

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING
October 12, 2021

Eligibility Criteria, Funding and Application Process for the
California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant
Program

PURPOSE

To review questions and input received at and since the September 8, 2021 and September 22, 2021 stakeholder meetings and to continue discussion regarding program changes to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program.

DESCRIPTION

Assembly Bill (AB) 130 amended Education Code (EC) Section 17375 (Article 7, Chapter 3 of Part 10.5 of Division 1 of Title 1), allocated \$490 million, and modified program eligibility and funding criteria for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Program). The Program allows school districts that lack the facilities to provide existing or future full-day preschool, transitional kindergarten, and kindergarten programs to apply for one-time grants to construct new school facilities or retrofit existing school facilities. The statute changes require the State Allocation Board (SAB) to amend the existing program regulations, forms, and the grant agreement to administer the grant program according to new requirements.

AUTHORITY

See Attachment A.

BACKGROUND

The Office of Public School Construction (OPSC) held public meetings on September 8, 2021 and September 22, 2021, to discuss proposed criteria for determining the eligibility and funding of Program applications, present proposed amendments to the Program forms, and to receive stakeholder input. Questions that require further discussion or that were received after the meeting are addressed in this item. Additionally, questions that were answered during the first meeting are included for reference on Attachment "G".

STAFF ANALYSIS/STATEMENTS

Questions and Answers

Questions, comments, and topics discussed at the September 22, 2021, meeting and submitted by email that require additional discussion were reviewed by staff. The following responses are provided:

Q. Can the Free and Reduced-Price Meal (FRPM) percentage be based on the school site where the project is taking place instead of the entire school district's FRPM?

A. No, the FRPM percentage must be based on the entire school district. EC Section 17375(b)(2)(B)(i) states that "For *school districts* seeking a transitional kindergarten or full-day kindergarten facilities grants, the *school district* is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01." (*Emphasis added*)

Q. Can OPSC consider the use of a FRPM percentage from 2019/2020?

A. For the Third Filing Round (~March 1, 2022 – March 30, 2022) school districts will be allowed to use the 2019/2020, 2020/2021, or 2021/2022 percentage.

For the Fourth Filing Round (~March 1, 2023 – March 30, 2023) school districts must use the 2022/2023 FRPM percentage.

Q. Can OPSC please clarify the reason for limiting projects to four (4) classrooms?

A. OPSC is proposing to limit the number of classrooms eligible for Program funding for a project that houses Preschool and/or Transitional Kindergarten pupils. Limiting any project to four classrooms of each grade level, allows more school districts to participate in the program. The prior program was oversubscribed, and each school district was only funded for one project in a filing round. Without a limit, one large project would take a larger proportion of available funding. Note: There is not a limit on the number of full-day kindergarten classrooms that can be included in a project because Program eligibility is based on current need and enrollment.

Q. Can OPSC consider an alternative to requiring a preschool classroom be constructed at not less than 1,350 square feet?

A. OPSC has considered this requirement and, in consultation with CDE, have chosen to continue to recommend the requirement that preschool classroom projects meet the current Title 5 requirements of a minimum of 1,350 square feet. In discussion with CDE, 1,350 square feet should be the minimum goal for all kindergarten classroom in order to meet the educational needs of kindergarteners.

STAFF ANALYSIS/STATEMENTS (cont.)

However, in recognition of site limitations, if a retrofit project qualifies for an exemption through CDE the classroom may be smaller than 1,350 square feet, but no less than 1,250 square feet.

Additionally, OPSC has amended the proposed regulatory requirement for Preschool classrooms and added “Program funding must construct or retrofit facilities that result in classroom(s) that meets the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations. (Section 1860.5.2(d))”

As discussed previously, this requirement will still ensure the prudent use of state funding by creating flexibility for school districts in the future to use the Preschool classroom space for kindergarten classrooms as needed.

Q. Are portable classrooms that house Preschool pupils eligible for replacement?

A. Yes, if the portables did not originally meet Title 5 requirements for a kindergarten classroom. The district could qualify for a new construction project for lacking the appropriate facilities. Please note, the replacement classroom cannot be another portable classroom.

Updates on Proposed Regulatory Amendments

As a result of continued analysis and feedback during and since the September 22, 2021, stakeholder meeting, staff identified additional regulatory amendments to implement the statutory changes to program eligibility, funding criteria, eligible expenditures and use of savings. The updated proposed regulatory amendments are on Attachment B. Staff updated the following:

Reimbursement Projects

- Staff previously proposed two options to limit when a project could seek reimbursement. The limitations are intended to meet the overarching goal of AB 130 to expand early learning opportunities.
 - Option 1 – Notice of Occupancy must be on or after July 1, 2021.
 - Option 2 – Construction Contracts must be on or after July 1, 2021.
- Based on stakeholder feedback, Staff has revised the proposed regulations to provide reimbursement for retrofit or new construction projects for Full-Day Kindergarten classrooms only if the construction contracts were signed after July 1, 2018.
- Staff also propose to provide funding for retrofit or new construction projects for Preschool or transitional kindergarten projects only if the construction contracts were signed on or after July 1, 2021.

STAFF ANALYSIS/STATEMENTS (cont.)

Updates since the second stakeholder meeting are highlighted in yellow.

DISCUSSION

Staff has prepared proposed amendments to the Program forms that are included in this item:

- Attachment C – *Application for Funding* (Form SAB 70-01)
- Attachment D – *Fund Release Authorization* (Form SAB 70-02)
- Attachment E – *Expenditure Report* (Form SAB 70-03)
- Attachment F – *Grant Agreement*

Other topics that were presented and have since been refined based on discussion and information presented during the last meeting are listed below:

Other Program Criteria

- Preschool and Transitional Kindergarten loading capacity - Staff proposes loading each preschool and transitional kindergarten classroom at 25 pupils for funding purposes in reflection of the way full-day kindergarten classrooms are already funded by the Program.
- Project plan approvals:
 - CDE will provide construction plan approvals for all projects to ensure that they meet Title 5 requirements.
 - CDSS will not be providing construction plan approvals for any projects.
 - School districts will be required to certify on the *Application for Funding* (Form SAB 70-01) that prior to occupancy of the classroom the district has obtained a Child Care Center License from CDSS*.

