal to the amount of underpayment and applicable penalties when, after investigation, it is established that underpayment has occurred.
(7) The awarding body shall comply with any other prevailing wage monitoring and enforcement activities that are required to be conducted by labor compliance programs by the Department of Industrial Relations.

(c) For purposes of this chapter, “labor compliance program” means a labor compliance program that is approved, as specified in state regulations, by the Director of Industrial Relations.
(d) For purposes of this chapter, the Director of Industrial Relations may revoke the approval of a labor compliance program in the manner specified in state regulations.

LC Section 1771.7 states:

(a) (1) For contracts specified in subdivision (f), an awarding body that chooses to use funds derived from either the Kindergarten-University Public Education Facilities Bond Act of 2002 or the Kindergarten-University Public Education Facilities Bond Act of 2004 for a public works project, shall initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program, as described in subdivision (b) of Section 1771.5, with respect to that public works project.
(2) If an awarding body described in paragraph (1) chooses to contract with a third party to initiate and enforce a labor compliance program for a project described in paragraph (1), that third party shall not review the payroll records of its own employees or the employees of its subcontractors, and the awarding body or an independent third party shall review these payroll records for purposes of the labor compliance program.
(b) This section applies to public works that commence on or after April 1, 2003. For purposes of this subdivision, work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work, does not constitute the commencement of a public work.
(c) (1) For purposes of this section, if any campus of the California State University chooses to use the funds described in subdivision (a), then the “awarding body” is the Chancellor of the California State University. For purposes of this subdivision, if the chancellor is required by subdivision (a) to initiate and enforce, or to contract with a third party to initiate and enforce, a labor compliance program, then in addition to the requirements described in subdivision (b) of Section 1771.5, the Chancellor of the California State University shall review the payroll records on at least a monthly basis to ensure the awarding body’s compliance with the labor compliance program.
(2) For purposes of this subdivision, if an awarding body described in subdivision (a) is the University of California or any campus of that university, and that awarding body is required by subdivision (a) to initiate and enforce, or to contract with a third party to initiate and enforce, a labor compliance program, then in addition to the requirements described in subdivision (b) of Section 1771.5, the payroll records shall be reviewed on at least a monthly basis to ensure the awarding body’s compliance with the labor compliance program.
(d) (1) An awarding body described in subdivision (a) shall make a written finding that the awarding body has initiated and enforced, or has contracted with a third party to initiate and enforce, the labor compliance program described in subdivision (a).
(2) (A) If an awarding body described in subdivision (a) is a school district, the governing body of that district shall transmit to the State Allocation Board, in the manner determined by that board, a copy of the finding described in paragraph (1).
(B) The State Allocation Board shall not release the funds described in subdivision (a) to an awarding body that is a school district until the State Allocation Board has received the written finding described in paragraph (1).
(C) If the State Allocation Board conducts a postaward audit procedure with respect to an award of the funds described in subdivision (a) to an awarding body that is a school district, the State Allocation Board shall verify, in the manner determined by that board, that the school district has complied with the requirements of this subdivision.
(3) If an awarding body described in subdivision (a) is a community college district, the Chancellor of the California State University, or the office of the President of the University of California or any campus of the University of California, that awarding body shall transmit, in the manner determined by the Director of Industrial Relations, a copy of the finding described in paragraph (1) to the director of that department, or

the director of any successor agency that is responsible for the oversight of employee wage and employee work hours laws.

(e) Because the reasonable costs directly related to monitoring and enforcing compliance with the prevailing wage requirements are necessary oversight activities, integral to the cost of construction of the public works projects, notwithstanding Section 17070.63 of the Education Code, the grant amounts as described in Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1 of the Education Code for the costs of a new construction or modernization project shall include the state's share of the reasonable and directly related costs of the labor compliance program used to monitor and enforce compliance with prevailing wage requirements.

(f) This section shall only apply to contracts awarded prior to January 1, 2012.

LC Section 1773.3 states:

(a) (1) An awarding agency shall provide notice to the Department of Industrial Relations of any public works contract subject to the requirements of this chapter, within five days of the award.

(2) The notice shall be transmitted electronically in a format specified by the department and shall include the name of the contractor, any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

(b) In lieu of responding to any specific request for contract award information, the department may make the information provided by awarding bodies pursuant to this section available for public review on its Internet Web site.

ATTACHMENT B

Summary of Prevailing Wage Monitoring Compliance for the School Facility Program

(as of October 16, 2014)

	Assembly Bill 1506 Labor Compliance Program (LCP)	**Assembly Bill 436 Compliance Monitoring Unit (CMU)**	**Senate Bill 854 Public Works Administration**
Funding Source	Propositions 47 and 55	Propositions 1A, 47, 55 & 1D	Propositions 1A, 47, 55 & 1D
Significant Dates	Notice to Proceed on or after April 1, 2003, and Contract Award Date before January 1, 2012	Contract Award Date on or after January 1, 2012, and Contract Award Date on or before June 19, 2014.	SFP Funding June 20, 2014 ≤ Contract Award Date
Prevailing Wage Monitoring Entity	The school district must either have a DIR approved LCP or hire an entity that operates a DIR approved LCP.	DIR's CMU monitors compliance unless the school district meets the exceptions.	DIR's Public Works Administration monitors compliance unless the school district meets the exceptions.
SFP Funding	The school district is eligible for an LCP grant.	The school district is eligible for the PWM grant.	The school district is not eligible for the PWM grant if the Contract Award Date is on or after June 20, 2014.
SFP Fund Release Verification Process	The school district must provide copies of DIR's LCP approval letters.	The school district must provide a copy of the following until SFP Regulations are amended to remove this requirement: a) A copy of the PWC-100 b) DIR's confirmation email received upon submittal of the PWC-100	The school district must provide a copy of the following until SFP Regulations are amended to remove this requirement: a) A copy of the PWC-100 b) DIR's confirmation email received upon submittal of the PWC-100

Acronyms:
DIR - Department of Industrial Relations
PWM - Prevailing Wage Monitoring
SFP - School Facility Program

ATTACHMENT C

School Facility Program Regulation Section 1859.167.2 is completely underlined based on the Board's action on May 28, 2014. All double strikethrough and double underlines require Board action as of October 16, 2014.

For all other regulation sections, all single underline and single strikethrough regulatory amendments require Board action as of October 16, 2014.

The Forms SAB 50-04 and SAB 50-09 reflect single strikethrough and single underlines that were previously approved by the Board on May 28, 2014. All double strikethrough and double underlines require Board action as of October 16, 2014.

For the Forms SAB 50-05, SAB 50-07, SAB 50-08 and SAB 50-10, all single underline and single strikethrough amendments require Board action as of October 16, 2014.

School Facility Program (SFP) Regulations

Section1859.2. Definitions.

"Form SAB 50-04" means the *Application ~~F~~for Funding*, Form SAB 50-04 (Revised ~~05/13~~10/14), which is incorporated by reference.

"Form SAB 50-05" means the *Fund Release Authorization*, Form SAB 50-05 (Revised ~~01/13~~10/14), which is incorporated by reference.

"Form SAB 50-07" means the *Application ~~F~~for Joint-Use Funding*, Form SAB 50-07 (Revised ~~12/11~~10/14), which is incorporated by reference.

"Form SAB 50-08" means the *Application ~~F~~for Preliminary Apportionment*, Form SAB 50-08 (Revised ~~12/11~~10/14), which is incorporated by reference.

"Form SAB 50-09" means the *Application for Charter School Preliminary Apportionment*, Form SAB 50-09 (Revised ~~12/11~~10/14), which is incorporated by reference.

"Form SAB 50-10" means the *Application for Career Technical Education Facilities Funding*, Form SAB 50-10 (Revised ~~04/12~~10/14), which is incorporated by reference.

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Section~~s~~ 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.71.4. New Construction Additional Grant Increase for Labor Compliance Program or Prevailing Wage Monitoring and Enforcement Costs.

(a) After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the district is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a LCP, the Board shall increase the per-unhoused pupil grant by 50 percent of the following calculation:

(1) Using the chart in (b) of this Section, determine the total amount of funding to be provided for the increased costs of a new construction project due to the initiation and enforcement of a LCP.

(2) Divide the amount determined in subsection (a)(1) by the total number of pupils, or by one if no pupils are assigned, in the approved application.

(b) The funding provided for a new construction project to initiate and enforce a LCP shall be calculated on the total project cost, exclusive of site acquisition costs, as follows:

$16,000	For the first $1 million or any part thereof, plus
1.6 percent	Of the next $1 million or any part thereof, plus
0.25 percent	Of the next $1 million or any part thereof, plus
0.15 percent	Of the next $1 million or any part thereof, plus
0.32 percent	Of the next $2 million or any part thereof, plus
0.31 percent	Of the next $2 million or any part thereof, plus
0.46 percent	Of the next $5 million or any part thereof, plus
0.44 percent	Of the next $5 million or any part thereof, plus
0.42 percent	Of the next $30 million or any part thereof, plus
0.4 percent	Of any remaining portion

(c) After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014.

(d) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014., is subject to the DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(e) Any school district failing to meet the requirements in subsection (d) above shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(f) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in (e), for any construction projects for which the violations occurred.

Note: Authority cited: Section 17070.35, Education Code and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Reference: Sections 17072.10 and 17072.30, Education Code.

Section 1859.78.1. Modernization Additional Grant for Labor Compliance Program or Prevailing Wage Monitoring and Enforcement Costs.

(a) After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the district is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a labor compliance program, the Board shall increase the per-unhoused pupil grant by the following calculation, less the district matching share required in Section 1859.79:

(1) Using the chart in Section 1859.71.4(b), determine the total amount of funding to be provided for the increased costs of a modernization project due to the initiation and enforcement of a LCP.

(2) Divide the amount determined in subsection (a)(1) by the total number of pupils, or by one if no pupils are assigned, in the approved application.

(b) After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014.

