STATE ALLOCATION BOARD AGENDA

Meeting Date: June 27, 2018

State Treasurer's Office
915 Capitol Mall, Room 587
4:00 p.m.

Revision date: June 21, 2018

Tab #3:

- Replace page 7a

Tab #4:

- Replace page 32

Tab #7:

- Insert pages 99 - 166

Thank you,

Lisa Jones
Office of Public School Construction
Lisa.jones@dgs.ca.gov
(916) 376-1753

(Rev. 1)

EXECUTIVE OFFICER STATEMENT
State Allocation Board Meeting, June 27, 2018

PRIORITY FUNDING APPORTIONMENTS

At its March 21, 2018 meeting, the State Allocation Board (Board) approved 90 projects representing 63 applicants for $191 million in priority funding apportionments. Seventy-four of the 90 projects require the applicant to submit a *Fund Release Authorization* (Form SAB 50-05) containing an original signature by Tuesday, June 19, 2018.

As of June 19, 2018, the Office of Public School Construction (OPSC) received 69 of the required 74 Forms SAB 50-05 for a total of $166.1 million. In addition, OPSC released funds for 16 projects in the amount of $10.5 million that did not require a Form SAB 50-05.

Four applicants did not submit the required Forms 50-05 by the due date for five projects totaling $14,297,509.50. It was the second occurrence of non-participation for three of the projects, thus these projects are rescinded without further Board action.

RECENT PRIORITY FUNDING FILING ROUND CLOSED

The priority funding filing period closed on June 7, 2018. OPSC received 222 requests out of 239 unique projects that were required to submit a request letter for a total of $451.4 million. The requests will be valid from July 1, 2018 through December 31, 2018.

Two projects totaling $6.9 million did not submit requests during the filing period and thus received a second occurrence for non-participation in Priority Funding. Therefore, these projects are rescinded without further Board action. Ten projects received a first occurrence for non-participation and remain on the Unfunded List (Lack of AB 55 Loans) with no change.

Requirements for Participation in Priority Funding
OPSC reminds school districts that the requirements for Participation in the Priority Funding Process are in effect under School Facility Program Regulation Section 1859.90.3. There are two ways for a school district to not participate in the priority funding process as follows:

- Not submit a valid priority funding request in the 30-day filing period, or
- Submit a valid priority funding request but fail to submit a valid *Fund Release Authorization* (Form SAB 50-05) to request the release of funds after the Board approves an apportionment.

The second time that either of these occurs, the funding for the project will be rescinded without further action by the Board. For additional information, please refer to the Procedures for School Facility Program Funding.

CAREER TECHNICAL EDUCATION FACILITIES PROGRAM – STAKEHOLDER MEETING

In determining the funding order for the fourth cycle of CTEFP applications, Staff encountered multiple instances of tied career technical education plan scores that are not addressed in SFP Regulations. Therefore, Staff is planning public meetings in July to obtain stakeholder input on options for additional tie-breaker criteria.

SAB Meeting: **June 27, 2018** **Replacement - Amended Adjusted Grant Approval**

SCHOOL DISTRICT DATA

Application No: 51/63610-00-002
School District: Maple Elementary
County: Kern
School Name: Maple Elementary

PROJECT DATA

Type of Project:	Elementary School
K-6:	
7-8:	
9-12:	
Non-Severe:	
Severe:	
Application Filing Basis:	Site Specific
Number of Classrooms:	9
Master Acres:	
Existing Acres:	8.18
Proposed Acres:	
Recommended Acres:	8.6
Facility Hardship (a):	Yes
Financial Hardship Requested:	Yes
Alternative Education School:	No
Addition to Existing Site:	No

ADJUSTED GRANT DATA

Project Assistance		$	6,791.00
Fac. Hardship Toilet	1739.24 Sq. Ft.		566,992.24
Fac. Hardship Other	18,124.99 Sq. Ft.		3,298,748.18
Service Site			1,056,550.00
Off-Site			7,308.00
Utilities			138,412.00
Total State Share (50%)			5,074,801.42
District Share (50%)			5,074,801.42
Total Project Cost		$	10,149,602.84

PROJECT FINANCING

State Share		
This Project	**$**	5,074,801.42
District Share		
Cash Contribution		
Financial Hardship		5,074,801.42
Total Project Cost	**$**	**10,149,602.84**

HISTORY OF PROJECT COST AND APPORTIONMENT

	Fund Code	Proposition	Previously Authorized	Authorized This Action	Unfunded Approval This Action
State Share					
New Construction/Add. Grant	**057-500**	**1D**	**$** 152,257.65		
New Construction/Add. Grant	**051-500**	**51**	3,720,273.77		
New Construction/Add. Grant	**951-500**	**51**		**$** 1,202,270.00	**$** 1,202,270.00
District Share					
Cash Contribution					
Financial Hardship	**057-500**	**1D**	101,505.10		
Financial Hardship	**051-500**	**51**	3,771,026.32		
Financial Hardship	**951-500**	**51**		1,202,270.00	1,202,270.00
Total			**$ 7,745,062.84**	**$ 2,404,540.00**	**$ 2,404,540.00**

Funding Sources: Proposition 51 Bonds/2016-Nov.; Proposition 1D Bonds/2006-Nov.
Pursuant to the Board's action on March 11, 2009, this application has been approved and placed on the Unfunded List (Lack of AB 55 Loans). This approval does not constitute a guarantee or commitment of future State funding.

The District shall ensure that it is in compliance with all applicable laws, regulations and certifications it made on the program forms.

Based on the Board's action on June 5, 2017, this project is subject to the Grant Agreement submittal pursuant to School Facility Program Regulation Section 1859.90.4.

The District is responsible for ensuring that the project is compliant with Prevailing Wage Monitoring and/or Labor Compliance Program requirements at the time construction contracts are executed and/or construction commenced.

The District qualifies for financial hardship pursuant to SFP Regulation Section 1859.81(c)(4). The District has demonstrated it is financially unable to provide all or a part of the matching funds and is levying the developer fees or equal alternative revenue source justified by law. The District's total bonding capacity (as of April 30, 2018) is $5 million or less.

This project is being amended to include site development grants that were part of the District's appeal, which was approved by the SAB on December 6, 2017. This action completes the adjusted grant and the project will maintain an Unfunded Approval date of December 6, 2017.

Amounts shown for financial hardship assistance are subject to adjustment as a result of a review of the District's financial records pursuant to Regulation Section 1859.81(a) at the time of apportionment.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, June 27, 2018

SCHOOL FACILITY PROGRAM PROPOSED REGULATORY AMENDMENTS FOR ACCEPTANCE OF APPLICATIONS WHEN FUNDING IS UNAVAILABLE

PURPOSE OF REPORT

To present the State Allocation Board (Board) proposed regulatory amendments to stop accepting Applications when the Board has received sufficient requests for funding to account for the remaining available new construction and modernization bond authority.

DESCRIPTION

On November 1, 2012 regulatory amendments took effect that allowed Staff to continue accepting Approved Applications for new construction and modernization funding without fully processing them with the purpose of establishing an informational list, to acknowledge the submittals when insufficient bond authority remains to apportion the requests for funding. Thus all new construction and modernization funding applications received by the Office of Public School Construction (OPSC) were placed on the Applications Received Beyond Bond Authority List in accordance with SFP Regulation. In November 2016, the voter's approved the Kindergarten Through Community College Public Education Facilities Bond Act of 2016 (Proposition 51). On June 5, 2017, the Board took action to transfer those applications to OPSC's Workload List.

Through close monitoring of the workload list, Staff forecasts that sufficient applications for funding will be received by October 2018 to account for the available new construction bond authority and by September 2019 for modernization bond authority. Based on current regulations, this condition will trigger the re-establishment of the Applications Received Beyond Bond Authority List.

During the implementation of the program (after the passage of Proposition 51 and now while processing the applications previously on the Applications Received Beyond Bond Authority List), Staff has noted a number of important issues related to maintaining such a list, including the following:

- Inequitable access to the program
- Limited ability to make future program enhancements
- Outdated eligibility for new construction projects
- Expired State agency approvals

Therefore, Staff is presenting proposed regulatory amendments for the Board's consideration that would cease the practice of accepting Approved Applications upon receipt of sufficient requests to account for all available Proposition 51 new construction and modernization bond authority.