*As part of the license requirements CDSS will verify compliance with Title 22, such as the requirement of one toilet per 15 pupils and an Outdoor Activity Space with at least 75 square feet per child. CDSS will also verify compliance with Health and Safety Code Sections 1596.95 - 1596.99.
 - School districts must provide evidence of licensure or license-exempt status at the time of project audit.

CLOSING REMARKS/NEXT STEPS

OPSC Staff tentatively plans to present the proposed program regulations and forms to the State Allocation Board for approval at the December 7, 2021, meeting.

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Education Code (EC) 17375.

(a) (1) The California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms and full-day kindergarten classrooms pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite, pursuant to this section.

(2) Moneys appropriated pursuant to this section shall be deposited in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section, as it read on December 31, 2020.

(4) (A) For the 2021–22 fiscal year, the sum of four hundred ninety million dollars (\$490,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section.

(B) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a California state preschool program, a transitional kindergarten program, a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district shall be expended within one year of project completion or returned to the state as required by associated regulations and any accompanying grant agreement.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the

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design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3) for a project, and meets the requirements for financial hardship pursuant to Sections 17075.10 and 17075.15. For purposes of this section, paragraph (5) of subdivision (d) of Section 17075.15 shall not apply.

(B) (i) For school districts seeking a transitional kindergarten or full-day kindergarten facilities grant, the school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(ii) For school districts seeking a preschool facilities grant, the school district is located in an underserved area, as defined in Section 8208, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8236.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district shall provide 25 percent of the cost of the project, whether the project is for new construction or retrofit, if the school district does either of the following:

(A) Converts a part-day kindergarten program to a full-day kindergarten program. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted from funds appropriated pursuant to paragraph (4) of subdivision (a) to reflect the requirements of this paragraph.

(B) Commencing with the 2021–22 fiscal year, offers, or expands enrollment in, a California state preschool program or transitional kindergarten program.

(5) (A) A school district seeking a transitional kindergarten or full-day kindergarten facilities grant from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with the State

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Department of Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(B) For a school district seeking a new construction grant for preschool classrooms from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

(i) The most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(ii) A current or future contract with the State Department of Education to operate a preschool program.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall do all of the following:

(1) Execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(2) For a school district applying for grant funds for a transitional kindergarten facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to offer, or expand enrollment in, a transitional kindergarten program.

(3) For a school district applying for grant funds for a California state preschool program facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to expand enrollment in a preschool program and apply for expanded program service funding, and certify that the school district has or will apply for a contract to operate a preschool program before occupying the to-be-constructed or retrofitted facility.

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(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house preschool, transitional kindergarten, and kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(3) A school district shall not use funds to purchase or install portable classrooms. For purposes of this article, "portable classroom" means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

(g) For a modernization grant pursuant to this article to retrofit an existing preschool classroom, including outdoor play areas and installed equipment, the applicable classroom shall comply with all of the following:

(1) The Field Act, as set forth in Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365).

(2) The California Building Standards Code, as set forth in Title 24 of the California Code of Regulations.

(3) The regulations for early learning and care programs as set forth in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of, and Chapter 1

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(commencing with Section 101151) of Division 12 of Title 22 of, the California Code of Regulations, as applicable.

(4) Written approval from the State Department of Education that the building plans comply with the standards set forth in Subchapter 1 (commencing with Section 14001) of Chapter 13 of Division 1 of Title 5 of the California Code of Regulations.

(h) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(i) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(j) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account.

(l) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(m) For purposes of this section, the following definitions apply:

(1) "Kindergarten" includes transitional kindergarten, as defined in Section 48000.

(2) "Preschool classroom" means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

(3) "Preschool program" means a full-day California state preschool program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6.

(4) "Schoolsite" or "site" means the project site for which the school district is applying for grants under this article.

(5) "School district" means as follows:

(A) For transitional kindergarten and full-day kindergarten facilities grants, "school district" means a school district.

(B) For preschool facilities grants, "school district" means a school district and county office of education.

(Amended by Stats. 2021, Ch. 44, Sec. 15. (AB 130) Effective July 9, 2021.)

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EC Section 8973.

Notwithstanding any other provision of law, the kindergarten schoolday in an early primary program conducted pursuant to Section 8972 may exceed four hours, exclusive of recesses, provided that both of the following conditions are met:

(a) The governing board of a school district declares that the extended-day kindergarten program does not exceed the length of the primary schoolday.

(b) The extended-day kindergarten program takes into account ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

EC Section 8974.

School districts with early primary programs shall provide educational continuity from preschool through kindergarten and grades 1 to 3, inclusive, by accomplishing the following:

(a) Establish connections with public preschool programs, including state preschool, state child development, and federal Head Start programs, to establish a more effective transition of children from preschool to kindergarten.

(b) Promote connections among early primary programs that provide before- and after-school services.

(c) Promote joint activities for teachers and administrators of public preschool programs, including state preschool, state child development, and federal Head Start, and kindergarten and grades 1 to 3, inclusive, in areas such as program planning and staff development training related to developmentally appropriate curriculum and assessment practices for young children.

EC Section 8207.

(a) The Superintendent shall administer all California state preschool programs. Those programs shall include, but not be limited to, part-day and full-day age and developmentally appropriate programs, offered through childcare centers and family childcare home education networks, that are designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. Preschool programs for which federal reimbursement is not available shall be funded as prescribed by the Legislature in the Budget Act, and unless otherwise specified by the Legislature, shall not use federal funds made available through Title XX of the federal Social Security Act (42 U.S.C. Sec. 1397).