(c) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to the DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(d) Any school district failing to meet the requirements of (c) shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(e) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in (d), for any construction projects for which the violations occurred.

Note: Authority cited: Section 17070.35, Education Code and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Reference: Sections 17072.10 and 17072.30, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area with the exception of the following:

(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and

as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.82. Facility Hardship.

…

If the district qualifies for replacement facilities on the same site pursuant to either (1) or (2) above, the district is eligible for funding as a new construction project. Replacement facilities shall be allowed in accordance with the square footage amounts provided in the chart in Section (b) below. If the facility eligible for replacement is not shown in the chart in Section (b) below, the replacement facility shall be limited to the square footage replaced. The grant amount provided shall be $173.30 per square foot for Toilet Facilities and $96.30 per square foot for all other facilities. Additional funding may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a), (b) or (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73, project assistance pursuant to Section 1859.73.1, and high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. The amounts shown will be adjusted in the manner prescribed in Section 1859.71. For any project funded in whole or in part from any State bond funds for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

Any grants provided pursuant to either (1) or (2) above will be reduced for any space deemed available by the Board in the district, the HSAA or Super HSAA that could be used to house some or all of the displaced pupils, fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

If the district qualifies for rehabilitation of facilities on the same site pursuant to subsection (a)(1)(A)2, the district is eligible for a seismic rehabilitation grant. The grant provided is pursuant to subsection (a)(1)(A)2 and Education Code Section 17075.10(b)(2). Additional funding may be provided for a high performance incentive grant pursuant to Section 1859.77.4. For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the seismic rehabilitation grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

(b) A multi-purpose room, toilet, gymnasium, school administration or library/media center, facility that meets all the following:
(1) The facility was lost or destroyed as a result of a disaster, including but not limited to fire, flood or earthquake.
(2) The facility is no longer useable for school purposes as recommended by the California Department of Education and approved by the Board.
(3) The district has demonstrated satisfactorily to the Board that the facility was uninsurable or the cost of insurance was prohibitive.

If the district qualifies, the district is eligible for funding as a new construction project. The funding amount provided shall be $96.30 per square foot for library/media center, school administration, gymnasium and multi-purpose facilities, and/or $173.30 per square foot for Toilet Facilities. A New Construction Additional Grant may be provided

for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a) and (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73, project assistance pursuant to Section 1859.73.1, and high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. The amounts shown will be adjusted in the manner prescribed in Section 1859.71. For any project funded in whole or in part from any State bond funds for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

…

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17074.56, 17075.10, 17075.15, 17250.30 and 101012(a)(1), Education Code0, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.83. Excessive Cost Hardship Grant.

…

(e) Excessive Cost for rehabilitation of facilities the Board has determined are a health and safety risk to the pupils pursuant to Section 1859.82(a)(1) and the cost/benefit analysis to mitigate the problem and remain in the facility is less than 50 percent of the Current Replacement Cost of the facility. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. If the district qualifies, the district is eligible for funding of Rehabilitation Costs as a modernization project. If the Approved Application is received on or before April 29, 2002, the grant amount provided is 80 percent of the amount of the cost estimate required in Section 1859.82(a)(1) that has been reviewed by the OPSC and approved by the Board. If the Approved Application is received after April 29, 2002, the grant amount provided is 60 percent of the amount of the cost estimate required in Section 1859.82(a)(1) that has been reviewed by the OPSC and approved by the Board. An additional grant may be provided for high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. For any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.78.1(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.78.1(b) and subject to the limitations established in Section 1859.78.1(c).

…

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45 and 17250.30, Education Code; and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.125. Joint-Use Project Grant Determination Based on Square Footage.

…

The dollar amounts shown in (a) are adjusted in a manner prescribed in Section 1859.71 and are eligible for Excessive Cost Hardship Grant(s) pursuant to Section 1859.83 (a), (b) and (d). For any project funded in whole or

in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

…

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42, 17077.45 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.125.1. Additional Type I Joint-Use Project Extra Cost Grant.

…

Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Joint-Use Project. The amounts shown in (a) are adjusted in a manner prescribed in Section 1859.71. For any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

…

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42, 17077.45 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.145. Preliminary Apportionment Determination.

…

The amounts shown in (a) are adjusted in a manner prescribed in Section 1859.71. For any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17075.10, 17078.10, 17078.24 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

…

(b) The Preliminary Charter School Apportionment for site acquisition costs shall be:

(1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).

(2) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.

(c) The Preliminary Charter School Apportionment to initiate and enforce a LCP or to provide for the prevailing wage monitoring and enforcement costs shall be:

(1) 50 percent of the amount to initiate and enforce a LCP as prescribed in Section 1859.71.4(a), if required by the Labor Code, or

(2) 50 percent of the amount of the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code, and

(3) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to either (1) or (2) above, as applicable.

(d) The total amount calculated in (a) above will be added to any amount calculated in (b) and (c) above, which will provide the Preliminary Charter School Apportionment amount.

The amounts shown in (a)(1) shall be adjusted annually in the manner prescribed in Section 1859.71.

Subsection (a)(4) of this section shall be suspended no later than January 1, 2008, unless otherwise extended by amendments as adopted by the Board.

(e) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(f) Any school district failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(g) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in subsection (f) above for any construction projects for which the violations occurred.

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

Reference: Sections 17078.52, 17078.58, and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.163.5. Preliminary Charter School Rehabilitation Apportionment Determination.

…

(c) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the state and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through

June 19, 2014.

(d) Any school district failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(e) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the district shall return to the State any State funding received for the project, including interest, as calculated in subsection (d) above for any construction projects for which the violations occurred.

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

Reference: Sections 17071.25, 17078.52, 17078.54, 17078.56, 17078.58 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

...

Section 1859.167.2. Charter School Facilities Program Rehabilitation Additional Grant for Labor Compliance Program or Prevailing Wage Monitoring and Enforcement Costs

The additional grant to initiate and enforce a LCP or to provide for the prevailing wage enforcement costs shall be determined according to (a) or (b) below, as applicable:

(a) After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the applicant is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a LCP, the Board shall increase the Charter School Facilities Program Rehabilitation Grant by 50 percent of the following calculation:

(1) Using the chart in Section 1859.71.4(b), determine the total amount of funding to be provided for the increased costs of a Charter School Facilities Program Rehabilitation project due to the initiation and enforcement of a LCP.

(2) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority shall be included in the calculation of (1) above.

(b) After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014.

(1) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority shall be included in the calculation of (b) above.

(2) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the state and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(3) Any applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is

greater. Interest to be returned shall be calculated from the date at which funds were received by the applicant until the date of the Board's finding.

(4) If the DIR revokes the applicant's internal LCP's approval and the applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (e) above for any construction projects for which the violations occurred.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Reference: Sections 17078.58 and 17250.30, Education Code and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.193. Career Technical Education Facilities Grant Determination.

A Career Technical Education Facilities Project may construct a new facility or modernize or Reconfigure an existing school building. The Application for Career Technical Education Facility funding may accompany an Application for new construction funding pursuant to Section 1859.70 or may be submitted independently.

The applicant must identify square footage of the Career Technical Education Facility being constructed, modernized, reconfigured or equipped, on the funding Application. Equipment purchased under the Career Technical Education Facilities Program must have an average useful life expectancy of at least ten years pursuant to Education Code 17078.72(a). An Application for a Career Technical Education Facilities Project may consist entirely of equipment. All equipment must be purchased on or after May 20, 2006, unless the Career Technical Education Facilities Project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1.

(a) For new construction of a Career Technical Education Facilities Project included in a qualifying New Construction Grant, the Career Technical Education Facilities grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:

(A) 50 percent of the cost of construction of the Career Technical Education Facilities Project, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities Project with necessary equipment.

(C) For public works projects awarded on ~~or after~~ January 1, 2012 ~~and on or before~~through June 19, 2014, the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code.

(D) Minus an allowance for New Construction Grants provided for Career Technical Education classrooms, determined by:

1. Multiplying 960 square feet by the number of classrooms in the Career Technical Education Facilities Project that were included in the New Construction project.
2. Multiplying the amount determined in (a)(1)(C)1 by 50 percent of the Current Replacement Cost for non-Toilet Facilities.

(2) $3 million per Career Technical Education Facilities Project.

(3) Site development work is not allowed as part of a Career Technical Education Facilities Project included in a New Construction Grant. Site development work necessary pursuant to Section 1859.76, may be requested by the district under the qualifying SFP New Construction.

(4) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through

June 19, 2014.

(5) Any school district failing to meet the requirements of (a)(4) shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(6) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in subsection (a)(5) above, for any construction projects for which the violations occurred.

(b) For stand-alone new construction of a Career Technical Education Facilities Project, the grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:

(A) 50 percent of the cost of construction of the Career Technical Education Facilities Project, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities Project with necessary equipment.

(C) 50 percent of site development work that meets the following criteria:

1. It is necessary and applicable to the Career Technical Education Facilities Project.
2. It meets the requirements for site development costs as outlined in Section 1859.76.

(D) For public works projects awarded on ~~after~~ January 1, 2012 through June 19, 2014, the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code.

(2) $3 million per Career Technical Education Facilities Project.

(3) If the district is requesting funding for site development work applicable to the Career Technical Education Facilities Project, the district must submit a detailed cost estimate and appropriate DSA approved plans with the Form SAB 50-10. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the Career Technical Education Facilities Project and conform to the requirements in Section 1859.76.

(4) Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Career Technical Education Facilities Project.

(5) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(6) Any school district failing to meet the requirements of (b)(5) shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(7) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in subsection (b)(6) above, for any construction projects for which the violations occurred.

(c) For Modernization of a Career Technical Education Facilities Project, the grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education Facilities Project as determined below:

(A) 50 percent of the cost to modernize or Reconfigure the Career Technical Education Facilities, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities with necessary equipment.

(C) For public works projects awarded on or after January 1, 2012, the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code.