AUTHORITY

Education Code 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. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.

BACKGROUND

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

In order to demonstrate school facility needs in the State, the Sub-committee recommended that once new construction bond authority was exhausted, the Board should continue to accept Approved Applications and develop a method for tracking these projects. At the time, SFP Regulations defined two separate types of lists for cataloging unfunded projects. The first was the Unfunded List. This was a list that contained applications that had already been processed by OPSC and approved by the Board without bond authority being assigned to the approvals. That list was commonly referred to as the "True Unfunded List". The second list is the Unfunded List (Lack of AB 55 Loans), which is still used by the Board. This list contains applications that have been fully processed by OPSC, have received Board approval, and have a reservation of bond authority. The Unfunded List (Lack of AB 55 Loans) is the list used to generate Priority Funding apportionments. Projects will remain on the Unfunded List (Lack of AB 55 Loans) until a bond sale occurs and cash is made available to provide an Apportionment for the funding request.

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

At the August 2012 meeting, the Board decided to establish a Board acknowledged list of projects received by OPSC after bond authority was exhausted. These projects would not be processed by OPSC or approved by the Board. Districts were required to submit a local school board resolution along with the funding application acknowledging, among other things, that State bond authority does not currently exist for the funding request and that the application did not constitute a guarantee of future funds becoming available (Attachment 1).

At the September 2012 meeting, the Board approved regulation amendments to create the list, naming it the "Applications Received Beyond Authority List" (Attachment 2). The regulations were approved by the Office of Administrative Law on November 11, 2012. This list by definition means "an informational list of applications submitted to the Office of Public School Construction (OPSC) and presented to the Board. Funding applications

BACKGROUND (cont.)

placed on this list contain the preliminary grant amounts requested by a district. The OPSC has not determined that the Approved Application(s) are Ready for Apportionment."

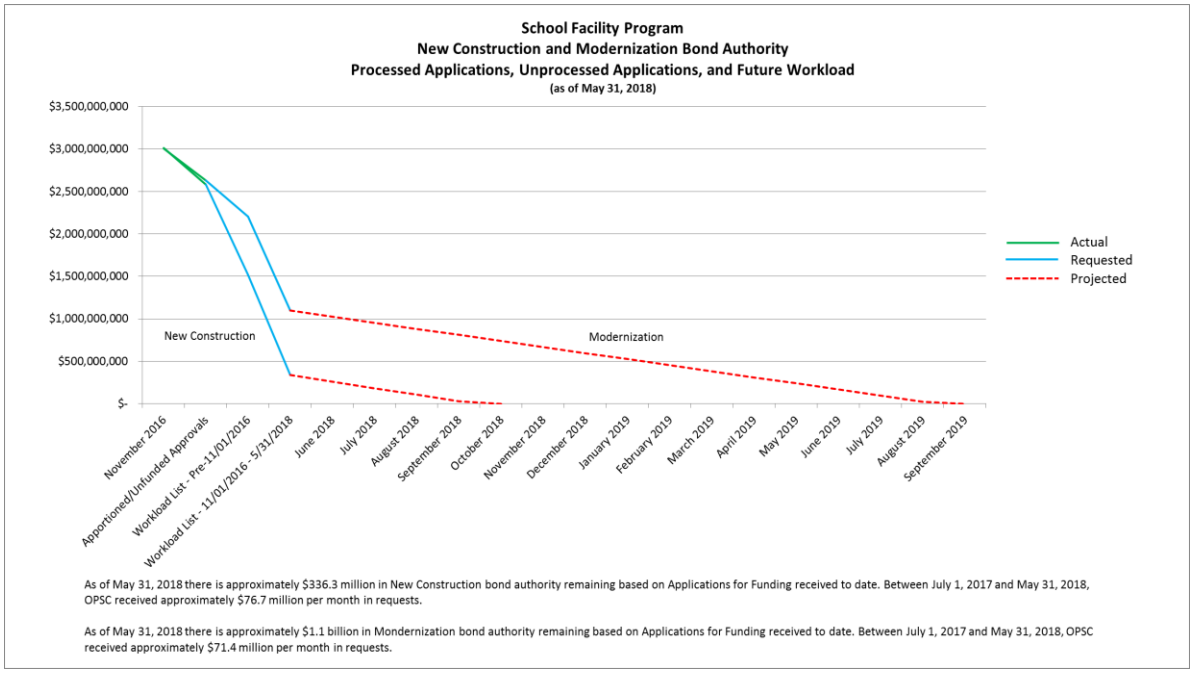
On November 8, 2016 voters approved Proposition 51. This provided $3.0 billion for new construction, $3.0 billion for the modernization, and $500 million each for the Charter School Facilities and Career Technical Education Facilities Programs. By the following Board meeting in January 2017 the Applications Received Beyond Bond Authority List contained 259 New Construction applications requesting $1.37 billion in State funding and 383 Modernization applications requesting $683.0 million in State funding.

STAFF ANALYSIS/STATEMENTS

At its June 5, 2017 meeting, the Board took action to move applications from the Applications Received Beyond Bond Authority List and those Approved Applications received on or after April 1, 2017 to the standard OPSC Workload List with some additional requirements. This resulted in $1.5 billion in new construction and $791 million in modernization Proposition 51 bond authority, or nearly half of the total bond authority for new construction and modernization projects, being already accounted for as soon as the bond was passed, or in the months immediately following. The table below displays how much Proposition 51 bond authority is currently remaining:

Current Status of Remaining Proposition 51 Bond Authority (May 31, 2018)			
New Construction	**$3.0 Billion**	**Modernization**	**$3.0 Billion**
Apportionments	$0.43 Billion	Apportionments	$0.3 Billion
OPSC Workload List Requests	$2.2 Billion	OPSC Workload List Requests	$1.5 Billion
Total Remaining	**$0.37 Billion**	**Total Remaining**	**$1.2 Billion**

Based on current projections, Staff predicts that sufficient Applications for SFP new construction funding will be received by October 2018 to account for all available new construction bond authority and by September 2019 for modernization bond authority, as shown in the chart below.



STAFF ANALYSIS/STATEMENTS (cont.)

Once OPSC has received sufficient funding requests to exceed the available bond authority, SFP Regulation Section 1859.95.1 requires OPSC to continue to receive applications for placement on the Applications Received Beyond Bond Authority List.

Staff has noted that since the inception of the Applications Received Beyond Bond Authority List and the recent implementation of Proposition 51, some of the concerns that the Board anticipated have come to fruition. With no new source of funding certainty for the future, the Board may wish to reconsider the appropriateness of the regulations that require the Applications Received Beyond Bond Authority List. Staff has prepared an analysis of the issues surrounding the Applications Received Beyond Bond Authority List for the Board's consideration, as well as recommended regulatory amendments to address those issues. These issues are as follows:

Considerations

1. *Inequity* – Districts without adequate local resources are unable to proceed with construction.
2. *Future program enhancements* - with a long list of projects desiring funding under an existing program model, it can become more difficult to make program changes, and the impact of those changes can be tougher on districts that are at a funding disadvantage already.
3. *Outdated New Construction Eligibility* – At the time of processing, District may no longer have eligibility to support its funding request.
4. *Expired State Agency Approvals* – Plan approvals may expire when construction is not started.