(b) A part-day California state preschool program shall operate for a minimum of (1) three hours per day, excluding time for home-to-school transportation, and (2) a

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minimum of 175 days per year, unless the contract specifies a lower number of days of operation.

(c) A full-day California state preschool program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation.

(d) Any agency described in subdivision (a) of Section 8205 as an “applicant or contracting agency” is eligible to contract to operate a California state preschool program.

(e) Public funds shall not be paid directly or indirectly to an agency that does not pay at least the minimum wage to each of its employees.

(f) Federal Head Start funds used to provide services to families receiving California state preschool services shall be deemed nonrestricted funds.

(g) School districts and charter schools that administer a California state preschool program may place four-year-old children in a transitional kindergarten program classroom in accordance with subdivisions (h) to (j), inclusive, of Section 48000.

(h) California state preschool programs shall include all of the following:

(1) Age- and developmentally appropriate activities for children.

(2) Supervision.

(3) Parenting education and parent engagement.

(4) Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies.

(5) Health services.

(6) Nutrition.

(7) Training and career ladder opportunities, documentation of which shall be provided to the department.

(i) The Superintendent shall adopt rules and regulations related to the administration of this chapter, including rules and regulations related to eligibility, enrollment, and priority of services. Regulations shall also include the recommendations of the State Department of Health Care Services relative to health care screening and the provision of health care services. The Superintendent shall seek the advice and assistance of these health authorities in situations where service under this chapter includes or requires care of children who are ill or have exceptional needs.

EC Section 1596.7925.

(a) On or before July 1, 2019, the State Department of Education shall adopt new health and safety regulations under Title 5 of the California Code of Regulations that apply to California state preschool programs that meet the conditions specified in subdivision (o) of Section 1596.792. The regulations shall require those programs to have all of the following:

(1) Outdoor shade that is safe and in good repair.

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- (2) Drinking water that is accessible and readily available throughout the day.
 - (3) Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
 - (4) Restroom facilities that are only available for preschoolers and kindergartners.
 - (5) Visual supervision of children at all times.
 - (6) Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time. Playground equipment must be safe, in good repair, and age appropriate.
- (b) The State Department of Education may adopt emergency regulations pursuant to Section 11346.1 of the Government Code to satisfy the requirements of this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.
- (c) A violation of regulations adopted pursuant to subdivision (a) or (b) shall not be subject to Section 1596.890.

5 CCR § 18140

§ 18140. General Provisions.

- (a) The regulations in article 4 apply only to Local Educational Agencies (LEAs) operating part-day or full-day California State Preschool Programs (CSPPs) that choose to be exempt from title 22 of California Code of Regulations (22 CCR) pursuant to Health and Safety Code section 1596.792(o).
- (b) LEAs operating part-day or full-day CSPP classrooms may choose for any or all classrooms to be exempt from 22 CCR licensing requirements as long as they continue to meet all legal and contractual requirements of the CSPP, which includes adequate standards of Program Quality, pursuant to subchapter 12 of chapter 19, of this division, as well as meet the following conditions:
- (1) The LEA has a contract to perform CSPP services and performs those services directly, and not through a subcontractor;
 - (2) The LEA is performing such services in a school building, as defined by Education Code section 17283, and the school building in which the services are performed has been determined to be compliant with the provisions of the Field Act, pursuant to title 1, division 1, part 10.5, chapter 3, articles 3 and 6 of the Education Code, according to the Division of the State Architect;
 - (3) The school building in which services are performed is maintained in good repair as defined by Education Code section 17002 and is subject to a yearly facility inspection pursuant to Education Code section 1240 and the information is included on the LEA's School Accountability Report Card.

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(4) The LEA facility meets the requirements for kindergarten classrooms in accordance with chapter 13 (commencing with section 14000) of division 1 of title 5 of the California Code of Regulations (5 CCR).

(c) Any LEA operating a CSPP classroom pursuant to this article may only serve four-year-old children as defined in Education Code section 8208 in the exempted classrooms. CSPP classrooms with any child younger than four years of age shall meet 22 CCR licensing requirements.

(d) The California Department of Education (CDE) shall make a determination whether an LEA meets the requirements of this article at the time of initial funding and thereafter yearly as part of the continued funding process. At any time, the CDE may make a finding that an LEA does not meet the requirements for license exemption and shall notify the LEA of such finding. The LEA may appeal this finding pursuant to 5 CCR section 18308.

(e) The CDE shall immediately notify the California Department of Social Services, Community Care Licensing Division, regarding any change in the licensing status of an LEA and/or if a determination is made that an LEA does not meet the requirements of Health and Safety Code section 1596.792(o) and this article and should be subject to licensing.

Note: Authority cited: Section 8261, Education Code; and Section 1596.7925, Health and Safety Code. Reference: Section 8208, Education Code; and Sections 1596.792 and 1596.7925, Health and Safety Code.

Title 2. Administration
Division 2. Financial Operations
Chapter 3. Department of General Services
Subchapter 4. Office of Public School Construction
Group 1. State Allocation Board
Subgroup 5.8. Regulations Relating to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten
Facilities Grant Program

Article 1. California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program

Section 1860. Purpose.

These Subgroup 5.8 regulations implement the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Program), which establishes a State program to provide funding to School Districts to construct new school facilities or retrofit existing school facilities, for the purpose of providing full-day kindergarten and transitional kindergarten classrooms as specified in Education Code (EC) Section 8973; and, for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite.

Note: Authority cited: Section 17375, Education Code

Reference: Sections 8973 and 17375, Education Code.

Section 1860.1. General Services Director.

Pursuant to Government Code Section 15490(c), the Director of General Services shall provide assistance to the State Allocation Board (Board) as the Board requires.

Note: Authority cited: Section 17375(a), Education Code.

Reference: Sections 17375(a), Education Code; 15490(c), Government Code.

Section 1860.2. Definitions.

For the purpose of these Subgroup 5.8 regulations, the terms set forth below shall have the following meanings:

“Application” means a request pursuant to the Program to apply for grant funding for a school project.