(2) $1.5 million per Career Technical Education Facilities Project.

(3) Reconfiguring an existing school building must not displace a minimum essential facility. In any case involving the replacement of a minimum essential facility due to the reconfiguration of an existing building, the replacement must be part of the plans submitted in support of the Career Technical Education Facilities Application, must occur concurrently, and cannot be part of a SFP Application for new construction.

(4) Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Career Technical Education Facilities Project.

(5) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on ~~or after~~ January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.

(6) Any school district failing to meet the requirements of subsection (c)(5) above, shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the school district until the date of the Board's finding.

(7) If the DIR revokes the district's internal LCP's approval and the district fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the school district shall return to the State any State funding received for the project, including interest, as calculated in subsection (c)(6) above, for any construction projects for which the violations occurred.

(d) If an applicant meets the eligibility criteria in Section 1859.192, but does not have the necessary approvals from the DSA and/or the CDE at the time of Apportionment, the Board may apportion funds for the Career Technical Education Facilities Project and reserve them for a period of up to 12 months. The grant amount to be reserved for the project will be the maximum funding as determined above in (a), (b), or (c).

(e) Funding provided as prescribed in Section 1859.71.6 and Section 1859.77.4 shall not be affected by the maximum funding determinations listed above.

Note: Authority cited: Sections 17070.35, 17078.72(k), and 17078.72(l), Education Code.

Reference: Sections 17078.72 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor 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.
7. 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.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), 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.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant'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 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, 16, and 2~~3~~4 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.

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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.

For Charter School Facilities Program Rehabilitation, leave the number of pupils blank.

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).
- 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 Charter School Facilities Program rRehabilitation 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.

- 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.

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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).

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 or 1859.77.4, as appropriate.

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 efficient~~l~~cy 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~~,~~ or 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. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

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

Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the Charter School Facilities Program Rehabilitation grants for an excessive cost hardship for the items listed. Refer to Section 1859.167.4 for eligibility criteria.

b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).

c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).

d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).

e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

~~8~~9. 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~~10.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.

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1~~0~~1.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.

1~~1~~2.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.

1~~2~~3.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.

1~~3~~4.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.

1~~4~~5.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.

1~~5~~6.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.

1~~6~~7.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.

1~~7~~8.Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being~~will be~~ used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- ~~The~~ DIR ~~Compliance Monitoring Unit (CMU)~~Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

1~~8~~9.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~~20.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~~21.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~~22. Architect of Record or Licensed Architect Certification

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

~~22~~23. Architect of Record or Design Professional Certification

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

~~23~~24. 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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STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~05~~10/1~~3~~4)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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 Facilityies 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

☐ 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: _____ %
☐ Small Size Project
☐ Urban/Security/Impacted site
☐ 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. Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

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

Excessive Cost Hardship Request

b. ☐ Geographic Percent Factor: _____ %

c. ☐ Small Size Project

d. ☐ Urban/Security/Impacted site

e. ☐ Accessibility/Fire Code
☐ 3 percent of base grant; or,
☐ 50 percent of minimum work $ _____
☐ Number of 2-Stop Elevators: _____
☐ Number of Additional Stops: _____

~~8~~9. 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~~10. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

1~~0~~1. Prior Apportionment Under the SFP

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

1~~1~~2. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

1~~2~~3. Alternative Developer Fee—New Construction Only

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

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1~~3~~4.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:

_____ _____

1~~4~~5.Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

1~~5~~6.Joint-Use Facility/Leased Property

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

1~~6~~7.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

1~~7~~8.Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, please indicate which monitoring requirement~~s~~ was or is being~~will be~~ used, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

☐ DIR ~~CMU Administered~~Public Works administration and enforcement
☐ DIR approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

1~~8~~9.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: _____

1~~9~~20.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): _____

2~~0~~1.Overcrowding Relief Grant Narrative

_____
_____
_____
_____

2~~1~~2. 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 Facilit~~y~~ies 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 Facilit~~y~~ies 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

2~~2~~3. 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 Facilit~~y~~ies 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.

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ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE	DATE

2~~3~~4. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 2~~1~~2 and 2~~2~~3, 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,
- 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~~y~~ies 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~~y~~ies 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,

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- 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,
- 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) in effect on January 1, 2012 through June 19, 2014, if the construction contract ~~is~~was awarded on ~~or after~~ January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. 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

STATE OF CALIFORNIA

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

SAB 50-05 (REV ~~01/13~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

The following documents must be submitted with this form (as appropriate):

1. Signature page of the contract(s) that meets the requirement for a fund release (Part V and/or VII).
2. Notice(s) to Proceed.
3. For projects for which construction contracts were awarded prior to January 1, 2012, and that require a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.7:
   - All school district and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
   - Third party contract(s).
   - A written finding that the district has initiated and enforced, or had contracted with a third party to initiate and enforce, an LCP pursuant to Section 1859.97(a).
   - If the district is submitting this form pursuant to Section 1859.90.2 on or after July 1, 2013, and if the district's LCP approval or contract date with an approved third party is subsequent to the construction contract date(s), the district must have submitted an LCP third party's report, pursuant to Section 1859.97(b), at least 60 days prior to submitting this form.

~~4. For all projects for which construction contracts are awarded on or after January 1, 2012:~~

- ~~Acknowledgement from the Department of Industrial Relations (DIR) of receipt of the district's notice. However, if the construction contract was awarded between January 1, 2012 and July 1, 2012, a copy of the Notice to DIR from the district with proof of mailing will be accepted in lieu of the DIR acknowledgement. The district understands that if it fails to meet the requirements in Labor Code Section 1771.3, it will be required to repay all state bond funds received including interest.~~

~~5~~4. For new construction projects that complete Part V attach:

- Accepted bid documents including additive/deductive alternates.

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

For the purposes of completing this form to obtain a fund release for a Final Career Technical Education Facilities Apportionment, a joint powers authority shall be treated as a school district.

SPECIFIC INSTRUCTIONS

Part I. Preliminary Apportionment—Design Only

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 1859.149(a)(2).

Part II. Preliminary Charter School Apportionment

Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2. Attach to this form the Charter School Agreements.

Part III. Separate Site Apportionment

Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

Part IV. Overcrowding Relief Grant - Advance Site Funds

Check the boxes if the district is requesting an advance release of funds pursuant to Section 1859.184.1.

Part V. New Construction/Modernization/Charter School Rehabilitation

Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

a. Date of written approval by the Division of the State Architect (DSA).
b. Enter the percent of the construction the district has under binding contract(s).
c. Issue date of the Notice to Proceed for the construction phase of the project(s); and,
d. Award date(s) of the construction contract(s) entered into by the district for this project. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

For Final Charter School Apportionment attach to this form the Charter School Agreements if not previously submitted or if since revised.

Part VI. New Construction—Site Acquisition Only

Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

Part VII. Joint-Use Projects

Check the boxes if the district is requesting release of joint-use project funds.

Part VIII. Identify District and Joint-Use Partners' Funding Sources

Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

Part IX. Career Technical Education Facilities Projects

Check the appropriate box(es) in Part VIII if the district is requesting a release of Career Technical Education Facilities funds.

Part X. Identify District's Construction Delivery Method

Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

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STATE OF CALIFORNIA

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

SAB 50-05 (REV ~~01/13~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

Part I. Preliminary Apportionment—Design Only

☐ The district certifies it has complied with Section 1859.149(a).

☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II. Preliminary Charter School Apportionment

A. Design Only

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the Charter School for the project
- will be expended by the Charter School prior to the Notice of Completion for the project

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

B. Separate Site Apportionment

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the Charter School for the project
- will be expended by the Charter School prior to the Notice of Completion for the project

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

Part III. Separate Site Apportionment

☐ RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

Part IV. Overcrowding Relief Grant - Advance Site Funds

Pursuant to Section 1859.184.1, districts that have received Financial Hardship approval that are acquiring sites through condemnation must be able to check all boxes:

☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ The district certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

Part V. New Construction/Modernization/Charter School Rehabilitation

District/Charter School must be able to check all boxes:

☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ The district certifies it has entered into a binding contract(s) for _____ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), which received written DSA approval on _____, and has issued the Notice(s) to Proceed on _____ for that 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.)

☐ If the district certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit 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.

The Charter School must also be able to check the following box:

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

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STATE OF CALIFORNIA

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

SAB 50-05 (REV ~~01/13~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Part VI. New Construction—Site Acquisition Only

District must be able to check both boxes:

☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).

☐ The district certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

Part VII. Joint-Use Projects

☐ The district certifies that the Joint-Use Partners' financial contribution has either:

- been received and deposited in the County School Facility Fund
- has been received and expended by the district
- will be received and expended by the district prior to the Notice of Completion for the project

☐ The district certifies it has entered into a binding contract(s) for _____ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

Part VIII. Identify District and Joint-Use Partners' Funding Sources

☐ Available bond funds such as general obligation, or Mello-Roos.

☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.

☐ Other funds available (identify)

☐ Funds already expended by the district for the project.

☐ Funds already expended by the Joint-Use Partners for the project.

☐ Future revenue sources to be used for the project (identify)

Part IX. Career Technical Education Facilities Projects

☐ The district certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.

Part X. Identify District's 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: _____

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I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or 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 project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.4.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, the district has initiated and enforced an LCP that has been approved by the DIR.
- If required by Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, ~~the district will contract with the~~ DIR has or will perform~~for~~ the required Prevailing Wage Monitoring and Enforcement for the project, or the requirement is waived pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest.

SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE	DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE
EMAIL ADDRESS	TELEPHONE NUMBER

STATE OF CALIFORNIA

APPLICATION FOR JOINT-USE FUNDING

SCHOOL FACILITY PROGRAM

SAB 50-07 (REV ~~12/11~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

This form is used by a district to request State funding for a project under the provisions of Education Code Sections 17077.40, 17077.42 and 17077.45. Requests for funding may be made as follows:

1. A Type I Joint-Use Project pursuant to Section 1859.122. The following documents must be submitted with this form in order for the Office of Public School Construction (OPSC) to accept the application for processing:
   - Joint-use agreement, that complies with the requirements of Education Code Section 17077.42.
   - Plans and Specifications (P&S) for the Joint-Use Project approved by the Division of the State Architect (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.
   - Plan approval letter for the Joint-Use Project from the California Department of Education (CDE).
   - A cost estimate to construct the Joint-Use Project, if the district is requesting Extra Cost funding pursuant to Section 1859.125.1.
   - If the matching share contribution is provided through a local bond, please provide appropriate documentation pursuant to Section 1859.127.
   - If the district's Joint-Use Partner(s) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as; advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.

2. A Type II Joint-Use Project pursuant to Section 1859.122.1 or 1859.122.2. The following documents must be submitted with this form in order for the OPSC to accept the application for processing:
   - Joint-use agreement, that complies with the requirements of Education Code Section 17077.42.
   - P&S for the Joint-Use Project approved by the DSA if the Joint-Use Project will be part of a qualifying School Facility Program (SFP) Modernization project, or preliminary plans if the Joint-Use Project will not be part of a qualifying SFP Modernization project. 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.
   - Plan approval letter from the CDE.
   - If the matching share contribution is provided through a local bond, please provide appropriate documentation pursuant to Section 1859.127.
   - If the district's Joint-Use Partner(s) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as; advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.

SPECIFIC INSTRUCTIONS

The district must provide the school name and physical address of the location for the Joint-Use Project. 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 which assists 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"P.T. Number Generator."

1. **Type of Application**
   Check the box that indicates the type of Joint-Use Project funding requested. Refer to Sections 1859.122, 1859.122.1 and 1859.122.2 for eligibility criteria.

2. **Pupils Served**
   Check the box that indicates the highest pupil grade level that is or will be served by the Joint-Use Project. If the Joint-Use Project will serve more than one school site, the CDE shall determine the highest pupil grade level to be served by the Joint-Use Project.

3. **Qualifying SFP Project Application Number**
   If the request is for a Type I or II Joint-Use Project which will be part of a qualifying SFP project, indicate the SFP application number or the PTN of the qualifying SFP project. Refer to Section 1859.123 and/or 1859.123.1.

4. **Type of Facility**
   Check the box that indicates the type of facility to be constructed.

5. **Joint-Use Facility Square Footage**
   Enter the square footage of the non-toilet area, toilet area and total area of the joint-use facility.

6. **Eligible Square Footage**
   Enter the eligible square footage of the Joint-Use Project as determined by Section 1859.124.

7. **Type I Joint-Use Project Extra Cost**
   If the request is for Extra Cost for a Type I Joint-Use Project, report: 50 percent of the estimated cost to construct the square footage in the Joint-Use Project.

8. **Site Development Cost**
   Enter 50 percent of service site development and utilities that meet the requirements of Sections 1859.125(a)(3) or 1859.125.1(a)(1)(B).

9. **Project Assistance**
   Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This project assistance is available only for Type II Joint-Use Projects, not part of a qualifying SFP Modernization project.

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10. Excessive Cost Hardship

Check the box(es) if the district qualifies and is requesting Excessive Cost Hardship funding for:

(a) Geographic Percent Factor. Enter the percentage factor shown in the Geographic Percentage Chart for the location of the project. Refer to Section 1859.83(a).

(b) Small Size Project. If the request is for a Type I or II Joint-Use Project, which will be part of a qualifying SFP project, check the box and enter the pupils assigned to the qualifying SFP project pursuant to Section 1859.123 and/or 1859.123.1. If request is for Type II Joint-Use Project, and will not be part of a qualifying SFP Modernization project, just check the box.

(c) Urban location, enter the:

- Existing Useable Acres, if the qualifying SFP New Construction project pursuant to Section 1859.123 is an addition to an existing school.
- The proposed Useable Acres that was/will be purchased as part of the qualifying SFP New Construction project pursuant to Section 1859.123.
- Master plan acreage size as recommended by the CDE.

11. District Project Priority

Enter the funding priority order of this application in relation to other district joint-use projects submitted to the OPSC on the same date. If the applications are not received on the same date, the OPSC will assign a higher district funding priority to that district application received first.

12. Project Progress Dates

Enter the following project progress dates:

(a) Date 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) Issue date of 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.

13. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being~~will be~~ used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- ~~The~~ DIR ~~Compliance Monitoring Unit (CMU)~~Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

14. Matching Share

Indicate the percentage each party will contribute towards the matching share.

(a) Indicate the percentage of matching share contribution the Joint-Use Partner(s) will provide.

(b) Indicate the percentage of matching share contribution the district will provide. If the district will provide more than 25 percent of the matching share, then the district must provide a copy of the bond which specifies that the monies from the bond are to be used to fund the Joint-Use Project.

15. Joint-Use Partner(s)

(a) Indicate the name of the Joint-Use Partner(s). Attach an additional sheet if needed.

(b) Check the appropriate box for the type of entity that describes the Joint-Use Partner(s).

16. Certification

The District Representative must complete this section.

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STATE OF CALIFORNIA

APPLICATION FOR JOINT-USE FUNDING

SCHOOL FACILITY PROGRAM

SAB 50-07 (REV ~~12/11~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a Joint-Use Project Grant(s) under the provisions of Chapter 12.5, Part 10, Division 1, Article 10.6, commencing with Section 17077.40, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT	COUNTY	APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
SCHOOL ADDRESS	CITY	ZIP CODE

1. Type of Application—Check Only One

☐ Type I Joint-Use Project
☐ Type II Joint-Use Project—reconfigure existing school buildings
☐ Type II Joint-Use Project—construct new school buildings

2. Pupils Served—Check Only One

☐ Elementary School
☐ Middle School
☐ High School

3. Qualifying SFP Project Application Number

Application Number: # _____
Project Tracking Number: # _____

4. Type of Facility

☐ Gymnasium
☐ Multi-purpose Room
☐ Library
☐ Child Care
☐ Teacher Education

5. Joint-Use Facility Square Footage

Non-Toilet Facilities (sq. ft.): _____
Toilet Facilities (sq. ft.): _____
Total Joint-Use Facilities (sq. ft.): _____

6. Eligible Square Footage _____

7. Type I Joint-Use Project Extra Cost

Fifty percent of Construction Cost: $ _____

8. Site Development Cost

Fifty percent of Service Site: $ _____
Fifty percent of Utilities: $ _____

9. Project Assistance

☐ Type II Joint-Use Project only—not part of a qualifying SFP Modernization project

10. Excessive Cost Hardship

a. ☐ Geographic Percent Factor: _____ %
b. ☐ Small Size Project (Pupils): _____
c. ☐ Urban
- Existing Acres (Useable): _____
- Proposed Acres (Useable): _____
- CDE Master Plan: _____

11. District Project Priority

Priority order of this joint-use project application in relation to other joint-use project applications submitted by the district at the same time. # _____

12. Project Progress Dates

a. Construction Contract awarded on: _____
b. Notice to Proceed issued on: _____
c. If the construction contract 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

13. Prevailing Wage Monitoring and Enforcement Costs:

If the construction contract(s) was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, please indicate which method was or is being~~will be~~ used to meet the prevailing wage monitoring requirements, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

☐ DIR ~~CMU Administered~~Public Works administration and enforcement
☐ DIR Approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

14. Matching Share

a. Joint-Use Partner(s) contribution: _____ %
b. District contribution: _____ %

15. Joint-Use Partner(s)

a. Joint-Use Partner(s): _____
_____

b. Type: ☐ Governmental Agency
☐ Institution of Higher Education
☐ Non-Profit Organization

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16.CERTIFICATION

I certify, as the District Representative, that the information reported on this form is true and correct and that I am the 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, Article 10.6, commencing with Section 17077.40, et. seq., of the Education Code was adopted by the School District's Governing Board 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 Sections 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The district will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered into 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 the request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP project, the district has received approval of the plans from the CDE and approval of the P&S from the DSA; and,
- If this request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district has completed the preliminary plans for the project and has received preliminary approval of the plans from the CDE; 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 joint-use partners' financial contribution for the project required pursuant to Section 1859.127 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The district understands that the lack of substantial progress toward increasing the pupil capacity 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 request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP Modernization project, 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,
- If the request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district understands that funds not released within 18 months from the date the DSA approved P&S are submitted to the OPSC, the 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,
- 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 and 1859.106; and,
- The district has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that Section; and,
- If the joint-use project grant will be used for the construction 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,
- The district has complied with the applicable Joint-Use Program Eligibility Criteria outlined in Sections 1859.122, 1859.122.1 and 1859.122.2 as appropriate; and,
- If the Joint-Use Project will serve more than one school site, the CDE has determined the highest grade level that will be served by the Joint-Use Project; and,
- The district has initiated and enforced a Labor Compliance Program that has been approved by the Department of Industrial Relations, 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 the contract was awarded 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) in effect on January 1, 2012 through June 19, 2014, if the construction contract ~~is~~was awarded on ~~or after~~ January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. 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.

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SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

PLEASE PRINT NAME

STATE OF CALIFORNIA

APPLICATION FOR PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-08 (REV ~~12/11~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INSTRUCTIONS

Once the Board has determined or adjusted the district's eligibility for new construction funding on the Eligibility Determination, Form SAB 50-03 the district may file an application for a Preliminary Apportionment by use of this Form. 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 this application 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. Requests with this form may be made as follows:

For purposes of this Preliminary 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).
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, within the General Location, if requesting site acquisition funds. See Section 1859.145.1(a)(1).
- Supporting documentation for relocation expenses and Department of Toxic Substance Control (DTSC) costs, if requesting amounts other than the 21 percent standard allowance. See Section 1859.145.1(a)(2).
- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of $70,000 per acre. See Section 1859.145(d).

