

## STATE ALLOCATION BOARD AGENDA

Meeting Date: August 23, 2017

State Capitol  
Room 2040  
4:00 p.m.

Revision date: August 17, 2017

Tab #7 – Action Items

- Insert pages 179-195b

Thank you,

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REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, August 23, 2017

SCHOOL FACILITY PROGRAM APPLICATION PROCESSING – REGULATORY AMENDMENTS

PURPOSE OF REPORT

To present the State Allocation Board (Board) with regulatory amendments for two topics related to School Facility Program (SFP) application processing.

DESCRIPTION

This item contains two separate regulatory proposals for Board consideration related to the following topics:

- Topic 1 – Conforming regulatory amendments related to new construction eligibility
- Topic 2 – Proposed regulatory amendments related to the new construction funding order of Small School District applications

## TOPIC 1

### CONFORMING REGULATORY AMENDMENTS RELATED TO NEW CONSTRUCTION ELIGIBILITY

#### DESCRIPTION

Previously, the Board took action to amend the procedures for when School Districts submit updates to enrollment projections in relation to funding items. Therefore, Staff is presenting conforming regulatory amendments to the new construction eligibility process.

#### AUTHORITY

Education Code (EC) Section 17070.35 states in part:

(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....

EC Section 17071.75 states in part:

After a one-time initial report of existing school building capacity has been completed, the ongoing eligibility of a school district for new construction funding shall be determined by making all of the following calculations:

...

(g) For a school district with an enrollment of 2,500 or less, an adjustment in enrollment projections shall not result in a loss of ongoing eligibility to that school district for a period of three years from the date of the approval of eligibility by the board.

#### BACKGROUND

At its June 5, 2017 meeting, the Board took action to address the funding applications on the Applications Received Beyond Bond Authority List and all future funding applications. That action included the following conditions:

- The funding applications from the Applications Received Beyond Bond Authority List and those Approved Applications requesting funding received on or after April 1, 2017 would be moved to the standard OPSC workload list and Staff would begin to process those funding applications with available bond authority.
- The funding applications on the OPSC workload list will be processed in the order prescribed in SFP Regulation Sections 1859.93 and 1859.93.1.
- Districts requesting new construction funding will be required to submit new construction eligibility updates for the enrollment year in which the application is processed by OPSC.

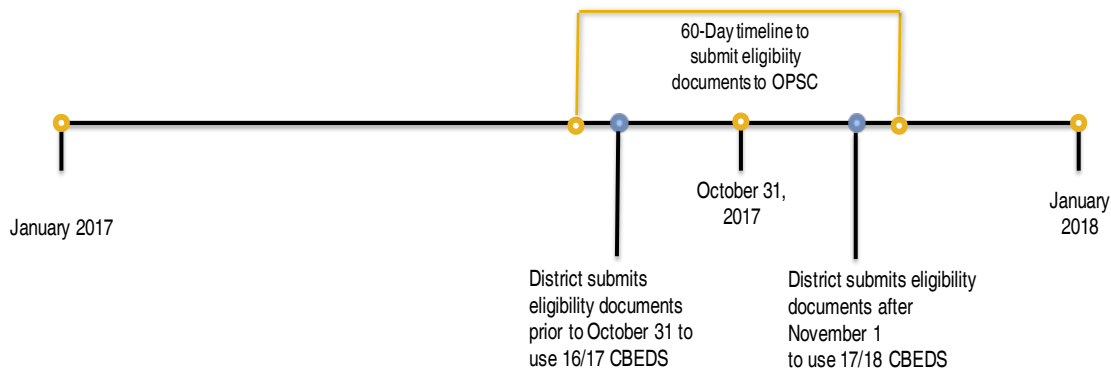
## STAFF ANALYSIS/STATEMENTS

As follow up to the Board's action Staff is presenting conforming regulatory amendments for the Board's consideration. The amendments align the regulations with the prior Board action that requires that school districts update their new construction eligibility when OPSC begins processing the districts' new construction funding application. It also allows Small School Districts to submit new construction eligibility updates earlier than when it is requested by OPSC, so that Small School Districts may secure their eligibility for up to three years.

The regulations would apply to all districts with funding applications received on or after June 6, 2017 (the Board's prior action on eligibility updates for projects on the Applications Received Beyond Bond Authority list does not require regulations).

SFP Regulation Section 1859.51(e) is amended to require that school districts submit an *Enrollment Certification/Projection* (Form SAB 50-01) within 60 days of OPSC notification that it will begin processing the districts' application for funding. Failure to submit the requested documents within the 60 day time frame will result in a return of the district's application for funding.