“Apportionment” means a reservation of funds by the Board for the purpose of funding Approved Applications for New Construction or Retrofit to an applicant school district.

“Approved Application” means a School District has submitted a Form SAB 70-01 and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the Form SAB 70-01 as identified in the Specific Instructions Section of Form SAB 70-01.

“Board” means the State Allocation Board as established by Section 15490 of the Government Code.

“CBEDS Report” means the enrollment information provided through the California Basic Educational Data System (CBEDS) by school districts to the California Department of Education.

“California Department of Education (CDE)” means the offices within that department that have responsibility for school facilities matters.

“Certification” means the act of affirmatively representing, asserting or verifying circumstances, data or information as required by the Program or this subgroup.

“Class B Construction Cost Index” is a construction factor index for structures made of reinforced concrete or steel frames, concrete floors, and roofs, and accepted and used by the Board.

“Classroom” means a teaching station that was constructed or reconstructed to serve as an area in which to provide pupil instruction but shall not include portable buildings unless it is an existing classroom that is being retrofitted but not replaced.

“Classroom Provided” means a classroom acquired by lease, lease-purchase, or purchase for which a contract has been signed for the construction or acquisition of the classroom.

“County Fund” means the fund established in the county treasury within each county for each school district in the county.

“District Representative” means a member of a school district staff or other agent authorized to serve as District Representative to execute and file an application with the Board on behalf of the district and/or act as a liaison between the Board and the district.

“Division of the State Architect (DSA)” means the State office within the Department of General Services that reviews school building plans and specifications for structural, fire safety and access compliance.

~~“Elementary School Pupil” means a student housed in a school serving Kindergarten through sixth grade, or any combination of Kindergarten through sixth grade.~~

“Encumbered for Specific Purposes” means a commitment of funds by the school district to meet a legally binding obligation.

“Executive Officer” means the individual appointed by the Governor to direct the Office of Public School Construction, and who concurrently serves as Executive Officer to the Board.

“Facility” means all or a portion of any real property, site improvements, utilities and/or buildings or other improvements contained in the project.

“Field Act Facility” means a school building meeting the requirements contained in Education Code Section 17280, et seq.

“Financial Hardship” means State funding for all or a portion of the district’s matching share required by Section 1860.11 and 1860.13.

“Form SAB 70-01” means the *Application for Funding*, Form SAB 70-01 (New 10/18 Rev. 12/21), which is incorporated by reference.

“Form SAB 70-02” means the *Fund Release Authorization*, Form SAB 70-02 (New 10/18 Rev. 12/21), which is incorporated by reference.

“Form SAB 70-03” means the *Expenditure Report*, Form SAB 70-03 (New 10/18 Rev. 12/21), which is incorporated by reference.

“Full-Day Kindergarten Classroom” means a teaching station that meets the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.

“Full-Day Kindergarten Program” means an early primary program that exceeds four hours, exclusive of recesses, and meets the conditions of EC Section 8973.

“Fund” means the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Account established pursuant to Education Code Section 17375(a).

“Governmental Agency” shall include but is not limited to a public entity as defined in Government Code Section 7260(a) including California federally recognized or historically established tribal governments.

“Grant Agreement” means *Grant Agreement* (Rev. 10/20 Rev. 12/21), for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program, which is incorporated by reference.

“In Escrow, Governmental Entities” means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the School District’s receipt of funding from the State.

“In Escrow, Non-Governmental Entities” means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the School District’s receipt of funding from the State.

“Instrument” means a written, legally enforceable agreement, approved and signed by all parties to the escrow, for the conveyance to the district of real estate for a specified parcel or site, that includes a compensation clause and either a purchase option agreement, a purchase agreement, promissory note, lease agreement, installment sales contract, gift, or other real estate conveyance valid in the State of California for property conveyed from a public/government entity, including the federal government.

“Interim Housing” means the rental or lease of classrooms used to house pupils temporarily displaced as a result of the retrofit of classroom facilities.

“Low Income” shall be the percentage of pupils deemed eligible for Free and Reduced Price School Meals as identified in the Free and Reduced Price School Meals data on file at the CDE. The data on file with CDE shall be determined to be the information collected for the month of October, prior to application submittal, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE.

“New Construction” means a construction project to adequately house kindergarten pupils in an approved project, which shall include the costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including

telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

“New Construction Grant” means the funding provided pursuant to EC Section 17375(f)(1) and Sections 1860.9 through 1860.10.3.

“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 Program on behalf of the Director.

“Part-Day Kindergarten Program” means an early primary program that does not exceed four hours, exclusive of recesses, pursuant to EC Section 46111.

“Phase One Environmental Site Assessment (POESA)” means a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity. A Phase One Environmental Site Assessment shall meet the most current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessments: Phase One Environmental Site Assessment Process or meet the requirements of Part 312 (commencing with Section 312.1) of Title 40 of the Code of Federal Regulations. That ASTM Standard Practice for Environmental Site Assessments or the requirements of Part 312 (commencing with Section 312.1) of Title 40 of the Code of Federal Regulations shall satisfy the requirements of this article for conducting a Phase One Environmental Site Assessment unless and until the Department of Toxic Substances Control adopts final regulations that establish guidelines for a Phase One Environmental Site Assessment for purposes of school sites that impose different requirements.

“Piggyback Contract” means a contract for acquisition of personal property, without advertising for bids, as authorized by Public Contract Code Section 20118.

“Portable Classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

“Preschool Classroom” means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

“Preschool Program” means a full-day California state program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6.

“Project” means the purposes for which the Grantee has applied for the Grants detailed in these Subgroup 5.8 regulations.

“Program” means the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program.

“Property” includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of these Subgroup 5.8 regulations.

“Pupil” means a student enrolled in any grade Kindergarten through grade twelve.