Considerations

1. Inequity

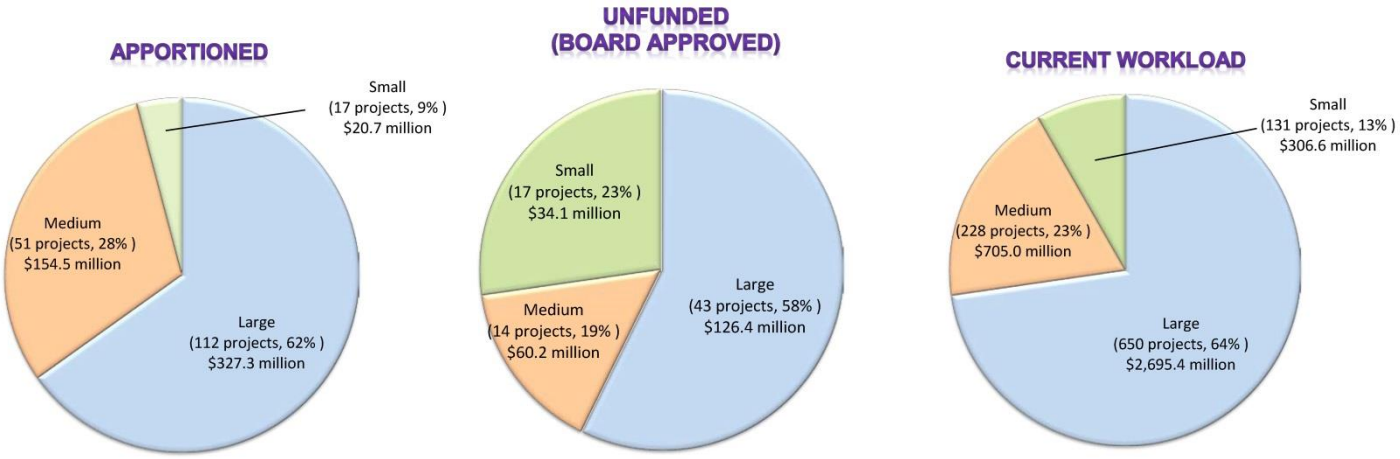
Having the Applications Received Beyond Bond Authority List creates a system where districts that have limited resources can only compete for a place in line by spending funds that may end up being wasted if a new funding source or program does not come through in the manner or timeframe expected. Maintaining the Applications Received Beyond Bond Authority List creates a funding advantage to districts with more resources while small districts and financial hardship districts cannot invest into projects without a guarantee of state funding. Should the Board not take action, larger districts will continue to move forward with projects and will be reimbursed if or when a new funding source is approved. Preparing an application requires district resources (both time and money) and not all districts are in a position to submit applications that include project plans approved by the Division of State Architect (DSA) and the California Department of Education (CDE), plus other agencies, such as the Department of Toxic Substances Control, if the outcome of the program is uncertain.

This inequity is demonstrated in part by the number of funding applications submitted by small school districts. Currently there are 1,024 school districts in California, of which 57 percent or 583 are classified as small school districts. However, whether comparing apportioned, unfunded (Board-approved), or projects still on the workload list, small school districts are underrepresented in all cases, as shown below.

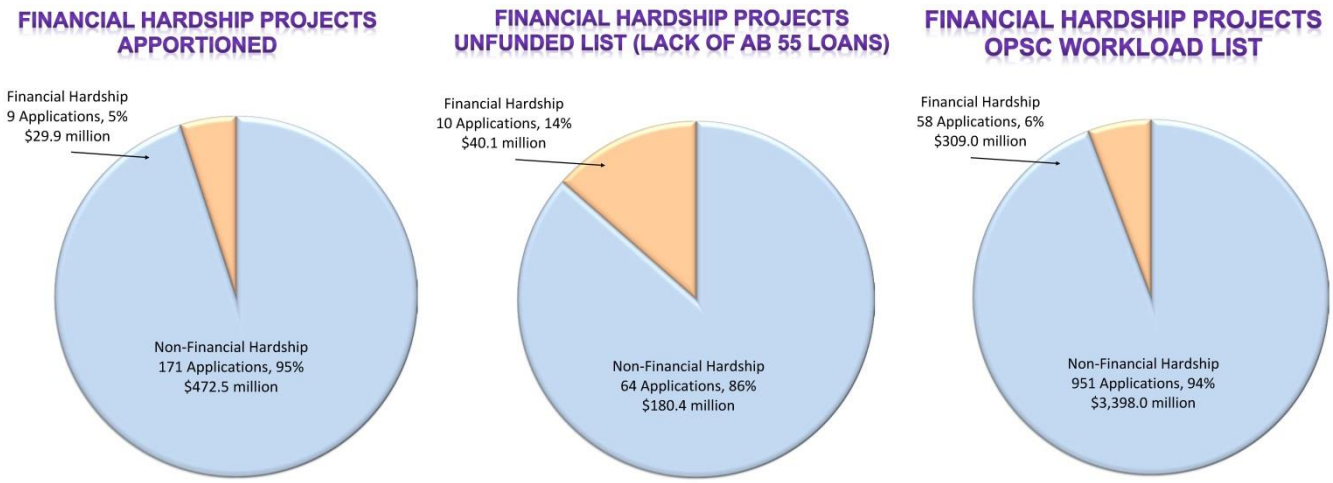
	School Districts Statewide		
	#	%	Enrollment
Small – ADA < 2,500 pupils	583	57%	417,039
Medium – ADA > 2,500 pupils < 10,000 pupils	269	26%	1,378,383
Large – ADA > 10,000 pupils	174	17%	4,448,656
	1,024	100%	6,244,078

STAFF ANALYSIS/STATEMENTS (cont.)

Proposition 51 New Construction and Modernization Adjusted Grant Application Data



This inequity is also demonstrated by the number of funding applications submitted by financial hardship districts. Like with small school districts, whether comparing apportioned, unfunded (Board-approved), or projects still on the workload list, financial hardship districts are also underrepresented in all cases, as shown below.



STAFF ANALYSIS/STATEMENTS (cont.)

2. Future Program Enhancements

When the Applications Received Beyond Bond Authority List was created there was a large amount of uncertainty surrounding the future of the SFP. There was a desire for potentially changing how the state participates in school facility construction. This was discussed in many venues, including by the Board. Specifically, the Board created the School Facility Program Review Subcommittee which met monthly or more from October 2012 through November 2013. The Program Review Subcommittee reviewed each element of the SFP and made multiple consensus recommendations on changes to the program that included such things as requiring new eligibility determinations calculated in different ways, dis-incentivizing the construction and/or modernization of portable classrooms, streamlining supplemental grants, and ensuring that the financial hardship program is equitable and required all districts to exhaust local options first.

Districts didn't know if there would be a future bond, or when and if that would include a change with the potential creation of a new program. While many districts did continue to submit applications knowing the uncertainties, others waited until more was known about the future of the program to submit their applications. Without a guaranteed funding source or future program eligibility structure, districts with smaller budgets do not have the flexibility to "get in line" for funding while knowing that they are submitting a resolution stating that the funding is not guaranteed. Should a district with limited resources take the risk of investing time and money to submit an Approved Application without it being processed for an extended period of time (if ever) it could cause financial constraints due to the district's funds being invested into a project.

For those that did have the means to submit an application, having the requirement in place to submit a local school board resolution stating that they are aware that there is, "no guarantee of future state funding" has not dissuaded districts from expecting funding and many projects have been completed despite districts being unable to predict what their future funding levels would be. Anytime that an Unfunded List has been used on prior occasions it has always been assumed by stakeholders that the projects on the list would be "grandfathered" into the OPSC Workload List as evidenced by multiple comments at Board meetings since the Proposition 51 passed.

The list of projects that meet current program criteria makes it more difficult for decision makers to address any concerns with the funding model as a whole. If there is no list of waiting projects, policy for school construction funds can be created in the best interest of all, without the risk of known "winners and losers". It was clear in the past that not all elements of the existing program were in alignment with priorities for a new or revised funding program, and there was a desire for program enhancements. Elimination of the Applications Received Beyond Bond Authority list would remove one of the hurdles to making such changes in the future.

3. Outdated New Construction Eligibility

When a district submitted an eligibility application to accompany its funding application to the Applications Received Beyond Bond Authority List, the submittal was a representation of eligibility or facility needs at that time. Upon the passage of Proposition 51, the Board wanted to ensure that new bond funds were spent only for new construction projects with current eligibility needs. At the June 5, 2017 meeting, the Board took action to require updated new construction eligibility for the enrollment year in which the application is processed by OPSC to display a true and current need for additional facilities. Should a district experience declining enrollment after submittal it is possible when OPSC processes a district's application that the need no longer exists.

STAFF ANALYSIS/STATEMENTS (cont.)

Based on the first 50 new construction applications on the workload list processed since the Board's action in June 2017, the following impacts were noted:

- Six projects had shifts in the new construction eligibility which resulted in the project receiving a different number of grants than originally requested,
- Nine projects did not have any eligibility. Those districts opted to withdraw their applications.