Enrollment data needed to complete the Form SAB 50-01 is based on California Basic Education Data Systems (CBEDS) data that is administered by the California Department of Education and made available on or around October 15<sup>th</sup> each year. Because Forms 50-01 filed on or after November 1<sup>st</sup> must include the current school year enrollment, should that 60 day timeline end on or after November 1, districts will have the flexibility to submit prior year or current year enrollment to report as the "current" enrollment year when submitting the Form SAB 50-01 (see example below).



To ensure that Small School Districts are able to continue to use the three years provided in statute to ensure eligibility does not decrease, Staff proposes additional amendments to SFP Regulation Section 1859.51(j). Subsection (j) is amended to provide Small School Districts options for when it can submit a Form SAB 50-01, beginning with the 2016-17 enrollment year. If the Small School District does not submit a Form SAB 50-01 prior to OPSC processing of a funding application, the requirements of subsection (e) of Section 1859.51 shall apply.

Conforming regulatory changes also include:

- **Section 1859.70. General.**  
The amendment changes the requirement for when a School District must submit a new calculation of the district's baseline eligibility when it submits an application for new construction funding after a reorganization election has occurred.
- ***Application for Funding* (Form SAB 50-04)**  
The form is amended on page 1 of 10 in the General Information section to clarify when a school district must submit determinations and adjustments to its new construction and modernization baseline eligibility.

RECOMMENDATIONS

1. Adopt the conforming regulatory amendments as shown in the Topic 1 Attachment.
2. Authorize the Executive Officer to file the regulatory amendments with the Office of Administrative Law on an emergency basis.

## TOPIC 1 - ATTACHMENT

### Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

...

(e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts using a fifth-year projection or a tenth-year projection, except decreases as provided in (j) below. For all funding requests received by OPSC on or after June 6, 2017, OPSC will notify the district in writing of its intent to begin processing the district's Form SAB 50-04 and that the district must submit the Form SAB 50-01 for the current enrollment year. Failure to submit the Form SAB 50-01 within 60 calendar days of OPSC's notification will result in OPSC returning the Form SAB 50-04 to the district. Should the 60 calendar day time period end on or after November 1, Forms SAB 50-01 filed on or after November 1 must include the current enrollment year.:

~~(1) Utilizing a fifth-year projection.~~

~~(2) Utilizing a tenth-year projection.~~

...

(j) For Small School Districts:

~~(1) Decreased:~~ ~~(1) By~~ by any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board, and either (2) or (3), as applicable:-

(2) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 is received at OPSC by October 31, 2017.

(3) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/17 using a fifth-year projection or a tenth-year projection.

If the Small School District does not submit an adjustment under (2) or (3) prior to OPSC notification of its intent to begin processing the district's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

...

### Section 1859.70. General.

A district seeking New Construction or Modernization funding shall complete and file Form SAB 50-04, concurrently or after completing the applicable requirements in Sections 1859.20 and 1859.40. The Board shall only provide New Construction funding if the Approved Application was received by the OPSC prior to the date of Occupancy for any classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a district will be ineligible to seek New Construction funding and the classrooms will be reduced from the baseline eligibility pursuant to Section 1859.51(i) if not previously reduced.

A district affected by a reorganization election on or after November 4, 1998 may ~~not~~ file an application for New Construction funding after the notification of the reorganization election. ~~until~~ The district must submit a new calculation of the district's baseline eligibility has been as determined on the Form SAB 50-03 upon written notification, or the district certifies/certify that the reorganization election will not result in a loss of eligibility for the project for which the district is requesting new construction grants. For all requests for funding received by the OPSC on or after June 6, 2017, the OPSC will notify the district in writing of its intent to begin processing the district's application for New Construction funding. The district must submit a completed Form SAB 50-03 within 60 calendar days of OPSC's notification. Failure to submit the Form SAB 50-03 within 60 calendar days of OPSC's notification will result in OPSC returning the Form SAB 50-04 to the district.

A district that is newly created as a result of a reorganization election may file an application for funding after approval of the election has been made by the State Board of Education.

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 08/1617)

**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~~ If not previously submitted, a district may file an application for modernization funding by use of this form concurrently with a determination of or an adjustment to the district's eligibility. The district must submit a determination of or an adjustment to the district's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. 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 ~~must submit~~ may not file an application for funding until the Board has adjusted an adjustment to the district's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms will result in OPSC returning the funding application to the district unprocessed.

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.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/1617)

- 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.
  - 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](http://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](http://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](http://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 13, 14, 15, 16, and 24 only.



# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/1617)

## 2. Type of Project

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

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

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

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 Rehabilitation project.
- h. Indicate the site scenario that best represents the project request.
- i. For ORG projects, the district must provide the following information in the space provided:
- Name of the eligible school site(s) where portables will be replaced in this project
  - Number of portables being replaced at each school site

- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

## 3. Number of Classrooms

Enter the:

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

## 4. Financial Hardship Request

Check the appropriate box(es) if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement.