“Ready for Apportionment” means a final review of an Approved Application has been completed by OPSC and it has been determined that it meets all requirements of law for an Apportionment and OPSC will recommend approval to the Board.

“Remedial Action Plan (RAP)” means a plan approved by the Department of Toxic Substances Control (DTSC) pursuant to Health and Safety Code Section 25356.1.

“Response Action (RA)” means the removal of hazardous materials and solid waste, the removal of hazardous substances, and other remedial actions in connection with hazardous substances at the site.

“Retrofit” means a construction project to retrofit an existing school facility to adequately house kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

“Retrofit Grant” means the funding provided pursuant to Education Code Section 17375(f)(2) and Section 1860.12.

“School District shall have the meaning set forth in Education Code Sections 81 through 87, inclusive. “School District” shall not include county offices of education, charter schools, joint powers authorities, or the State Department of Education. For preschool facilities grants only, “school district” includes county offices of education.

“Small School District” means a School District with current districtwide enrollment, including pupils enrolled in grades K-12, continuation high pupils and special day class pupils, that is 2,500 or less.

“Transitional Kindergarten” means a program that provides education continuity from preschool to kindergarten pursuant to EC Section 8974.

“Useable Acres” means the gross acreage of a school site less any portion of the site publicly dedicated for off-site street improvements and any portion of the site not available for school purposes as determined by the CDE because of topological impediments or because of other unique circumstances.

Note: Authority cited: Sections 17280 and 17375, Education Code.

Reference: Sections 17280 and 17375, Education Code; 1771.5, Labor Code.

Section 1860.3. General.

A School District seeking funding for a new construction or retrofit project pursuant to the provisions of Education Code Section 17375 shall complete and file with OPSC, the Form SAB 70-01 and all necessary documents, as defined by Approved Applications.

- (a) Assembly Bill 1808 created the Program, effective June 27, 2018, and allocated \$100 million to provide one-time grants as specified in EC Section 17375 and Program regulations. New Construction Grant and Retrofit Grant funding may be provided for a project if the district entered into a construction contract for that project on or after June 27, 2018.
- (b) The Program is revised through ~~Senate Assembly Bill 75130, effective July 19, 2019~~ Senate Assembly Bill 130, effective July 19, 2021, and Senate Bill 98, effective June 29, 2020, and, commencing with the 2019-20 fiscal year, this program is contingent upon appropriations by the Legislature and \$490 million is available to provide one-time grants as specified in EC Section 17375. New Construction and Retrofit Grant funding may be provided for a project if the district entered into a construction contract for the project on or after June 27, 2018.

Note: Authority cited: Section 17375(gh), Education Code.

Reference: Section 17375(gh), Education Code.

Section 1860.4. Funding Guidelines

- (a) For the funding provided pursuant to Section 1860.3(a), funds available for the Program from the 2018-2019 Budget Act must be encumbered by the Board by June 30, 2021. Funds that are not completely encumbered or that return to the Program through project rescissions may be applied as follows:
 - (1) Any funds that return on or before June 30, 2021, shall be returned to the Full-Day Kindergarten Facilities Grant Program Account and may be used to provide additional Apportionments.
 - (2) Any funds that return, or remain unencumbered by the Board, ~~on or~~ after June 30, 2021, shall be returned to the General Fund.
- (b) For the funding provided pursuant to Section 1860.3(b), funds available for the Program from the 2021-22 Budget Act must be encumbered by the Board by June 30, 2024. Funds that are not completely encumbered or that return to the Program through project rescissions may be applied as follows:
 - (1) Any funds that return on or before June 30, 2024, shall be returned to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Account and may be used to provide additional Apportionments.
 - (2) Any funds that return or remain unencumbered by the Board, after June 30, 2024, shall be returned to the General Fund.
- ~~(b)~~ (c) New school facilities built in accordance with the Program shall not be included in the eligibility determination used for the purposes of the School Facilities Program pursuant to EC Section 17071.25.

A school district shall not use Program funds to purchase, or install, Portable Classrooms. “Portable Classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

Note: Authority cited: Sections 17375, Education Code; 16304 and 16304.1, Government Code

Reference: Section 17375, Education Code.

Section 1860.5. Full-Day Kindergarten Program Eligibility Criteria.

- (a) For Full-Day Kindergarten Program funds provided pursuant to Sections 1860.3(a), a School District may apply for funding made available pursuant to EC Section 17375 by submittal of a Form SAB 70-01, if all of the following requirements are met:
 - (1) The School District has a school board resolution providing approval to provide full-day kindergarten instruction at the project school site or will have approval to provide full-day kindergarten instruction at the completion of the project.
 - (2) The School District lacks the facilities to provide full-day kindergarten instruction at the project school site.

A project school site will be considered lacking full-day kindergarten facilities if the current kindergarten enrollment exceeds the existing kindergarten classroom capacity prior to the construction of the project. Classrooms constructed as kindergarten classrooms or altered to house kindergarten students, regardless of current use, will be included when determining the existing kindergarten classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 kindergarten pupils per classroom will be used and all kindergarten classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.

- ~~(b) For Program funds provided pursuant to Section 1860.3(b) a School District may apply for these Program funds by submittal of a Form SAB 70-01, if all of the following requirements are met:

 - (1) The School District has a school board resolution providing approval to provide full-day kindergarten instruction on or after July 1, 2019, or will have approval to provide full-day kindergarten instruction at the completion of the project.
 - (2) The School District lacks the facilities to provide full-day kindergarten instruction at the project school site.~~

~~A project school site will be considered lacking full-day kindergarten facilities if the current kindergarten enrollment exceeds the existing kindergarten classroom capacity prior to the construction of the project. Classrooms constructed as kindergarten classrooms or altered to house kindergarten students, regardless of current use, will be included when determining the existing kindergarten classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 kindergarten pupils per classroom will be used and all kindergarten classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.~~