For purposes of determining an amount for site acquisition pursuant to Section 1859.153(b), 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.

This request is available only to districts that currently meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate amount for the design and for the site acquisition on the same project. Districts may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For purposes of determining an amount for site acquisition for environmental hardship pursuant to Section 1859.153(c), 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.

After submittal of this form and notification by the OPSC of the eligible site acquisition costs, pursuant to Section 1859.153(b) or (c), the district may apply for a separate amount for the site acquisition of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the Office of Public School Construction (OPSC) Web site at www.dgs.ca.gov/opsc.

Prior to acceptance of an application that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the OPSC. To apply for financial hardship "pre-approval", consult the OPSC Web site at www.dgs.ca.gov/opsc. See Section 1859.145(i).

If the district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (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. The district must also update its eligibility by separation of Special Day Class from regular K–12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A small district with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies which assist 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 to the OPSC or 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 "P.T. Number Generator."

1. Type of Request

Check the appropriate box that indicates the type of request the district is applying for with this form. If the district is requesting a determination of eligible site acquisition costs from a Preliminary Apportionment previously approved by the Board, complete boxes 2, 3, 4, the site acquisition data in 6b, and boxes 7, 8, 9 and 12 only.

2. Type of Project

Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in an addition to an existing school or a new school project. The amount entered cannot exceed the district's new construction baseline eligibility determined on Form SAB 50-03 as adjusted by Section 1859.51. The amount entered will be the basis for the amount of the Preliminary Apportionment provided for the project.

Check the applicable box if the pupils assigned represent eligibility determined at another grade level, as prescribed in Section 1859.77.3(b). The total requested pupil grants may not exceed the capacity of the project.

Is this request an addition to an existing site? Yes or No. If yes, enter school name.

3. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance. Refer to Sections 1859.81 and 1859.145(i) for eligibility criteria. The districts requesting financial assistance 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.

4. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Proposed Useable Acres. The proposed Useable Acres identified should be for that amount the district reasonably anticipates acquiring or has acquired. When applicable, the amount shall be the lesser of the net Useable Acres included in an appraisal, preliminary appraisal or multiplying the pupils assigned by 0.01775 for elementary school pupils, 0.021 for middle school pupils and 0.02472 for high school pupils. Assign Severely Disabled and Non-severely Disabled Individuals with Exceptional Needs as either elementary, middle or high school pupils based upon the type of project selected in item 1. See Section 1859.74.1.

5. Source School(s)

List the Source School(s) as identified on the CDE Source School List and the number of Qualifying Pupils from each that are utilized for this project. The number of Qualifying Pupils reported must be at least 75 percent, but cannot exceed the number of the pupils assigned in item 2. The Source School(s) assigned must be consistent with the type of project selected in item 2. If you are listing more Source Schools than room on this form, attach an additional page listing the Source Schools and the number of Qualifying Pupils from each that are utilized for this project. Refer to Sections 1859.142 and 1859.143.

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6. Increase in Preliminary Apportionment

Check the appropriate box(es) if the district requests an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.145 and 145.1 for eligibility criteria. Enter the:

a. Check the box if the district requests additional funding due to multilevel construction. See Section 1859.145(b).
b. For site acquisition:
   - Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.145.1(a)(1).
   - For the hazardous material/waste removal and/or remediation allowance, enter no more than 25 percent of the property value of the site being acquired. For an addition to an existing site with no additional acreage or for an application submittal made pursuant to Section 1859.153(b) or (c), enter 50 percent of the allowable specific costs and submit appropriate documentation to support the amount requested. See Section 1859.145(a)(4) or Section 1859.145.1(b).
   - To determine an allowance for relocation cost and DTSC cost, the district may request 21 percent of the property value determined above or specific or historic values of these costs. See Section 1859.145.1(a)(2). If specific or historic values are reported, the district must submit appropriate documentation to support the amount reported.
c. To determine an allowance for site development, the district may request $70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.145(d). If specific or historic estimated costs are used, the district must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.
d. Check the box if this request is for a small new school. See Section 1859.145(e).
e. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.145(f).
f. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.145(g).

7. 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 an application to the OPSC. Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, with the exception of a classroom that is/was:

- A trailer and transportable/towed on its own wheels and axles.
- Excluded pursuant to Education Code Section 17071.30.
- Under contract for lease, lease-purchase, or construction no more than 180 days before submittal of this form to the OPSC.
- Included in a new construction project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (round up) for the project.
- Acquired with Joint-Use funds specifically available for that purpose.

8. Operational Grants

If the eligibility for this project was determined on a High School Attendance Area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level or type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

9. Prevailing Wage Monitoring and Enforcement Costs

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 in effect on January 1, 2012 through June 19, 2014:

- The Department of Industrial Relations (DIR) ~~Compliance Monitoring Unit (CMU)~~ Public works administration and enforcement
- A DIR-approved internal Labor Compliance Program (LCP)
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

10. Pending Reorganization Election

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.

11. Priority Order

Enter the district priority order of this application in relation to other Applications for Preliminary Apportionment submitted by the district on the same date.

12. Prior Apportionment Under SFP Design

If the project received a separate apportionment under the SFP for the design, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC. See Section 1859.142.

13. Certification

The district representative must complete this section.

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STATE OF CALIFORNIA

APPLICATION FOR PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-08 (REV ~~12/11~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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	PRELIMINARY APPLICATION NUMBER
PROPOSED PROJECT NAME	PROJECT TRACKING NUMBER
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Request *(Check Only One)*

☐ Preliminary Apportionment
☐ Site Acquisition Costs [Section 1859.153(b)]
☐ Site Acquisition Costs—Environmental Hardship [Section 1859.153(c)]

2. Type of Project

☐ Elementary School
☐ Middle School
☐ High School

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

Is this a use of grant request pursuant to Section 1859.77.3(b)? ☐ Yes ☐ No

Addition to existing site? ☐ Yes ☐ No
If yes, school name: _____

3. ☐ **Financial Hardship Request** *(Must Have Pre-Approval by OPSC)*

4. Number of Classrooms/Useable Acres

Number of Classrooms: _____
Existing Useable Acres: _____
Proposed Useable Acres: _____

5. Source School(s)

LIST SOURCE SCHOOL	QUALIFYING PUPILS ASSIGNED

6. Increase in Preliminary Apportionment

a. ☐ **Multilevel Construction**

b. **Site Acquisition:**
50 percent appraised value or median cost: $ _____
50 percent hazardous waste removal: $ _____
Relocation/DTSC Cost:
☐ 21 percent
☐ 50 percent of specific or historical cost: $ _____

c. **Site Development:**
☐ $70,000 per proposed useable acre
☐ 50 percent of specific or historical cost: $ _____

d. ☐ **Small New School Allowance**

e. ☐ **Urban Allowance**

f. ☐ **Geographic Percent Factor** _____%

7. Adjustment to New Construction Baseline Eligibility

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

8. Operational Grants *(HSAA Only)*

Number of Pupils:
K–6 _____
7–8 _____
9–12 _____
Non-Severe _____
Severe _____

9. Prevailing Wage Monitoring and Enforcement Costs:

Please indicate which method was or is being~~will be~~ used to meet the prevailing wage monitoring requirement~~s~~, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

☐ DIR ~~CMU Administered~~Public Works administration and enforcement
☐ DIR Approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

10. Pending Reorganization Election ☐ Yes ☐ No

11. Priority Order # _____

12. Prior Apportionment Under SFP Design

New Construction 50/ _____

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13. Certification

I certify, as the District Representative, that the information reported on this form 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, Article 11, commencing with Section 17078.10, et. seq., of the Education Code was adopted by the School District's Governing Board 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,
- The district has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs: and,
- The district will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered 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,
- 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 has or will utilize the Preliminary Apportionment for new construction to relieve overcrowding by providing new classroom capacity; and,
- The district understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Apportionment shall be cause for rescission of the Preliminary Apportionment (refer to Section 1859.148); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- The information utilized to establish the CDE Source School List has been or hereby is verified by the district as being true and correct; and,
- The district acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; 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 maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Apportionment is requested for the construction 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,
- The district understands that when the Preliminary Apportionment is converted to a Final Apportionment, the funding available for the Final Apportionment is subject to the provisions of Section 1859.150; and,
- The district will comply with the reporting requirements in Section 1859.149 and shall annually hold, at a regularly scheduled meeting of the district's governing board, a public hearing to discuss, and receive public comment regarding the report(s). Refer to Education Code Section 17078.25(d); and,
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- If the district is submitting this application to determine eligible site acquisition costs, the district meets the requirements in Section 1859.153; and,
- The district understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.148; and,
- The district has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in this Section; and,
- The district matching funds required pursuant to Section 1859.77.1 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,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If the application contains a "Use of 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 Section 1859.77.3(b). 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.
  - ☐ 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.
  - ☐ 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.
- The district ~~will contract~~has contracted with the DIR for prevailing wage monitoring and enforcement, pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract ~~is~~was awarded on ~~or after~~ January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

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STATE OF CALIFORNIA

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-09 (REV ~~12/11~~~~05/14~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INSTRUCTIONS

This form is used to request a preliminary apportionment for the new construction or rehabilitation of charter school facilities. This form may be submitted by either a ~~c~~Charter ~~s~~School directly or by a school district on behalf of a ~~c~~Charter ~~s~~School, provided the school is within the geographical boundaries of the district. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The ~~charter school~~applicant must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project through out the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications 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 Office of Public School Construction (OPSC) Web site at www.dgs.ca.gov/opsc "P.T. Number Generator." (Obtain from school district.)

Prior to submitting this form, the Board must determine or adjust the appropriate district's eligibility for new construction funding on the Form SAB 50-03. 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 this application 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. The following documents must be submitted with this form (as appropriate):

For new construction and rehabilitation projects,

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- Verification of the ~~c~~Charter ~~s~~School's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17078.53(b) for a charter applying on its own behalf.
- A narrative describing the proposed project. Include the estimated general scope of the project intended, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.