Requiring new construction eligibility updates for the current year prevented over $10 million in new construction bond funds from going to projects without program eligibility. To put this in perspective, assuming $275,000 per new classroom (based on average reported cost of new construction from 2008 through 2017), the bond authority saved from projects that had no eligibility will fund an additional 36 classrooms in the future.

As of June 15, 2018, OPSC has received two appeal requests from districts that have experienced declining enrollment that had facility needs at the time of application submittal but their current enrollment projection can no longer justify any need for additional classroom space.

If the Applications Received Beyond Bond Authority List again continues for multiple years, it will lead to the same circumstance where districts are counting on a certain level of funding that may not be appropriate in the future depending on how new construction eligibility is determined from a future funding source.

4. Expired State Agency Approvals

Submitting a project to the Applications Received Beyond Bond Authority List and waiting for a new source of program funding can potentially result in small and/or financial hardship districts, those with the least resources, to have to spend money twice before moving a project forward to construction.

Education Code Sections 17072.30 and 17070.50 require DSA and CDE approval before the Board can make an Apportionment for the project. SFP regulations further require that all approvals must be current in order for the project to be eligible for funding. DSA approval is also required by statute before a district awards a contract for the construction project. When projects were migrated from the Applications Received Beyond Bond Authority List to the OPSC Workload List there were 10 new construction and 17 modernization projects that did not have a valid DSA plan approval. There are currently five projects that remain on the Unfunded List (Lack of AB 55 Loans) and have yet to receive an Apportionment due to expired state agency approvals.

In line with the main issue of equity, the problem of expired plans creates added time pressures and costs for school districts. School districts, typically those with fewer resources, end up having to pay twice to re-design plans for projects because they lacked local resources to move forward on their own prior to expiration of plan approval.

Due to the reasons stated above, Staff has prepared the regulatory amendments (Attachment 3) to stop accepting applications once requests to exhaust bond authority have been received. This will help alleviate the Board's prior concerns and maintain an equitable SFP for all school districts in the State.

STAFF ANALYSIS/STATEMENTS (cont.)

Health and Safety Projects

Historically even when bond authority was accounted for, applications for health and safety projects have been able to receive funding from funds that were returned to the program through the closeout process or other means. OPSC will continue to accept funding applications pursuant to 1859.82 and 1859.83(e) on a flow basis provided that bond authority is available at the time of submittal. Between the time that the Applications Received Beyond Bond Authority List was created in November 2012 and the passage of Proposition 51 in November 2016, OPSC has been able to process all eligible health and safety applications that were submitted.

Summary

Policy decisions are generated based on the circumstances and facts at a certain point of time that surround a specific topic. Now that more is known about how having an Applications Received Beyond Bond Authority List works within the program, it is appropriate to determine if the list should continue to be a part of regulation. The existing regulations seem to, among other things, create an inequitable funding process and limit the ability to make meaningful changes to the program in the future.

Staff is presenting the attached regulatory amendments for approval on an emergency basis. Adopting the proposed regulations would allow OPSC to cease accepting SFP new construction and modernization Applications when there are sufficient requests for project apportionments to account for all new construction and modernization bond authority made available by Proposition 51. The proposed amendments would go into effect upon approval from the Office of Administrative Law (OAL). OPSC has consulted with legal counsel and has confirmed that the recommendations presented today are within the Board's authority.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown in Attachments 3.

2. Authorize the Executive Officer to file the proposed regulations with OAL on an emergency basis and make the regulations permanent.

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, August 22, 2012

METHODS FOR ACCEPTING SCHOOL FACILITY PROGRAM APPLICATIONS ONCE BOND AUTHORITY HAS BEEN EXHAUSTED

PURPOSE OF REPORT

To present options for accepting, processing, and tracking School Facility Program (SFP) project funding applications once bond authority is exhausted.

DESCRIPTION

At the February 2012 meeting, the State Allocation Board (Board) directed Staff to bring a discussion of methods for accepting, processing, and tracking SFP project funding applications once bond authority is exhausted to the State Allocation Board Implementation Committee (Implementation Committee). This item presents information, options and a chart (Attachment A) discussed by the Implementation Committee.

AUTHORITY

See Attachment B.

BACKGROUND

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

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

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

(Continued on Page Two)

STAFF ANALYSIS/STATEMENTS

The Board directed Staff to discuss with the Implementation Committee options for tracking and processing incoming funding applications once bond authority has been exhausted. Specifically, the Board requested the Implementation Committee to discuss whether these applications should be processed and presented to the Board for placement on an Unfunded List (Lack of Authority), or create a new list of applications that are not processed to the Board for approval until bond authority becomes available.

The Implementation Committee discussion included some potential ways to address concerns raised by Board members regarding the creation of an Unfunded List (Lack of Authority). One option discussed was to rename the list to avoid potential State liability. Second, the Board could require districts to certify that projects on the Unfunded List (Lack of Authority) are not guaranteed state funding. The certifications could come in the form of a School Board resolution, a letter from an authorized district representative, a certification included on the *Application for Funding* (Form SAB 50-04) or other format as determined by the Board. The goal of the Implementation Committee for both these options would be to help eliminate any confusion over the purpose of the list.

Another concern voiced at the February 2012 Board meeting was that projects on an Unfunded List (Lack of Authority) may not qualify for future funding if a future state bond program has different requirements compared to the existing program. It was noted that program changes have occurred in the past. For example, the Kindergarten-University Public Education Facilities Bond Act of 2004 (Proposition 47) changed the State and district match requirement. The legislation stated that the new 40% district matching share requirement would only apply to funding applications submitted after a specified date (April 29, 2002). Any applications received prior to that date still retained the 20% district matching share requirement. One Implementation Committee member noted that having projects on a Board approved Unfunded List (Lack of Authority) would warrant consideration in any future bond that would change the program rules. Essentially, a list of Board approved applications could be taken into account when new bond language is being written.

As of July 31, 2012, Staff has received applications exceeding the available new construction bond authority by approximately $14.3 million and applications exceeding the available modernization bond authority by approximately $102.4 million.

SFP Regulation Section 1859.95 specifies that when bond authority is exhausted the Office of Public School Construction (OPSC) will continue to accept both eligibility and funding applications for full review and presentation to the Board. Any funding applications, once approved by the Board, would then be placed on an Unfunded List (Lack of Authority) until such time as additional bond authority became available. The regulation excludes from this process any eligibility applications that use alternative enrollment projection, or NC funding applications based on eligibility that has been generated through an alternative enrollment projection.

(Continued on Page Three)

STAFF ANALYSIS/STATEMENTS (cont.)

The table below shows the current project application lists that exist or that would be created pursuant to SFP Regulation 1859.95:

	Workload List	Unfunded List (Lack of AB 55 Loans)	Apportionment Granted	Unfunded List (Lack of Authority)
Application Status	Application has been accepted by the OPSC	Application has been approved by the Board but not apportioned	Application has been apportioned by the Board	Application has been approved by the Board but not apportioned
Funding Determination	Includes projected (estimated) grant amount unverified by the OPSC	The per pupil grant and site development amounts are determined based on the amounts in effect at the time of approval	Grant amount is Full and Final	The per pupil grant and site development amounts are determined based on the amounts in effect at the time of approval and verified by the OPSC
Apportionment Status	Not fully processed by OPSC; Not approved by the Board; and No guarantee of funding.	Unfunded approval is within current bond authority and will be converted to an apportionment as cash becomes available, (through "priority funding" rounds)	Through "priority funding rounds", LEA has 90 days to request a fund release or authority returns to the program	Implies the project should receive an apportionment once additional bond authority becomes available. If funded through a future bond, may need additional review as a result of any program changes.

Implementation Committee Discussion

Most Implementation Committee members expressed a preference for the OPSC to continue accepting funding applications for full review and presentation to the Board once bond authority is exhausted, as specified in SFP Regulation Section 1859.95. All funding applications, if approved by the Board, would then be placed on an Unfunded List (Lack of Authority). One Implementation Committee member expressed a desire that, if the Board does not desire to create an Unfunded List (Lack of Authority), then applications should be fully processed by the OPSC but not presented to the Board (Option 3 presented below).