- ~~(3) The project school site did not offer a Full-Day Kindergarten Program as of July 1, 2019.~~
- ~~(4) The School District will use Program funds to convert a Part-Day Kindergarten Program to a Full-Day Kindergarten Program.~~
- ~~(b)(c) OPSC will determine the project scope for the Approved Application based on the schoolsite's enrollment patterns and the usage of each facility at the schoolsite. OPSC shall consult with CDE prior to determination of the Approved Application's project scope. need for funding based on the schoolsite's enrollment pattern.~~
- ~~(c)(d) The Approved Application shall include the following documentation:~~
 - (1) A description of the proposed project including, but not limited to, the following information:
 - (A) The total number of kindergarten, transitional kindergarten, and preschool classrooms on the site prior to the Program project.
 - (B) The current enrollment at the site using California Longitudinal Pupil Achievement Data System data as reported to the California Department of Education (CALPADS), at the time of application submittal, including transitional kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

OPSC Received Date of Form SAB 70-01	Enrollment Reporting Year
July 1 through October 31	Submit Prior Fiscal Year Enrollment Data
November 1 through June 30	Submit Current Fiscal Year Enrollment Data

- (C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in Section 1860.5(d)(1)(B).
- (D) The total number of kindergarten, transitional kindergarten, and preschool classrooms on the site after the completion of the Program project.
- (E) The total number of kindergarten classrooms that will be used for full-day kindergarten instruction after the completion of the Program project.

- (2) Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year-old utilities grant, identify the age of the building(s).

Note: Authority cited: Sections 17375(a) and 17375(b), Education Code.

Reference: Sections 17375(a), 17375(b), and 17375(gh), Education Code.

Section 1860.5.1 Transitional Kindergarten Program Eligibility Criteria.

(a) For Program funds provided pursuant to Section 1860.3(b), a School District may apply for Transitional Kindergarten funds made available pursuant to EC Section 17375 by submittal of a Form SAB 70-01, if all of the following requirements are met:

(1) The School District has a school board resolution providing approval to provide full-day transitional kindergarten instruction on or after June 27, 2018.

(2) The School District lacks the facilities to provide full-day transitional kindergarten instruction at the project school site. A project school site will be considered lacking transitional kindergarten facilities if the calculated transitional kindergarten need, exceeds the existing transitional kindergarten classroom capacity prior to the construction of the project.

(3) The maximum calculated transitional kindergarten need shall be determined by one of the following:

(A) Calculating the mean of the first grade, second grade, and third grade enrollment at the time of application submittal. The mean shall be rounded up to the nearest whole number.

(B) Calculating the mean of the transitional kindergarten enrollment at the time of application plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.

Classrooms constructed as kindergarten or transitional kindergarten classrooms or altered to house kindergarten students, regardless of current use, will be included when determining the existing kindergarten classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 kindergarten pupils per classroom will be used and all transitional kindergarten classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.

(4) The School District will use Program funds to offer or expand its full-day Transitional Kindergarten Program.

(b) OPSC shall consult with CDE prior to determination of the Approved Application's need for funding based on the schoolsite's enrollment pattern.

(c) The Approved Application shall include the following documentation:

(1) A description of the proposed project including, but not limited to, the following information:

(A) The total number of kindergarten, transitional kindergarten, and preschool classrooms on the site prior to the Program project.

(B) The current enrollment at the site using California Longitudinal Pupil Achievement Data System data as reported to the California Department of Education, at the time of application submittal, including transitional kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

<u>OPSC Received Date of Form SAB 70-01</u>	<u>Enrollment Reporting Year</u>
<u>July 1 through October 31</u>	<u>Submit Prior Fiscal Year Enrollment Data</u>
<u>November 1 through June 30</u>	<u>Submit Current Fiscal Year Enrollment Data</u>

(C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in Section 1860.5(d)(1)(B).

(D) The total number of kindergarten, transitional kindergarten, and preschool classrooms on the site after the completion of the Program project.

(E) The total number of kindergarten, transitional kindergarten, and preschool classrooms that will be used for full-day transitional kindergarten instruction after the completion of the Program project.

(F) Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten, transitional kindergarten, and preschool students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).

Note: Authority cited: Sections 17375(a) and 17375(b), Education Code.

Section 1860.5.2 California State Preschool Program Eligibility Criteria.

(a) For Program funds provided pursuant to Section 1860.3(b) and Apportioned in the 2021-22 fiscal years, a School District may apply for California State preschool funds made available pursuant to EC Section 17375 by submittal of a Form SAB 70-01, if all of the following requirements are met:

(1) School District has a school board resolution providing approval to provide full-day preschool instruction on or after July 9, 2021.

(2) School District has provided the most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(3) The School District lacks the facilities to provide full-day preschool instruction at the project school site. A project school site will be considered lacking preschool facilities if the calculated preschool need, exceeds the existing preschool classroom capacity prior to the construction of the project.

(4) The maximum calculated preschool need shall be determined by one of the following:

(A) Calculating the mean of the first grade, second grade, and third grade enrollment at the time of application submittal. The mean shall be rounded up to the nearest whole number.

(B) Calculating the mean of the preschool enrollment at the time of application plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.

Classrooms constructed as kindergarten, transitional kindergarten, or preschool classrooms or altered to house kindergarten or preschool students, regardless of current use, will be included when determining the existing kindergarten, transitional kindergarten and/or preschool classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 preschool pupils per classroom will be used and all preschool classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.

(5) The School District will use Program funds to expand its full-day Preschool Program.

(b) OPSC shall consult with CDE prior to determination of the Approved Application's need for funding to see if the project type shall be limited to retrofit funding based on the schoolsite's enrollment pattern.

(c) The Approved Application shall include the following documentation:

(1) A description of the proposed project including, but not limited to, the following information:

(A) The total number of kindergartens, transitional kindergarten, and preschool classrooms on the site prior to the Program project.

(B) The total number of kindergartens, transitional kindergarten, and preschool classrooms on the site after the completion of the Program project.