For new construction projects,

- If the ~~c~~Charter ~~s~~School is applying for a Preliminary Apportionment on its own behalf, a school board resolution certifying to the number of the district's unhoused pupils, pursuant to Section 1859.162.1(a) that the project will house, the supporting documentation used to generate this number and the school board meeting minutes that recorded the approval of the certification.
- For school districts applying on behalf of a ~~c~~Charter ~~s~~School, certification, signed by the district representative, and supporting documentation that states the number of the district's unhoused pupils that will be housed in the charter school project.
- An estimated recommended site size letter from the CDE.
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).
- Supporting documentation for relocation expenses and Department of Toxic Substances Control (DTSC) costs, if requesting amounts other than the 15 percent standard allowance. See Section 1859.163.2(b).
- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of $70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site aquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

For rehabilitation projects,

- For a ~~c~~Charter ~~s~~School submitting a Preliminary Apportionment for rehabilitation on its own behalf, an agreement between the school district and the ~~c~~Charter ~~s~~School for use of the facilities to be rehabilitated. The agreement must have been discussed and approved at a school district board meeting.
- A drawing of the school site that identifies all classrooms and subsidiary facilities and specifies the square footage and age of each building that will be included in the project.

Requests for new construction or rehabilitation funding are available only to ~~charter schools~~applicants that have current financial soundness status from the California School Fianance Authority. ~~Charter schools~~Applicants may apply for a separate amount for the design and for the new construction site acquisition on the same project. ~~Charter schools~~Applicants may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the OPSC Web site at www.dgs.ca.goc/opsc.

If the ~~c~~Charter ~~s~~School or district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (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. The district must also update its eligibility by separation of Special Day Class from regular K–12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).

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SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a ~~c~~Charter ~~s~~School or a ~~c~~Charter ~~s~~School on its own behalf if the ~~c~~Charter ~~s~~School has notified both the superintendent and the governing board of its intent to do so in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(1) and (2). The notice shall be submitted to the school district in writing in such a way that allows for verification of the received date. The notice shall also include a request for a school district certification pursuant to Section 1859.162.1(a), a request for an update in the district's enrollment pursuant to Section 1859.162.1(b) and must indicate to the school district the number of pupils the charter school intends to apply for. Please indicate method of filing by checking appropriate box. If the school district's eligibility is filed on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area for which the eligibility is adjusted pursuant to Section 1859.162.2.

Prior to submitting a request for a preliminary apportionment the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

1. **Type of Application**
   Check the appropriate box that indicates the type of request the ~~Charter School~~applicant is applying for with this form. If the ~~Charter School~~applicant is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3, 4 and the site acquisition data in 5b.

2. **Type of Project**
   a. Select the type of project that best represents this application request.
   b. Enter the name of the school district where the ~~c~~Charter ~~s~~School is physically located.

3. **Number of Classrooms/Useable Acres**
   Enter the:
   - Estimated number of classrooms in the proposed project.
   - Existing Useable Acres (if addition to existing site).
   - Estimated Proposed Useable Acres to be acquired for the project.

   The estimated Proposed Useable Acres shall be obtained from CDE prior to application submittal.

4. **Additional Project Information—New Construction Only**
   a. Enter the estimated number of pupils, by grade level, that will attend the ~~c~~Charter ~~s~~School.
   b. Enter the number of the school district's unhoused pupils to be housed in the ~~c~~Charter ~~s~~School pursuant to Section 1859.162.1(a) or 1859.162.2(b).
   c. Is this request an addition to an existing site? Yes or No. If yes, enter school name.

5. **Increase in Preliminary Apportionment—New Construction Only**
   Complete the appropriate Sections if the ~~district~~applicant is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

   a. Check the box if the ~~district~~applicant request additional funding due to multi-level construction. See Section 1859.163.1(a)(2).
   b. Site Acquisition:
      1) Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the charter school site.
      2) To determine an allowance for relocation cost and DTSC cost, the ~~charter school~~applicant may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the ~~charter school~~applicant must submit appropriate documentation to support the amount reported.
      3) Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).
   c. To determine an allowance for site development, the ~~charter school~~applicant may request $70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the ~~district~~applicant must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

      In addition, check the box if the ~~district~~applicant is requesting General Site Development pursuant to Section 1859.163.1.
   d. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(7).
   e. Check the box if this request is for a small size project. See Section 1859.163.1(a)(5).
   f. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(6).

6. **Additional Project Information—Rehabilitation Only**
   Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

7. **Increase in Preliminary Apportionment—Rehabilitation Only**
   a. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.~~1(a)(7)~~5(a)(4).
   b. Check the box if this request is for a small size project. See Section 1859.163.~~1(a)(5)~~5(a)(2).
   c. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.~~1(a)(6)~~5(a)(3).
   d. Check the box if the rehabilitation project includes new two-stop elevator(s). Elevator(s) are allowed only if required by the DSA. Attach copy of the DSA letter that requires that the elevator(s) be included in the project for access compliance.
   e. Enter the number of additional stops on new DSA required elevator(s) beyond two.

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8. Project Progress Dates

Complete this section:

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 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 if you have 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.

9. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being~~will be~~ used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- ~~The~~ DIR ~~Compliance Monitoring Unit (CMU)~~Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

10. Priority Order

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same school district.

11. Charter School Information

The information requested in (d) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.

a. Enter the ~~c~~Charter ~~s~~School enrollment currently being served by the applicant for the purpose of calculating if the Charter School is Small, Medium, or Large. See Section 1859.2.

b. Indicate if the ~~c~~Charter ~~s~~School operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2.

c. Enter the locale code of the charter school as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.

d. To determine if the ~~c~~Charter ~~s~~School is low income, enter the percentage of pupils at the ~~c~~Charter ~~s~~School identified as being eligible for the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).

e. If the ~~c~~Charter ~~s~~School has submitted an additional application for this project under the requirements of Section 1859.162.1, enter the application number for that project.

12. Certification

The authorized representative for the ~~c~~Charter ~~s~~School, or the school district representative on behalf of the ~~c~~Charter ~~s~~School must complete this certification section.

- Part A – The authorized representative for the ~~c~~Charter ~~s~~School, must complete this section if filing on its own behalf; or,
- Part B – The authorized school district representative must sign and date if filing on behalf of the ~~c~~Charter ~~s~~School.

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STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-09 (REV ~~12/11~~~~05/14~~10/14)

The school district or ~~c~~Charter ~~s~~School named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

☐ SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL ☐ CHARTER SCHOOL APPLYING ON ITS BEHALF	PRELIMINARY APPLICATION NUMBER
PROPOSED PROJECT NAME	PROJECT TRACKING NUMBER
COUNTY	HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE)
SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION	

1. Type of Application—Check Only One

☐ New Construction Preliminary Charter School Apportionment
☐ Site Acquisition Costs [Section 1859.164.2(b)]
☐ Rehabilitation Preliminary Charter School Apportionment

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

b. Name of school district where the ~~c~~Charter ~~s~~School project will be physically located: _____

3. Number of Classrooms/Useable Acres

Number of Classrooms: _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Additional Project Information—New Construction Only

a. Project Capacity
K–6 _____
7–8 _____
9–12 _____
Non-Severe _____
Severe _____

b. School District's Unhoused Pupils to be housed in the Charter School
K–6 _____
7–8 _____
9–12 _____
Non-Severe _____
Severe _____

c. Addition to existing site? ☐ Yes ☐ No
If yes, enter school name: _____

5. Increase in Preliminary Apportionment—New Construction Only

a. ☐ Multilevel Construction

b. Site Acquisition:
(1) 50 percent appraised value or median cost: $ _____
Enter the nearest street intersection to the Charter School General Location if determined by median cost:
_____
(2) Relocation/DTSC Cost:
☐ 15 percent
☐ 50 percent of specific or historical cost: $ _____
(3) Hazardous material clean-up: $ _____

c. Site Development
☐ $70,000 per proposed useable acre
☐ 50 percent of specific or historical cost: $ _____
☐ General Site

d. ☐ Geographic Percent Factor: _____ %

e. ☐ Small Size Project

f. ☐ Urban Allowance

6. Additional Project Information—Rehabilitation Only

Square Footage of Project:
Non-Toilets Facilities (sq. ft.): _____
Toilet Facilities (sq. ft.): _____

7. Increase in Preliminary Apportionment—Rehabilitation Only

a. ☐ Geographic Percent Factor: _____ %

b. ☐ Small Size Project

c. ☐ Urban/Security/Impacted Site

d. ☐ Number of 2-Stop Elevators: _____

e. ☐ Number of Additional Stops: _____

8. 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 to Proceed issued on: _____

c. If the Construction Contract 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

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9. Prevailing Wage Monitoring and Enforcement Costs:

If the Construction Contract(s) was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, please indicate which method was or is being ~~will be~~ used to meet the prevailing wage monitoring requirements, pursuant to LC Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

☐ DIR ~~CMU Administered~~ Public Works administration and enforcement

☐ DIR Approved District LCP

☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

10. Priority Order # _____

11. Charter School Information

a. Current ~~c~~Charter ~~s~~School enrollment: _____

b. Is ~~c~~Charter ~~s~~School not for profit? ☐ Yes ☐ No

c. Enter locale code of charter school: _____

d. Free/Reduced Lunch: _____ %

e. Additional Application Number: # _____

12. Certification

I certify that the information reported on this form is true and correct and that:

☐ I am an authorized representative of the ~~c~~Charter ~~s~~School designated by the governing board or equivalent authority of the ~~c~~Charter ~~s~~School and have notified both the Superintendent and the governing board of the school district in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,

☐ I am an authorized school district representative submitting this application on behalf of a ~~c~~Charter ~~s~~School pursuant to Education Code Section 17078.53 (c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the school district.

- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the ~~c~~Charter ~~s~~School on, _____, and,
- Prior to submitting this application the ~~c~~Charter ~~s~~School and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
- For a ~~c~~Charter ~~s~~School applying for a rehabilitation Preliminary Apportionment on its own behalf, the ~~c~~Charter ~~s~~School and school district have entered into an agreement to rehabilitate school district existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
- For a ~~c~~Charter ~~s~~School applying for a new construction Preliminary Apportionment on its own behalf, the ~~c~~Charter ~~s~~School and school district have complied with Section 1859.162.1 pertaining to the certification of the number of unhoused students the project will house; and,
- The ~~charter school~~applicant has or will establish 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,
- The ~~charter school~~applicant has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The ~~charter school~~applicant will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered 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,
- The ~~charter school~~applicant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This ~~charter school~~applicant 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 ~~charter school~~applicant understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,

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- The ~~charter school~~applicant acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; 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 maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the ~~charter school~~applicant has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The ~~charter school~~applicant understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The ~~charter school~~applicant 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~~applicant ~~will contract~~ has contracted with the DIR for prevailing wage monitoring and enforcement, pursuant to Labor Code section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract ~~is~~was awarded on ~~or after~~ January 1, 2012 through June 19, 2014 and the ~~district~~applicant has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The ~~district~~applicant 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~~applicant 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.

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Part A. Charter School Filing on its Own Behalf

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

Part B. School District Filing on Behalf of Charter School

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE

STATE OF CALIFORNIA

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM

SAB 50-10 (REV ~~04/12~~10/14)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

This form is to be used by a school district/joint powers authority (JPA) to request a Career Technical Education Facilities Program (CTEFP) grant. Requests for funding may be made as follows:

New Construction or Modernization project pursuant to Regulation Section 1859.190. The following documents must be submitted with this form for purposes of this apportionment:

- California Department of Education's (CDE) Career Technical Education (CTE) score letter.
- A copy of the submitted CTEFP application that complies with the requirements of Education Code Section 17078.72.
- If applicable, Plan Approval letter from the CDE School Facilities Planning Division.
- If applicable, Plans and Specifications (P&S) for the project that were approved by the Division of the State Architect (DSA) and the DSA Approval letter. 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.
- Detailed cost estimate of proposed site development, if requesting site development funding.
- Detailed construction cost estimate, if requesting construction funding.
- Itemized list of equipment including cost, if requesting equipment funding.
- If requesting a loan, the applicant must attach the completed CTEFP Funding Availability Worksheet.

SPECIFIC INSTRUCTIONS

A Project Tracking Number must be assigned by the applicant for all applications submitted to the OPSC, the DSA, or the CDE. This number may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc or the DSA or the CDE Web sites under "Project Tracking Number Generator." The locale must be entered for all CTE applications submitted to the OPSC. If the district is amending its High Performance Incentive (HPI) grant request, complete sections 1 and 14 only.

1. **Type of Application**
   Check the box that indicates the type of CTEFP funding requested. Refer to Section 1859.192 for the eligibility criteria.

2. **CTE Industry Sector and Pathway(s)**
   Enter the name of the Industry Sector and Pathway(s).

3. **Reservation of Funds**
   Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d). Otherwise, check the box "No."

4. **Loan Request**
   Check the box "Yes" if requesting a loan pursuant to Section 1859.194. Otherwise, check the box "No".

5. **Number of CTE Classrooms**
   Enter the number of CTE classrooms specified in the CDE CTE Application.

6. **Qualifying SFP Project Application Number**
   If the request is for a CTEFP Project that is part of a qualifying SFP project, indicate the SFP application number or the project tracking number of the qualifying SFP project. Refer to Section 1859.193.1 for a definition of a qualifying SFP project.

7. **CDE Application Overall Score**
   Enter the score from the CDE CTE score letter for this project. (The applicant must have received a score of at least 105 points, as determined by the CDE pursuant to Section 1859.192(c).)

8. **CTE Facility Square Footage**
   Enter the total eligible square footage of the CTE Facility in the project.

9. **Eligible Costs**
   a. Enter 50 percent of the construction cost if constructing new building area, or modernizing or reconfiguring an existing building.
   b. Enter 50 percent of the equipment cost pursuant to Education Code Section 17078.72(a).
   c. If the request is for a CTEFP Project that is not a part of a qualifying SFP project, enter 50 percent of the site development costs that meet the requirements of Section 1859.193.
   d. If the CTEFP Project is part of a qualifying SFP Project, enter 50 percent of the total SFP allowance for New Construction Grants for CTE classrooms pursuant to Section 1859.193(a)(1)(C).
   e. Enter the total of a plus b plus c minus d.

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10. Cost Per Square Footage

Enter the cost per square foot by dividing the total eligible costs in Item 9 at 100 percent by the CTE facility square footage noted in Item 8.

11. Project Assistance

Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This grant is available only to a new construction or modernization CTE project that is not part of a qualifying SFP New Construction or Modernization project.

12. 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 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.

13. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was ~~or will be~~ awarded on ~~or after~~ January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being~~will be~~ used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- ~~The~~ Department of Industrial Relations (DIR) ~~Compliance Monitoring Unit (CMU)~~ Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

14. Additional Grant for High Performance Incentive

Check the box if the district is requesting an Additional Grant for HPI pursuant to Subdivision (l) of Education Code Section 17078.72. If the district has received the necessary approvals of the plans and specifications from the DSA, enter the number of high performance points as prescribed in Section 1859.71.6 or Section 1859.77.4, as applicable.

15. Certification

The district representative must complete this section.

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STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM

SAB 50-10 (REV ~~04/12~~10/14)

The school district/JPA named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et seq, of the Education Code and the Regulations thereto.

SCHOOL DISTRICT/JOINT POWERS AUTHORITY		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	LOCALE	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Application—Check Only One

☐ New Construction Project—construct new school buildings and/or equipment

☐ Modernization Project—reconfigure existing school buildings and/or equipment

Separate HPI grant request [Section 1859.107]

☐ Add the HPI Grant

☐ Remove the HPI Grant

2. CTE Industry:

Sector: _____

Pathway(s): _____

_____

_____

3. Reservation of Funds: ☐ Yes ☐ No

4. Loan Request: ☐ Yes ☐ No

5. Number of CTE Classrooms in the CTEFP application _____

6. Qualifying SFP Project Application Number

Application Number: # _____

Project Tracking Number: # _____

7. CDE Application Overall Score: _____

Minimum Score: 105

8. CTE Facility Square Footage: _____

9. Eligible Costs

a. 50 Percent Construction: $ _____

b. 50 Percent Equipment: $ _____

c. 50 Percent Site Development: $ _____

d. 50 Percent SFP Allowance (New Construction Only) $ _____

e. Total (a+b+c-d): $ _____

10. Cost Per Square Foot: $ _____

11. Project Assistance

☐ CTE Project Only—not part of a qualifying SFP project

12. Project Progress Dates

a. Construction Contract signed on: _____

b. Notice to Proceed issued on: _____

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

13. Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was ~~or will be~~ awarded on~~after~~ January 1, 2012 through June 19, 2014, please indicate which method was or is being~~will be~~ used to meet the prevailing wage monitoring requirements, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

☐ DIR ~~CMU Administered~~Public Works administration and enforcement

☐ DIR Approved Internal LCP

☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

14. High Performance Incentive Additional Grant Request

☐ HPI - If the district has received the necessary approvals of the plans and specifications from the DSA, indicate HPI points: _____

15. Certification

I certify, as the Representative for the School District or JPA, that the information reported on this form is true and correct and that: I am the authorized representative of the District or JPA as authorized by the governing board of the district or JPA; and,

- A resolution or other appropriate documentation supporting this application under Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et. seq., of the Education Code was adopted by the applicant's Governing board on _____; and,
- The district has established a "Restricted Maintenance Account" for the 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 Sections 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); if the applicant is a joint powers authority that is not required to establish a "Restricted Maintenance Account" under the provisions of Education Code Section 17070.75, the applicant certifies that it can maintain its facilities with a lesser annual deposit (refer to Section 1859.101); and,
- The matching funds required pursuant to Section 1859.194 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The participant has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,

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- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,
- The participant has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.197); and,
- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action (refer to Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.198); and,
- The participant 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 and 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts 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,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction were executed on or after May 20, 2006; and,
- All equipment was purchased on or after May 20, 2006, unless the project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement will be executed pursuant to the requirements in Section 1859.194; and,
- The district ~~will contract~~has contracted with the DIR for Prevailing Wage Monitoring and Enforcement, pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract ~~is~~was awarded on ~~or after~~ January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. 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,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- Funds reserved pursuant to Subdivision (l) of Education Code Section 17078.72 shall be rescinded if, when the necessary Plans and Specifications are submitted, the district has not attained the necessary points pursuant to Section 1859.71.6 or 1859.77.4, as applicable; 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,
- 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 statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.

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SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE		DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE	TELEPHONE
E-MAIL ADDRESS		

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REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, October 16, 2014

PROPOSED AMENDMENTS TO THE 2015-16 K-12 AUDIT GUIDE

PURPOSE OF REPORT

To request State Allocation Board (Board) approval of proposed amendments to the 2015-16 K-12 Audit Guide prepared by the State Controller as required by Education Code Section 14502.1.

DESCRIPTION

Education Code (EC) Section 14502.1 was amended by Senate Bill 584, Statutes of 2013, Chapter 167, Section 1. This EC section requires the State "Controller, in consultation with the State Allocation Board, the Department of Finance, and the State Department of Education [to] submit content to the Education Audits Appeals Panel to be included in the audit guide, S*tandards and Procedures for Audits of California K-12 Local Educational Agencies* beginning in the 2015-16 fiscal year, that is related to the financial performance audits required for school facility projects, as described in EC Section 15286." The Preliminary Draft of Proposed Amendment to the 2015-16 K-12 Audit Guide prepared by the Controller is included as Attachment B for the Board's consideration.