- 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](http://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

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/16<sup>17</sup>)

and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

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

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

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

- g. If the district is requesting replacement facilities on the same site, (including seismic replacement), enter the square footage requested as provided in Section 1859.82(a) or (b).
- h. If the request for seismic rehabilitation does not exceed 50 percent of the current replacement cost of the classroom or related facility, report 50 percent of the health/safety seismic mitigation cost and the ancillary costs as authorized by Section 1859.82(a).
- 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, subject to Education Code Section 17070.965.

## 6. Modernization 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.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency 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).
- 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.
- 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, subject to Education Code Section 17070.965.

## 7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization 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.

## 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.

## 10. Prior Approval Under the LPP

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**SAB 50-04 (REV 08/16<sup>17</sup>)

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.

**11. 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.

**12. 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.

**13. 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.

**14. 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.

**15. 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.

**16. 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.

**17. Project Progress Dates**

- 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.

**18. Prevailing Wage Monitoring and Enforcement Costs**

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being 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:

- DIR 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.

**19. 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.

**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.

**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.

**22. Architect of Record or Licensed Architect Certification**

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

**23. Architect of Record or Design Professional Certification**

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

**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](http://www.dgs.ca.gov/opsc).



**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**SAB 50-04 (REV 08/16~~17~~)**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 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 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: \_\_\_\_\_

**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: \_\_\_\_\_

**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).

**10. Prior Approval Under the LPP**

New Construction: 22/ \_\_\_\_\_

Modernization: 77/ \_\_\_\_\_

**11. Prior Apportionment Under the SFP**

Site/Design—New Construction: 50/ \_\_\_\_\_

Design—Modernization: 57/ \_\_\_\_\_

**12. Preliminary Apportionment to Final Apportionment**

Preliminary Apportionment Application Number: # \_\_\_\_\_

**13. Alternative Developer Fee—New Construction Only**

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

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**SAB 50-04 (REV 08/16~~17~~)**14. 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: \_\_\_\_\_

**15. Pending Reorganization Election—New Construction Only** ☐ Yes ☐ No**16. Joint-Use Facility/Leased Property**

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

**17. 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

**18. Prevailing Wage Monitoring and Enforcement Costs**

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

- ☐ DIR 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

**19. 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: \_\_\_\_\_

**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): \_\_\_\_\_

**21. Overcrowding Relief Grant Narrative**

\_\_\_\_\_

\_\_\_\_\_

**22. 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 Facilities 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 Facilities 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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE



# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/1617)

## 24. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 22 and 23, 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,
- 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 rehabilitated under the Charter School Facilities 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 Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/1617)

- 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 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 was awarded on 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.

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



## TOPIC 2

### PROPOSED REGULATORY AMENDMENTS FOR SMALL SCHOOL DISTRICT NEW CONSTRUCTION APPLICATION FUNDING ORDER

#### DESCRIPTION

On June 28, 2017, the Board directed Staff to prepare an action item that includes regulations that will ensure that Small School Districts' applications for funding would be processed within three years of the Board's approval of the Small School District's baseline or adjusted new construction eligibility. Therefore, Staff is presenting proposed regulatory amendments to the new construction funding order in response to the Board's direction.

#### AUTHORITY

Education Code (EC) Section 17070.35 states in part:

(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....

EC Section 17071.75 states in part:

After a one-time initial report of existing school building capacity has been completed, the ongoing eligibility of a school district for new construction funding shall be determined by making all of the following calculations:

...

(g) For a school district with an enrollment of 2,500 or less, an adjustment in enrollment projections shall not result in a loss of ongoing eligibility to that school district for a period of three years from the date of the approval of eligibility by the board.

#### BACKGROUND

At the June 28, 2017 Board meeting, Staff presented an informational item detailing how OPSC will process the workload list, pursuant to the Board's action on June 5, 2017. In that item, Staff indicated that while it could process eligibility for small school districts, it could not guarantee that a Small School District's funding application would be processed within three years of the Board's approval of a Small School District's new construction baseline eligibility determination or adjustment.

In response, the Board directed Staff to develop an action item that includes regulations that would guarantee that Small School Districts' new construction funding applications be processed within the three year period following the Board's approval of its new construction baseline eligibility determination or adjustment.

Providing Small School Districts with three years before a loss of new construction eligibility assists those districts in being better able to plan for projects. The enrollment shifts in these districts (sometimes for even just a few students) can have large impacts on the eligibility projections due to the smaller number of students the calculation is based on.