(2) The current enrollment at the site, at the time of application submittal, including kindergarten, transitional kindergarten, and preschool students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

OPSC Received Date of Form SAB 70-01	Enrollment Reporting Year
July 1 through October 31	Submit Prior Fiscal Year Enrollment Data
November 1 through June 30	Submit Current Fiscal Year Enrollment Data

(3) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in Section 1860.5(d)(1)(B).

(4) Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten, transitional kindergarten, and preschool students and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year-old utilities grant, identify the age of the building(s).

(d) Program funding must construct or retrofit facilities that result in classroom(s) that meets the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.

(1) For new construction projects, classrooms must be not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.

(2) For retrofit projects, classrooms must not be less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas unless both of the following are met:

(A) The project qualifies for an exemption through CDE pursuant to Title 5, Section 14030(r) of the California Code of Regulations to retrofit a classroom that will be less than 1,350 square feet.

(B) The classroom shall not be less than 1,250 square feet.

Note: Authority cited: Sections 17375(a) and 17375(b), Education Code.

Reference: Sections 17375(a), 17375(b), and 17375(h), Education Code.

Section 1860.6. Application Submittals.

The Board shall accept Approved Applications for Program funding during specified funding rounds:

- (a) Approved Applications for Program funding for the first funding round must be received by OPSC on or after January 2, 2019, and on or before January 31, 2019. Applications that do not receive an Apportionment during this round will be returned to the School District.
- (b) Approved Applications for Program funding for the second funding round must be received by OPSC on or after May 1, 2019, and on or before May 30, 2019. Applications that do not receive an Apportionment during this round will be returned to the School District.
- (c) An applicant seeking a Program Apportionment shall complete and submit a Form SAB 70-01 during an application filing period established by the Board. New filing rounds shall commence within 180 days from the date any funds are made available for the program. Approved Applications for Program funding for the third funding round must be received by OPSC on or after March 1, 2022, and on or before March 30, 2022. Applications during this round will retained until December 31, 2022. Applications that do not receive an Apportionment by December 31, 2022, will not be processed.
- (d) Additional filing rounds may be established by the SAB as necessary. Approved Applications for Program funding for the fourth funding round must be received by OPSC on or after March 1, 2023 and on or before March 30, 2023. Applications during this round will be retained until the earlier of June 30, 2024, or the next funding round. Applications that do not receive an Apportionment by June 30, 2024, will not be processed.
- ~~(e) If Program funds remain concluding the third funding round in (c), Approved Applications for Program funding for the fourth funding round must be received by OPSC on or after January 4, 2021 and on or before February 2, 2021. Applications that do not receive an Apportionment during this round will be returned to the School District.~~
- ~~(f) If Program funds remain concluding the fourth funding round in (d), Approved Applications for Program funding for the fifth funding round must be received by OPSC on or after July 1, 2021 and on or before July 30, 2021. Applications that do not receive an Apportionment during this round will be returned to the School District.~~

Additional filing rounds may be established by the SAB as necessary. Applications that do not receive an Apportionment by June 30, 2024, will not be processed.

Note: Authority cited: Section 17375(gh), Education Code.

Reference: Section 17375(gh), Education Code.

Section 1860.7. Application Types.

The following Application types may be requested with the submittal of a Form SAB 70-01. To become an Approved Application, the School District must also submit all necessary documents, as defined by Approved Applications:

- (a) A New Construction Grant may be requested if the following conditions exist:
 - (1) The School District has received final plan approval by DSA and CDE for the project.
 - (2) The School District has received final site approval by the CDE if the project includes site acquisition.
 - (3) The School District has a final appraisal, if the project includes site acquisition.
 - (4) The School District has entered into escrow, if the project includes site acquisition.
- (b) A New Construction Grant with an advance fund release(s) for design and/or site acquisition may be requested with the submittal of the Form SAB 70-01, and preliminary appraisal if purchasing a site.
- (c) A Retrofit Grant may be requested if the School District has received final plan approval by the DSA and CDE for the project.
- (d) A Retrofit Grant with an advance fund release for design may be requested with the submittal of the Form SAB 70-01.

(e) The Board shall only provide funding if construction contracts, for the construction or retrofit of the classrooms in a full-day kindergarten project, were signed on or after July 1, 2018.

(f) The Board shall only provide funding if construction contracts, for the construction or retrofit of the classrooms in a preschool or transitional kindergarten project, were signed on or after July 1, 2021.

(g) Applications may not request funding for more than four preschool classrooms per school site.

(h) Applications may not request funding for more than four transitional kindergarten classrooms per school site.

Districts that receive an advance fund release must submit an updated Form SAB 70-01 once CDE and DSA plan approvals have been obtained.

Note: Authority cited: Section 17375(gh), Education Code.

Reference: Section 17375(gh), Education Code

Section 1860.8. Application for Funding on School District-Owned Land.

Prior to the School District requesting Program funds for facilities, the School District must hold title to the real property where the facilities will be located.

Note: Authority cited: Sections 17375(f) and 17375(gh), Education Code.

Reference: Sections 17375(f) and 17375(gh), Education Code.

Section 1860.9. New Construction Apportionment Determination.

The New Construction Apportionment shall be equal to the sum of (a) through (f) below:

- (a) For applications funded with 2018 grant amounts, \$11,567 for each ~~elementary school~~ pupil.
- (b) For applications funded with 2018 grant amounts, \$14 for each ~~elementary school~~ pupil if the project includes an automatic fire detection and alarm system and is requested by the School District on the Form SAB 70-01.
- (c) For applications funded with 2018 grant amounts, \$194 for each ~~elementary school~~ pupil if the project includes an automatic sprinkler system and is requested by the School District on the Form SAB 70-01.
- (d) An amount equal to 35 percent of the amount determined in (a) for costs associated with site development, demolition, landscaping and other costs incurred when adding a preschool, transitional kindergarten, or kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the Program project, if requested by the applicant on the Form SAB 70-01.
- (e) An amount equal to 12 percent of the amount determined in (a) for each pupil housed in a multilevel building that will house pupils in all levels of the building if the usable site acreage is less than 75 percent of the site size recommended by CDE, pursuant to Title 5, California Code of Regulations, Section 14010(a), for the master-planned project capacity, if requested by the School District on the Form SAB 70-01.
- (f) For applications funded with 2018 grant amounts, \$7,074 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17072.10(e).