Below are the primary reasons expressed by the Implementation Committee members for creating an Unfunded List (Lack of Authority):

- Board approval provides project validation and a final grant amount
- Keeps SFP active until a future bond is passed
- Would provide the opportunity for faster apportionments as Projects could be transferred (without additional Board approval) to the Unfunded List (Lack of AB 55 Loans) once authority becomes available
- Indicates need for a future bond

SAB Action Provides Project Validation and Final Grant Amount
Some of the Implementation Committee Members desire projects to be Board approved and placed on an Unfunded List (Lack of Authority) because it provides a level of certainty that allows local districts to continue using local funds for construction projects. A project funding application could be accepted by the

(Continued on Page Four)

STAFF ANALYSIS/STATEMENTS (cont.)

OPSC but, after a comprehensive review is completed, is later determined not to be an eligible project for State funding. A project on an Unfunded List (Lack of Authority) provides assurance that the project meets current State funding criteria and what the actual State funding would be if bond authority became available today.

While unfunded approvals do not provide a guarantee of State funding, stakeholders have indicated that it allows districts to anticipate future funding, which is taken into account when spending local bond funds. The unfunded approvals allow districts to determine the possible scope of future projects by factoring in unfunded approval totals and remaining local bond funds. Both of these elements are important for school districts in construction planning and cash management.

Keeps the SFP Active Until a Future Bond is Passed
Some of the Implementation Committee members also stated that continuing to fully process funding applications for an Unfunded List (Lack of Authority) helps to keep a State school construction program and its processes active until bond authority becomes available through a future bond.

Faster Project Apportionments
It was noted that the projects could be funded faster once bond authority is available, if the applications are fully processed for an Unfunded List (Lack of Authority). In addition, projects placed on the list establish a date in line for funding, if it becomes available.

Indicates Need for a Future State Bond
An Unfunded List (Lack of Authority) could demonstrate the number of projects and the State share amount of project costs. Both of which could be used to demonstrate the need for a future State school facilities bond.

Administrative Costs

The program administration costs are drawn from the SFP bond authority. These costs cover the administrative expenses of the OPSC, the California Department of Education (CDE) School Facilities and Transportation Division, the California School Finance Authority (CSFA), and the State Controller's Office (SCO). Because future administrative costs will potentially limit the number of projects funded through a particular program, the Board asked the topic of administrative cost funding be raised at the Implementation Committee.

When discussed at the March 2012 Implementation Committee meeting, members acknowledged that the administrative costs are a necessary component for continuing to process SFP applications. No objections were raised to potentially reserving the necessary bond authority amount sufficient to cover the program administrative costs for the next several years until a future bond is passed.

(Continued on Page Five)

STAFF ANALYSIS/STATEMENTS (cont.)

Options Discussed by the Implementation Committee

The following four options describe various lists that could be created to track and process funding applications received by the OPSC beyond existing bond authority. These options listed in the order presented at the Implementation committee and are also illustrated in Attachment A.

Option 1 - Use the Current Workload List

The OPSC workload lists contain all complete applications that have met the application submittal requirements for the appropriate program such as CDE and Division of the State Architect approvals. Applications are placed on each list in order of date received and contain information including the district name, site name, application number, and estimated State grant. However, the applications are not yet fully processed by the OPSC.

The Board could elect to use the OPSC workload list that is currently being published to show the projects and the estimated eligible State funds, if bond authority becomes available.

- Accept applications but do not process for Board approval.
- Applications would only be processed and Board approved if bond authority became available.

Because the applications are not fully processed by the OPSC, the project funding amounts on the list are estimates only and would likely be different if finalized.

Necessary Board Action: Regulatory Amendments

Option 2 - Use a Board "Acknowledged" Workload List

The Board would acknowledge the current OPSC workload as a Board action.

- Accept applications but do not process for final grant determination.
- Applications would only be processed and Board approved if bond authority became available.

Because the applications are not fully processed by the OPSC, the project funding amounts on the list are estimates only and would likely be different if finalized.

Necessary Board Actions: Regulatory Amendments

Option 3 - Process the Applications But Without Board Approval

The OPSC would fully process each funding application; however they would not be presented to the Board until bond authority became available.

- OPSC would accept the applications and process them using the current 15 Day and 4 Day letter process.
- Applications would only be presented to the Board for approval if bond authority became available.

With OPSC review, the estimated State funding amounts would be more accurate for most applications than the OPSC Workload List.

Necessary Board Actions: Regulatory Amendments

(Continued on Page Six)

STAFF ANALYSIS/STATEMENTS (cont.)

Option 4 - Use a Board Approved "Project List"

The Board would create an informal list of approved projects similar to an Unfunded List (Lack of Authority).

- Applications would be fully processed with Board Approval.
- Potential State funding amounts would be based on current program regulations.
- Applications would only be placed on the Unfunded List (Lack of AB 55 Loans) if bond authority becomes available.
- Districts could submit a certification acknowledging that placement on the list does not constitute a guarantee of State funding.

Applications are fully processed and the project funding amounts are finalized and approved by the Board.

Necessary Board Actions: Regulatory Amendments

Current Regulations

Unless the Board elects to use an alternate option, such as those presented above, the current regulations would remain in effect. SFP Regulation Section 1859.95 states that the Board will "…accept and process applications for apportionment for purposes of developing an Unfunded List based on the date the application is Ready for Apportionment, with the exception of New Construction funding applications that utilize eligibility generated by the Alternative Enrollment Projection."

The regulation allows for the current application process to remain in place. Staff will continue to accept funding applications and process them to the Board, based on date received. Additionally, Facility Hardship applications will continue to be moved to the top of the list. Each viable application will be fully processed for Board approval. If there is remaining bond authority (or bond authority becomes available) the applications will be placed on the Unfunded List (Lack of AB 55 Loans). If no bond authority is available applications will be placed on the Unfunded List (Lack of Authority). Under these regulations, potential State funding amounts would be accurate based on the current SFP criteria but subject to potential future program changes.

Conclusion

The majority of the Implementation Committee members were in favor of the Board continuing to make unfunded approvals until the remaining bond authority is exhausted and that the Board continues to provide unfunded approvals through the creation of an Unfunded List (Lack of Authority), once all bond authority has been exhausted. In order to reduce Board liability, the Unfunded List (Lack of Authority) can be renamed as a "Project List"; however, a regulation change would be required. Additionally, the Board could request that districts being placed on a "Project List" submit a certification acknowledging that projects are not guaranteed State funding.

RECOMMENDATION

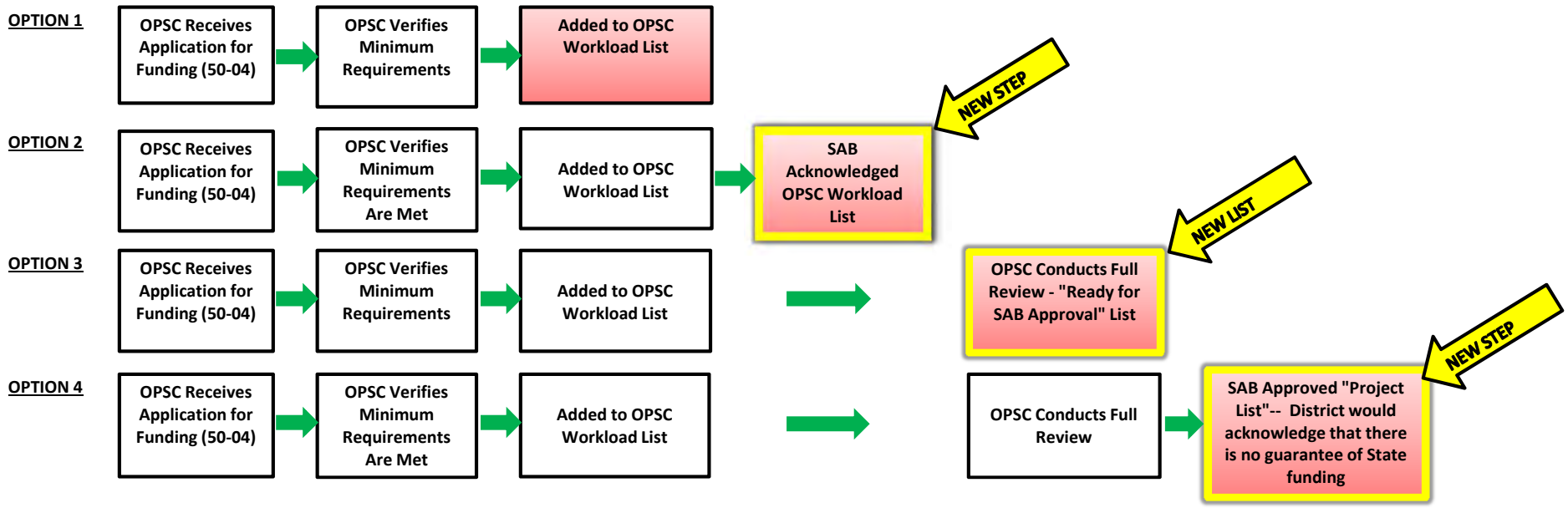
Seek Board direction for accepting SFP applications once bond authority has been exhausted.