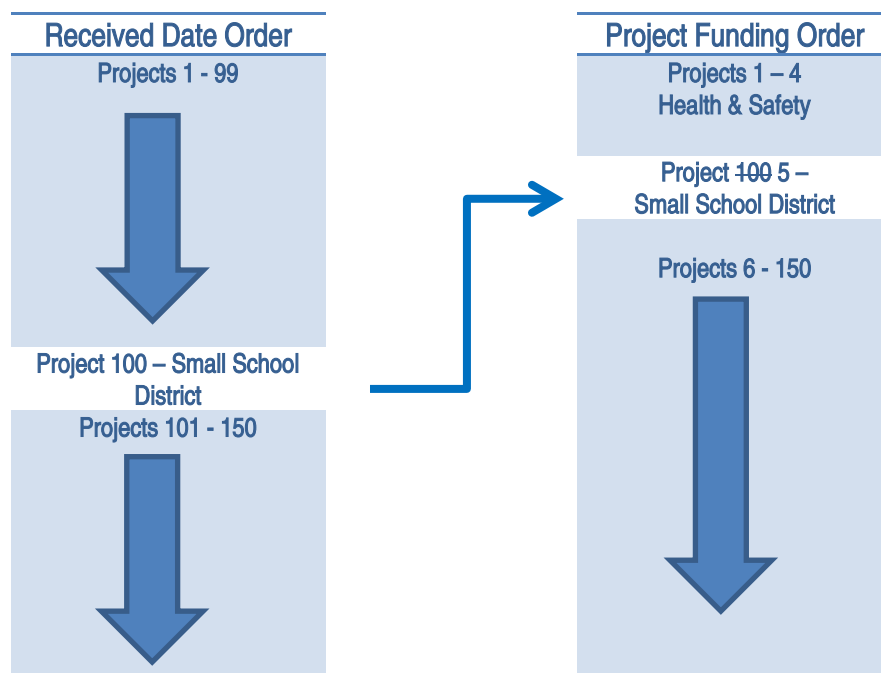
## STAFF ANALYSIS/STATEMENTS

Staff is presenting regulatory amendments for the Board's consideration. The proposal for Board discussion and consideration ensures that Small School Districts' new construction funding applications will be processed within three years of their most recent eligibility update.

These amendments, included as the Topic 2 Attachment, are in keeping with the spirit of SFP statute [Education Code Section 17071.75(g)]. The allowance for an eligibility update to be valid for three years becomes ineffectual if a funding application using that eligibility is not processed in that time and a district is required to submit another eligibility update. Therefore, the regulatory amendments to SFP Regulation Section 1859.93.1 ensure that applications for funding from Small School Districts are processed within the three year lock period after the district's eligibility is approved by the Board. If there is insufficient bond authority to add additional projects to the workload list, then the regulations prioritizing Small School District applications become inoperative and will not apply to projects not already on the workload list.

However, it should be noted that the first-come, first-served basis for processing new construction funding applications for the Board's approval, with the recent exception of health and safety projects, has been a staple of the SFP since 2002. Guaranteeing that Small School Districts' funding applications will be processed within the three years of their eligibility update may result in those funding applications receiving state funds prior to other districts that submitted their funding applications first. A visual presentation of how the new construction funding order could change at the end of a Small School District's three year period of eligibility if the Board approves the Topic 2 Attachment is shown below. Although the funding order of the workload list could change, it would not result in other districts on the workload list not receiving funding, as projects are only accepted within available bond authority.

### Hypothetical Change in Funding Order



BOARD OPTIONS

Staff is seeking Board direction on how to proceed. The regulations in the Topic 2 Attachment would accomplish the request of the Board to ensure that small school district applications are processed within the three years of the eligibility approval. If the Board agrees with this concept, the following actions are necessary to implement the change:

1. Adopt the regulatory amendments as shown in the Topic 2 Attachment.
2. Authorize the Executive Officer to file the regulatory amendments with the Office of Administrative Law on an emergency basis.

## TOPIC 2 - ATTACHMENT

### Section 1859.93.1. New Construction Project Funding Order.

Applications, except those identified in ~~(e)~~(e) through ~~(e)~~(g) below, shall be funded as follows:

(a) First, to applications for Facility Hardship pursuant to Section 1859.82, except those for the seismic mitigation of the Most Vulnerable Category 2 Buildings, in order of receipt of an Approved Application for funding; then,

(b) If there are no applications pursuant to subsection (a), to applications for New Construction Grant(s) in order of receipt of an Approved Application for Funding, except for (c).

(c) An Approved Application for funding from a Small School District shall be processed within the three-year period after the district's eligibility was approved by the Board pursuant to 1859.51(j).

(d) If there is Insufficient Bond Authority to add additional projects to the workload list, for projects not already on the workload list (c) shall not apply.

~~(e)~~(e) Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.

~~(d)~~(f) Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.

~~(e)~~(g) Approved Applications that utilize pupil eligibility derived from the Alternative Enrollment Projection method. These applications shall be funded in order of receipt once the OPSC and the DRU have approved the Alternative Enrollment Projection method or the Alternative Enrollment Projection annual update.