AUTHORITY

See Attachment A.

RECOMMENDATION

Approve Attachment B.

This Item was approved by the State Allocation Board on October 16, 2014.

ATTACHMENT A

Education Code Section 14502.1 states:

(a) The Controller, in consultation with the Department of Finance and the State Department of Education, shall develop a plan to review and report on financial and compliance audits. The plan shall commence with the 2003–04 fiscal year for audits of school districts, other local educational agencies, and the offices of county superintendents of schools. The Controller, in consultation with the Department of Finance, the State Department of Education, and representatives of the California School Boards Association, the California Association of School Business Officials, the California County Superintendents Educational Service Association, the California Teachers Association, the California Society of Certified Public Accountants, shall recommend the statements and other information to be included in the audit reports filed with the state, and shall propose the content of an audit guide to carry out the purposes of this chapter. A supplement to the audit guide may be suggested in the audit year, following the above process, to address issues resulting from new legislation in that year that changes the conditions of apportionment. The proposed content of the audit guide and any supplement to the audit guide shall be submitted by the Controller to the Education Audits Appeal Panel for review and possible amendment.

(b) The audit guide and any supplement shall be adopted by the Education Audits Appeal Panel pursuant to the rulemaking procedures of the Administrative Procedure Act as set forth in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. It is the intent of the Legislature that, for the 2003–04 fiscal year, the audit guide be adopted by July 1 of the fiscal year to be audited. A supplemental audit guide may be adopted to address legislative changes to the conditions of apportionment. It is the intent of the Legislature that supplements be adopted before March 1 of the audit year. Commencing with the 2004–05 fiscal year, and each fiscal year thereafter, the audit guide shall be adopted by July 1 of the fiscal year to be audited. A supplemental audit guide may be adopted to address legislative changes to the conditions of apportionment. The supplements shall be adopted before March 1 of the audit year. To meet these goals and to ensure the accuracy of the audit guide, the process for adopting emergency regulations set forth in Section 11346.1 of the Government Code may be followed to adopt the audit guide and supplemental audit guide. It is the intent of the Legislature that once the audit guide has been adopted for a fiscal year, as well as any supplement for that year, thereafter only suggested changes to the audit guide and any additional supplements need be adopted pursuant to the rulemaking procedures of the Administrative Procedure Act. The audit guide and any supplement shall be issued in booklet form and may be made available by any means deemed appropriate. The Controller and consultants in the development of the suggested audit guide and any supplement shall work cooperatively on a timeline that will allow the Education Audits Appeal Panel to meet the July 1 and March 1 issuance dates. Consistent with current practices for development of the audit guide before the 2003–04 fiscal year, the Controller shall provide for the adoption of procedures and timetables for the development of the suggested audit guide, any supplement, and the format for additions, deletions, and revisions.

(c) For the audit of school districts or county offices of education electing to take formal action pursuant to Sections 22714 and 44929, the audit guide content proposed by the Controller shall include, but not be limited to, the following:

(1) The number and type of positions vacated.

(2) The age and service credit of the retirees receiving the additional service credit provided by Sections 22714 and 44929.

(3) A comparison of the salary and benefits of each retiree receiving the additional service credit with the salary and benefits of the replacement employee, if any.

(4) The resulting retirement cost, including interest, if any, and postretirement health care benefits costs, incurred by the employer.

(d) The Controller shall annually prepare a cost analysis, based on the information included in the audit reports for the prior fiscal year, to determine the net savings or costs resulting from formal actions taken by school districts and county offices of education pursuant to Sections 22714 and 44929, and shall report the results of the cost analysis to the Governor and the Legislature by April 1 of each year.

(e) All costs incurred by the Controller to implement subdivision (c) shall be absorbed by the Controller.
(f) On or before January 1, 2015, the Controller, in consultation with the State Allocation Board, the Department of Finance, and the State Department of Education, shall submit content to the Education Audits Appeal Panel to be included in the audit guide, Standards and Procedures for Audits of California K-12 Local Educational Agencies beginning in the 2015–16 fiscal year, that is related to the financial and performance audits required for school facility projects, as described in Section 15286.
(Amended by Stats. 2013, Ch. 167, Sec. 1. Effective January 1, 2014.)

ATTACHMENT B

PRELIMINARY DRAFT OF PROPOSED AMENDMENT TO THE 2015-16 K-12 AUDIT GUIDE

Article 5. School Facility Bond Audit Requirements and Procedures

Sec. 19860. Scope

These regulations constitute the audit guide, Standards and Procedures for Audits of California K-12 Local Education Agencies, which shall be used in the performance of audits required by subparagraphs (c) and (d) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. These regulations do not provide a complete manual of procedures; auditors must exercise professional judgment.

Note: Authority cited: Section 14502.1 (f), Education Code. Reference section 15278 and 15286 Education Code.

Sec. 19861. Auditing Standards.

Audits shall be conducted in accordance with the auditing standards set forth in *Government Auditing Standards* issued by the Comptroller General of the United States, and the provisions of this chapter.

NOTE: Authority cited: Section 15286, Education Code. Reference: section 15278, Education Code.

Sec 19862. Report Components.

The report of each financial audit performed pursuant to Article XIII A of the California Constitution shall be as follows:

(a) Table of Contents for the audit report.
(b) Financial Section
(c) Independent Auditor's Report
(d) Balance Sheet
(e) Statement of Revenues, Expenditures, and Changes in Fund Balance
(f) Notes to the Financial Statements
(g) Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
(h) Findings and Recommendations
(i) Schedule of Prior Audit Findings

The report of each performance audit performed pursuant to Article XIII A of the California Constitution shall be as follows:

(a) Table of Contents for the audit report
(b) Independent Auditor's Report on Performance
(c) Findings and Recommendations

NOTE: Authority cited: Section 14502.1 (f), Education Code. Reference: Sections 15278 and 15286 Education Code.

Sec. 19863. Definitions and Enumerations

The content of the audit report sections and subsections specified in Section 19862 is as described in Codification of Statements on Auditing Standards, published by the American Institute of Certified Public Accountants, the Codification of Governmental Accounting and Financial Reporting Standards, published by the Comptroller General of the United States, in the respective editions applicable to the fiscal year being audited, or as defined in one of the following:

(a) "*Government Auditing Standards*" means the publication by the Comptroller General of the United States, United States Government Accountability Office, originally issued in 1972 and revised from time to time, commonly known as the" Yellow Book," that contains standards for audits of government organizations, programs, activities, and functions and that is referenced in Education Code Section 15286.

(b) "Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards" means for fiscal year 2015-16 and following, the component of the financial audit report that specifies material instances of noncompliance, if any; defines control deficiency and significant deficiency and specifies the significant deficiencies disclosed by the audit; defines material weaknesses and specifies the material weaknesses, if any, that were disclosed by the audit; if no significant deficiencies were noted, states that the auditor's consideration of internal control over financial reporting would not necessarily identify all deficiencies in internal control that might be significant deficiencies and a statement about whether the auditor believes any of the significant deficiencies noted were material weaknesses; includes a statement that additional matters were communicated to the auditee in a management letter, if that is the case; specifies instances of fraud and illegal acts, if any, that were disclosed by the audit, unless clearly inconsequential; specifies material violations of provisions of contracts and grant agreements, if any; and specifies material abuses, if any, that was disclosed by the audit; in accordance with the financial reporting requirements specified in the Codification of Statements on Auditing Standards and in Government Auditing Standards, as applicable to the year being audited.

(c) Independent Auditor's Report on Performance means for fiscal year 2015-16 and following, the audit report which contains (1) the objectives, scope, and methodology of the audit; (2) the audit results, including findings, conclusions and recommendations, as appropriate; (3) a statement about the auditors' compliance with GAGAS; (4) a summary of the views of responsible officials; and (5) if applicable, the nature of any confidential or sensitive information omitted.

(d) Schedule of Findings and Questioned Costs means that part of the Findings and Recommendations section that presents all audit year findings and a copy of each management letter issued.

(e) Schedule of Prior Audit Findings means that part of the Findings and Recommendations section that presents the status of actions taken by the auditee on each of the findings and recommendations reported in the prior year audit, and includes as current year findings and recommendations those prior year findings that have not been resolved.

NOTE: Authority cited: Section 14502.1 (f) of the Education Code. Reference: Sections 15278 and 15286, Education Code.

Sec. 19864. Financial Audit Procedures

For fiscal years 2015-16 and following, perform the following procedures:

(a) Determine whether the bond fund financial statements present fairly, in all material respects, the financial position of the fund for the year ended, and the results of its operations for the period then ended in conformance with accounting principles generally accepted in the United States of America.
(b) Test internal control over financial reporting and compliance with provisions of laws, regulations, contracts or grant agreements.
(c) If deficiencies in internal control, noncompliance with provisions of laws, regulations, contracts, or grant agreements; fraud; or abuse; are identified, include a finding in the Findings and Recommendations section of the audit report.

NOTE: Authority cited: Section 14502.1 (f) Education Code. Reference: Sections 15278 and 15286 Education Code.

Sec. 19865. Performance Audit Procedures

For fiscal years 2015-16 and following, perform the following audit steps:

(a) Select a sample of expenditures charged to the project and review supporting documentation to ensure that such funds were properly expended on specific projects listed on in the ballot text.
(b) Verify that the funds were generally expended for the construction, renovation, furnishing and equipping of school facilities constituting authorized bond projects.
(c) Verify that funds held were used for salaries of administrators only to the extent they performed administrative oversight work on construction projects as allowable per Opinion 04-110 issued on November 9, 2004 by the State of California Attorney General.
(d) If the school district did not properly account for the expenditures or if such expenditures were made for unauthorized bond projects, or if salary transactions were used for general administration or operations, include a finding in the Findings and Recommendations section of the audit report.

NOTE: Authority cited: Section 14502.1 (f) Education Code. Reference: Sections 15278 and 15286 Education Code.