BOARD ACTION

In considering this Item, the SAB approved Option #2, which would allow the OPSC to continue to accept applications in date order received and publish them with the amounts requested by the school districts, but the applications would not be reviewed by the OPSC. Option #2 further provided that the SFP Workload List would no longer be presented in the Information section of the SAB agenda; rather, it would be agendized and presented to the SAB as an Action Item where the SAB would formally acknowledge the workload list. In addition, Option #2 provided that proposed regulations be developed to implement the mechanics of Option #2 and be presented to the SAB at the September SAB meeting. Further, and in conjunction with Option #2, the SAB approved the condition that a school district's governing board must pass a resolution that indicates that the school district understands that there is no guarantee of program eligibility or program funding.

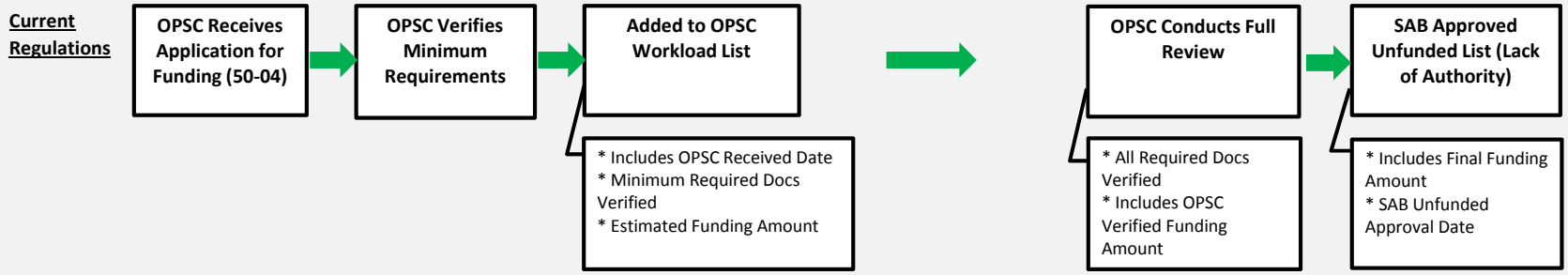
ATTACHMENT A

OPTIONS FOR ACCEPTING APPLICATIONS AFTER BOND AUTHORITY IS EXHAUSTED



REGULATION SECTION 1859.95 (True Unfunded List)

The current Regulations (Section 1859.95) will be implemented unless the one of the options shown above is passed.



ATTACHMENT B

AUTHORITY

Education Code (EC) Section 100410 (a) states:

> Three billion three hundred fifty million dollars ($3,350,000,000) of the proceeds of bonds issued and sold pursuant to this part shall be deposited in the 1998 State School Facilities Fund, which is established by Section 17070.40, and allocated by the State Allocation Board pursuant to this chapter. Before requesting the sale of bonds pursuant to Section 100432 for deposit in the State School Facilities Fund, the State Allocation Board shall request, pursuant to Section 100432, the sale of bonds sufficient to finance all projects for which application was made pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 12 (commencing with Section 17000) of Part 10) and for which an application was approved for construction, but funding was not available, prior to November 4, 1998."

EC Section 100620(a)(3) states:

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

EC Section 100620(a)(4) states:

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

EC Section 17009.5. states:

> (a) Except as set forth in Section 17052, on and after November 4, 1998, the board shall only approve and fund school facilities construction projects pursuant to Chapter 12**.5** (commencing with Section 17070.10).
> (b) A school district with a first priority project that has received a construction approval by the Department of General Services, Division of the State Architect, or a joint-use project approval by the board, prior to November 4, 1998, for growth or modernization pursuant to this chapter shall receive funding pursuant to this chapter for all unfunded approved project costs as it would have received under this chapter, and the increased capacity assigned to the project shall be included in calculating the district's capacity pursuant to Chapter 12.5 (commencing with Section 17070.10). Funds received for projects described in this subdivision shall constitute the state's final and full contribution to these projects. The board shall not consider additional project funding except when otherwise authorized under Chapter 12.5 (commencing with Section 17070.10).
> (c) A school district with a second priority project that has received a construction approval by the Department of General Services, Division of the State Architect prior to November 4, 1998, for growth or modernization pursuant to this chapter shall elect to do either of the following:
> (1) Withdraw the application under this chapter, submit an initial report and application pursuant to Chapter 12.5 (commencing with Section 17070.10), and receive per pupil allocations as set forth in Chapter 12.5 (commencing with Section 17070.10). If the district withdraws the application, any funds previously allocated under this chapter for the project shall be offset from the first grant to the district under Chapter 12.5 (commencing with Section 17070.10).

(2) Convert the second priority project approved under this chapter to a first priority status and receive funds in accordance with this chapter.
(d) Notwithstanding priorities established pursuant to Chapter 12.5 (commencing with Section 17070.10), projects authorized for funding as set forth in this section shall be funded by the board pursuant to this chapter prior to funding other projects pursuant to Chapter 12.5 (commencing with Section 17070.10).
(e) For purposes of funding priority for modernization grants under Chapter 12.5 (commencing with Section 17070.10), a district that applies under subdivision (b) or paragraph (1) of subdivision (c) shall retain its original project approval date.
(f) Notwithstanding Section 17017.1, West Contra Costa Unified School District shall be eligible for state facilities funds beginning November 4, 1998.
(g) The State Allocation Board shall adopt regulations to ensure that an appropriate offset is made from funds approved pursuant to this chapter, for funds awarded to school districts pursuant to Chapter 12 (commencing with Section 17000) prior to November 4, 1998."

School Facility Program (SFP) Regulation Section 1859.2 states:

…
"Approved Application(s)" means a district has submitted the application and all documents to the Office of Public School Construction that are required to be submitted with the application as identified in the General Information Section of Forms SAB 50-01, *Enrollment Certification/Projection*; SAB 50-02, *Existing School Building Capacity*; SAB 50-03, Eligibility Determination, (Revised 03/09); and SAB 50-04, Application for Funding, as specified in Section 1859.2 "Form SAB 50-04", and the Office of Public School Construction has completed and accepted a preliminary approval review pursuant to Education Code Section 17072.25(a).
…
"Ready for Apportionment" means a final review of an Approved Application has been completed by the OPSC and it has been determined that it meets all requirements of law for an apportionment or eligibility determination, and the OPSC will recommend approval to the Board.
…
"Unfunded List" means an information list of unfunded projects, with the exception of the unfunded list defined below as "Unfunded List (Lack of AB 55 Loans)".
…
"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the State's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction projects as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

SFP Regulation Section 1859.10 States:

Projects approved under the LPP are subject to the regulations contained in Title 2, California Code of Regulations, commencing with Section 1865.1, and the SFP transition rules contained in this Article 2.

SFP Regulation Section 1859.11 states:

Joint Use projects that were approved by the Board prior to November 4, 1998, shall be eligible for funding pursuant to the LPP for all remaining approved but unfunded project costs.

SFP Regulation Section 1859.12 states:

Priority One new construction projects will be funded under the provisions of the LPP if the project received either: 1) Phase C approval by the Board prior to November 4, 1998; or 2) either Phase P or Phase P and Phase S, approvals, and DSA plan approval prior to November 4, 1998.

SFP Regulation Section 1859.13 states:

Districts with Priority Two new construction projects which received either: 1) Phase C approval by the Board prior to November 4, 1998; or 2) either a Phase P or a Phase P and Phase S approval with DSA plan approval prior to November 4, 1998, must declare to the Board that it intends to convert the entire project to Priority One status by January 31, 1999 to receive funding for all remaining costs in accordance with the LPP provisions.

If the district has not declared its intention to convert the entire project to Priority One status by January 31, 1999, the project shall be deemed withdrawn under the provisions of the LPP and the district must submit a new application under the provisions of the SFP, pursuant to Section 1859.20. If the project is eligible for further funding under the SFP, the New Construction Adjusted Grant provided under the SFP will be reduced by any previous apportionments, with the exception of apportionments made for site acquisition, made under the LPP.

SFP Regulation Section 1859.14 states:

Priority One modernization projects that have either Phase C approval by the Board prior to November 4, 1998, or have Phase P approval by the Board and DSA plan approval prior to November 4, 1998, may proceed under either (a) or (b). Districts may either:

a) Receive funding under the provisions of the LPP; or,
b) By January 31, 1999, withdraw the Priority One modernization LPP project and submit a new application for funding under the provisions of the SFP, pursuant to Section 1859.20. The project approval date under the LPP will be retained for the project approval date under the SFP. If the project is eligible for further funding under the SFP, the Modernization Adjusted Grant provided under the SFP will be reduced by any previous apportionments made under the LPP.

SFP Regulation Section 1859.15 states:

Districts with Priority Two modernization projects that have either Phase C approval by the Board prior to November 4, 1998, or have Phase P approval by the Board and DSA plan approval prior to November 4, 1998, must declare to the Board that it intends to convert the entire project to Priority One status by January 31, 1999 to receive funding for all remaining costs in accordance with the LPP provisions.

If the district has not declared its intention to convert the entire project to Priority One status by January 31, 1999, the project shall be deemed withdrawn under the provisions of the LPP and the district must submit a new application under the provisions of the SFP pursuant to Section 1859.20. The project approval date under the LPP will be retained for the project approval date under the SFP. If the project is eligible for further funding under the SFP, the Modernization Adjusted Grant provided under the SFP will be reduced by any previous apportionments made under the LPP.

SFP Regulation Section 1859.15.1 states:

Districts with LPP or SFP conversions from LPP new construction and modernization projects that meet the provisions of Sections 1859.12, 1859.13, 1859.14 or 1859.15 shall receive first funding priority upon submittal of a complete eligibility and funding application through July 5, 1999. After this date, LPP or SFP conversions from LPP new construction and modernization projects shall be funded in the order of the date of receipt of a complete application which complies with all pertinent LPP and SFP statutes and regulations.

SFP Regulation Section 1859.16 states:

A district with projects not meeting the requirements of Sections 1859.11, 1859.12, 1859.13, 1859.14 and 1859.15 must submit a new application under the provisions of the SFP pursuant to Section 1859.20 in order to receive funding. If the project is eligible for further funding under the SFP, the

(a) New Construction Adjusted Grant provided under the SFP will be reduced by any previous apportionments, with the exception of apportionments made for site acquisition, made under the LPP.

(b) Modernization Adjusted Grant provided under the SFP will be reduced by any previous apportionments made under the LPP.

SFP Regulation Section 1859.95 states:

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

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

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

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

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

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

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

ACCEPTING SCHOOL FACILITY PROGRAM APPLICATIONS
ONCE BOND AUTHORITY HAS BEEN EXHAUSTED

PURPOSE OF REPORT

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

DESCRIPTION

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

AUTHORITY

See Attachment C.

BACKGROUND

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

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

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

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

(Continued on Page Two)

STAFF ANALYSIS/STATEMENTS

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

Current Regulations

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

Proposed Regulations

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

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

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

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

(Continued on Page Three)

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

STAFF ANALYSIS/STATEMENTS (cont.)

Financial Hardship Requests

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

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

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

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

Corrections to Form SAB 50-04

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

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

RECOMMENDATIONS

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

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

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

Attachment A

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

Section 1859.2. Definitions

. . . .

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

. . . .

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

. . . .

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

. . . .

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

. . . .

Section 1859.95. Acceptance of Applications When Funding Is Unavailable.

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

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

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

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

(Rev. 1)

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

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

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

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

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

Reference: Sections 17070.35 and 17071.75, Education Code.

Section 1859.95.1. Applications Received When Bond Authority Is Unavailable.

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

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

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

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

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

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

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

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(3) The school board acknowledges that any potential future State bond measures for the School Facility Program may not provide funds for the application being submitted.
(4) The school board acknowledges that criteria (including, but not limited to, funding, qualifications, and eligibility) under a future State school facilities program may be substantially different than the current School Facility Program. The district's Approved Application may be returned.
(5) The school board acknowledges that they are electing to commence any pre-construction or construction activities at the district's discretion and that the State is not responsible for any pre-construction or construction activities.
(6) The school board acknowledges that, if bond authority becomes available for the Board to provide funding for the submitted application, the School District must apply for financial hardship status.

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

Note: Authority cited: Sections 17070.35, Education Code.

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

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STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~06/12~~09/12)

ATTACHMENT B

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

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

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

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

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

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

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

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

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

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

2. Type of Project

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

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

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

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

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

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

c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.
g. Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.
h. Indicate the site scenario that best represents the project request.
i. For ORG projects, the district must provide the following information in the space provided:
   - Name of the eligible school site(s) where portables will be replaced in this project
   - Number of portables being replaced at each school site
   - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

a. Therapy area in square feet as provided in Section 1859.72.
b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
   1) Enter 50 percent of the actual cost.
   2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
   3) Enter 50 percent of the allowable relocation cost.
   4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum $25,000).
   5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Excessive Cost Hardship Request

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

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

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

8. Project Priority Funding Order

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

9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

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

17. Prevailing Wage Monitoring and Enforcement Costs

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

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

18. Construction Delivery Method

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

19. Career Technical Education Funds Request

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

20. Overcrowding Relief Grant Narrative

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

21. Architect of Record or Licensed Architect Certification

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

22. Architect of Record or Design Professional Certification

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

23. Certification

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

(Rev. 1)

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~06/12~~09/12)

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

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

i. ORG Projects Only

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

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

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

5. New Construction Additional Grant Request—New Construction Only

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

b. Multilevel Construction (CRS): _____

c. ☐ Project Assistance

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

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

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

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

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

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

j. ☐ Energy Efficiency: _____ %

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

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

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

a. ☐ Project Assistance

b. ☐ Energy Efficiency: _____ %

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

d. ☐ Automatic Fire Detection/Alarm System

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

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization or Charter School Facility Program Rehabilitation Only

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

8. Project Priority Funding Order—New Construction Only

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

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

9. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

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

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

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

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

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

17. Prevailing Wage Monitoring and Enforcement Costs

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

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

18. Construction Delivery Method

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

19. Career Technical Education Funds Request

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

Number of CTE classroom(s): _____

20. Overcrowding Relief Grant Narrative

21. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE | DATE

22. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE | DATE

23. Certification

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

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

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

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

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

ATTACHMENT C

AUTHORITY

Education Code (EC) Section 17009.5. states:

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

EC Section 17070.15(m) states:

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

EC Section 17070.40. states:

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

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…

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

…

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

…

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

…

EC Section 17072.20 states:

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

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

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

EC Section 17072.25. states:

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

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

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

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

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

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

EC Section 100410 (a) states:

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

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

EC Section 100620(a)(3) states:

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

EC Section 100620(a)(4) states:

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

School Facility Program (SFP) Regulation Section 1859.2 states:

…

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

…

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

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

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

…

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

…

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

…

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

…

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

…

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

…

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

…

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

SFP Regulation Section 1859.95 states:

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

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

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

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

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

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

ATTACHMENT 3

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

Section 1859.2. Definitions

. . . .

"Form SAB 50-04" means the *Application For Funding*, Form SAB 50-04 (Revised ~~01/18~~06/18), 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 Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.20. SFP Application for Determination of Eligibility

When the Board has received Applications requesting funding which in the aggregate equals the bond authority pursuant to EC Section 101122(a)(1), the Board shall not accept Applications for determination of eligibility.

When the Board has received Applications requesting funding which in the aggregate equals the bond authority pursuant to EC Section 101122(a)(3), the Board shall not accept Applications for determination of eligibility.

A School District seeking a determination of eligibility for a SFP project shall complete and file the following documents with the OPSC:

(a) For new construction, either districtwide, HSAA, or Super HSAA, or for modernization projects, the Form SAB 50-03.
(b) For new construction projects, either districtwide, HSAA or Super HSAA, the Form SAB 50-01.
(c) For new construction projects, the Form SAB 50-02.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.50, 17070.80, 17071.10, 17071.25, 17073.10 and 17073.25, Education Code.

Section 1859.21. SFP Application for Funding.

A School District seeking funding for a modernization or new construction project shall complete and file with the OPSC, the Form SAB 50-04.

When the Board has received Applications requesting funding which in the aggregate equals the bond authority pursuant to EC Section 101122(a)(1), the Board shall not accept Applications, with the exception of Applications for health and safety projects pursuant to Education Code Chapter 12.5, Article 8.

When the Board has received Applications requesting funding which in the aggregate equals the bond authority pursuant to EC Section 101122(a)(3), the Board shall not accept Applications, with the exception of Applications for health and safety projects pursuant to Education Code Chapter 12.5, Article 8.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.63, 17072.30 , 17073.25 and 17074.15, Education Code.

ATTACHMENT 3

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

Section 1859.82. Facility Hardship.

For any Application not apportioned or approved for placement on the Unfunded List (Lack of AB 55 Loans) submitted pursuant to this Section, the application shall be returned to the applicant.

A district is eligible for facility hardship funding to repair, replace, or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:

(a) Repair of facilities, new classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non- classroom space), or replacement facilities if either (1) or (2) are met:

(1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the DSA to be repaired, seismic mitigation of the Most Vulnerable Category 2 Buildings as verified by the DSA, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk. Funding for seismic mitigation related and ancillary costs for the Most Vulnerable Category 2 Buildings shall only be provided from the SFP New Construction Account.

(A) The district shall prepare and submit to the OPSC an Application which includes a cost/benefit analysis which will be used to compare the total costs to remain in the classroom or related facility and mitigate the problem to the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. 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.

1. If the total cost to remain in the classroom or related facility is 50 percent or less than the Current Replacement Cost, the district may qualify for either grant below, as applicable:
   a. Modernization Excessive Cost Hardship Grant for Rehabilitation Costs pursuant to Section 1859.83(e), or
   b. A grant not to exceed 50 percent of the cost estimate that has been reviewed and approved by the OPSC and approved by the Board for seismic repair.
2. If the total cost to remain in the classroom or related facility is greater than 50 percent of the Current Replacement Cost and the Application is for replacement facilities, the district may qualify for a grant for a new or replacement school or replacement facilities as a new construction project.
3. If the total cost to remain in the classroom or related facility is greater than 50 percent of the Current Replacement Cost and the Application is for the repair, not the replacement, of a Qualified Historical School Building, the district may qualify for funding as a new construction project. The district must demonstrate that the facility meets the definition of a Qualified Historical School Building. Qualified Historical School Building status must be determined by an appropriate local, state, or federal governmental agency or by a person(s) who meets the Professional Qualification Standards set forth by the Secretary of the Interior's Standard and Guidelines for Archeology and Historical Preservation.

(B) If the request is for facilities that include structural and/or seismic deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain DSA approval. The report must contain a detailed cost estimate of the repairs. 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. The report and cost estimate shall be subject to review by the OPSC for conformance with the Current Construction Cost Publication by the Sierra West Group and, at the OPSC's discretion, the DSA. For seismic deficiencies of the Most Vulnerable Category 2 Buildings, the report and the cost estimate for the minimum work necessary must be reviewed by the DSA.

(C) The seismic mitigation projects must meet all of the following requirements:
1. The construction contract was executed on or after May 20, 2006;
2. The project funding provided shall be for the minimum work necessary to obtain DSA approval;
3. The building is designed for occupancy by students and staff; and
4. The DSA concurs with a report by a structural engineer, which identifies structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event. If the unacceptable risk of injury is due to the presence of faulting, liquefaction or landslide, these hazards must be documented by a geologic hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, section 1803A and with the concurrence of the California Geological Survey.

The structural engineer's report shall conform to the guidelines prepared by the DSA, in accordance with Education Code Section 17310.

(2) The classroom or related facility was lost or destroyed as a result of a disaster such as fire, flood or earthquake and the district has demonstrated satisfactorily to the Board that the classroom or related facility was uninsurable or the cost for insurance was prohibitive.

If the district qualifies for a new or replacement school pursuant to either (a)(1)(A)2. or (a)(2) above, the district is eligible for a New Construction Grant as a new construction project for the lesser of the pupils housed in the replaced facility based on loading standards pursuant to Education Code Section 17071.25(a)(2) or the latest CBEDS enrollment at the site.

If the district qualifies for repair of a Qualified Historical School Building pursuant to (a)(1)(A)3. or replacement facilities on the same site pursuant to either (a)(1)(A)2. or (a)(2) above, the district is eligible for funding as a new construction project. Replacement facilities and square footage amounts used to determine funding for a Qualified Historical School Building 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. If the Qualified Historical School Building is a facility type not shown in the chart in Section (b) below, the square footage amounts used to determine funding shall be limited to the existing square footage of the Qualified Historical School Building. 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 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 (a)(1) or (a)(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)(1)b., the district is eligible for a Seismic Rehabilitation Grant. The grant provided is pursuant to subsection (a)(1)(A)(1)b. 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 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 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 (b) above, shall be reduced by 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.

The square footage provided, after accounting for all useable facilities on the site, shall not exceed the following:

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

School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

Any facilities eligible for facility hardship not shown in the above chart or for Alternative Education facilities not shown in the table in Section 1859.77.3(a)(5) shall be eligible for replacement square footage equal to the facilities replaced. For an Alternative Education school eligible for a facility hardship, utilize the square footage provided in Section 1859.77.3(a)(5), with the exception of toilet and administration where the chart above shall be utilized.

The modernization baseline eligibility provided n Section 1859.60 will be adjusted as a result of funding provided as a new construction project pursuant to (a) or (b) above.

A district may request a determination of eligibility for facility hardship funding in advance of project funding.

(c) A district seeking replaced facilities as a result of either (a) or (b) above must submit Form SAB 50-04 for the replaced facilities:

(1) Within 18 months if the replacement facilities will be located on the same site.

(2) Within 24 months if the replacement facilities will be located on a replacement site.

If an Approved Application for the replaced facility is not accepted within the time periods identified in (c)(1) or (c)(2) above, the Board shall re-review the criteria submitted by the district for replacement of the facility prior to apportionment of the replaced facility.

Note: Authority cited: Sections 17070.35, 17075.10 and 17075.15, Education Code.

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

Section 1859.95. Acceptance of Applications When Funding Is Unavailable. (Repealed)

~~This Section shall not apply to Approved Applications submitted to the OPSC on or after the effective date [November 1, 2012] of Section 1859.95.1.~~

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

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

~~If either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE or the Chief of the School Property Evaluation and Cleanup Division within the Department of~~

~~Toxic Substances Control certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time, the application may, at the discretion of the Board, receive a date on the Unfunded List or receive funding pursuant to Section 1859.91 based on the date the application is Ready for Apportionment, adjusted back in time for the number of calendar days the application was delayed.~~

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

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

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

Note: Authority cited: Sections 17070.35 and 17072.25, Education

Code. Reference: Sections 17070.35 and 17071.75, Education Code.

Section 1859.95.1. Applications Received When Bond Authority Is Unavailable. (Repealed)

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Sections 17070.35, Education Code.

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~01~~06/18)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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.~~

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 modernization 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 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 may 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.
   - 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.
- 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.

9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.

   - 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 13, 14, 15, 16, and 24 only.

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline

eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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 application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- ~~If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).~~

5. New Construction Additional Grant Request

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~01~~06/18)

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 Facilities 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 pending OPSC approval pursuant to Section 1859.81(h)
☐ ~~Submittal with school board resolution, pursuant to Section 1859.95.1 (Insufficient Bond Authority)~~

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: $ _____

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

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)]

- 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

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