Each eligible classroom in the project shall receive funding based on 25 pupils per classroom. The grant amounts shown in (a), (b), (c) and (f) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

Note: Authority cited: Section 17375, Education Code.

Reference: Sections 17072.10(b), 17072.10(d), 17072.10(e), and 17375(d), 17375(f) and 17375(gh), Education Code.

Section 1860.10. New Construction Additional Grant for Site Acquisition Cost.

The Board shall provide funding, in addition to any other funding authorized by these Regulations, for the lesser of one half of the actual cost of the site or one-half of the appraised value of the site acquired adjacent to an existing Schoolsite as described in (a) and (b) of this Section.

- (a) Actual Site Cost

The actual cost of the site shall be the purchase price as shown on the escrow documents or other appropriate documents such as court orders in condemnation or as specifically identified in agreements when the site is transferred in lieu of other legally required payments or fees due to the district. The actual cost shall be adjusted for the following:

- (1) Increased by the approved relocation expenses that conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (2) Site Other - Increased by four percent of the actual amount determined in (a) above, but not less than \$50,000. This amount shall provide an allowance for any appraisal, escrow, survey, site testing, CDE review/approvals and the preparation of the POESA and the PEA.
- (3) Increased by DTSC costs for review, approval, and oversight of the POESA and the PEA.

(b) Appraised Value of the Site

The value determined by an appraisal made or updated no more than six months prior to purchase of the site. The appraisal may be reviewed by OPSC for conformance with Section 1860.10.1. The approved appraised value shall be adjusted for the following:

- (1) Increased by the approved relocation expenses that conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (2) Increased by four percent of the appraised value determined in (b) above, but not less than \$50,000. This amount shall provide an allowance for appraisals, escrow, survey, site testing, CDE review/approvals and the preparation of the POESA and the PEA.
- (3) Increased by DTSC costs for review, approval, and oversight of the POESA and the PEA.
- (c) If actual DTSC, hazardous waste removal, and relocation costs are not available at the time of Apportionment, an amount equal to 15 percent of the amount determined in 1860.9(a) will be provided for DTSC costs and the School District may provide an estimated amount for Hazardous waste removal and relocation expenses. These costs will be reviewed by OPSC prior to the final fund release and an adjustment shall be made, if necessary.
- (d) The actual site cost or the appraised value of the site shall be reduced, on a prorated basis, by the percentage of the excess acreage of the site that exceeds the eligible acreage shown below for a kindergarten classroom project, or as approved by CDE, pursuant to Title 5, California Code of Regulations Section 14010(a):

1 Classroom	2 Classrooms	3 Classrooms	4 Classrooms
.3 acres	.5 acres	.9 acres	1.6 acres

Note: Authority cited: Sections 17375(f) and 17375(gh), Education Code.

Reference: Sections 17375(f), and 17375(gh), Education Code.

Section 1860.10.1. Site Acquisition Guidelines.

To receive the funding authorized by Section 1860.10, the School District must certify on the Form SAB 70-01, that the appraisal of the property was made utilizing the following criteria:

- (a) The land improvements and appurtenances, excluding fixtures, equipment, and personal property, were appraised in an as is condition with the following exceptions:
 - (1) The site shall be appraised as if it were a clean site, safe of all toxic contaminants in accordance with Title 5, California Code of Regulations commencing with Section 14001.
 - (2) The site valuation included only proposed site improvements associated with grading the site to a mass graded or super pad condition, defined as a site graded to construction readiness without foundation or paving and proposed utilities stubbed to the site. Any proposed site improvements or utilities not covered by a performance bond equal to 100 percent of the estimated cost of the site improvements and utilities must be completed prior to the close of escrow and detailed separately in the report.
- (b) Consideration in the appraisal was made for net useable acreage and severance damages.
- (c) The School District or its legal counsel has contracted for appraisal services.
- (d) The appraiser has certified to the School District that the appraisal complies with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Standards Board of the Appraisal Foundation.
- (e) The amount of a court award for a site acquired in condemnation may be used in lieu of the appraised value determined in (a) through (d) above.

Note: Authority cited: Sections 17375(f) and 17375(gh), Education Code.

Reference: Sections 17375(f) and 17375(gh), Education Code.

Section 1860.10.2. New Construction Additional Grant for Hazardous Waste Removal on an Acquired Site.

The Board shall provide funding, in addition to any other funding authorized by these Regulations, for the allowable costs of hazardous materials/waste removal and/or remediation costs. The allowable site costs shall not exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1860.10.1 for the costs in subsections (a), (a)(1) and (a)(2) plus the additional costs included in subsections (b) and (c). The costs in subsections (b) and (c) are in addition to 50 percent of one and one half times the appraisal value cap:

- (a) The costs associated with the site acquisition and to implement the RA as determined necessary in the PEA that has been approved by DTSC subject to the following:
 - (1) The costs for preparation of the RA.
 - (2) DTSC costs for review and oversight of the preparation and implementation of the RA. The costs may not include continuous operational and maintenance costs associated with the RA.
- (b) Fifty percent of the approved relocation expenses that conform to Title 25, Division 1, Chapter 6, Subchapter 1, California Code of Regulations, (Section 6000, et seq.). The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (c) Site Other - Not less than 50 percent of \$50,000 or 50 percent of four percent of the appraised value. This amount shall provide an allowance for any appraisal, escrow, survey, site testing, CDE review/approvals and the preparation of the POESA and the PEA.
- (d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (a), (a)(1), and (a)(2) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:
 - (1) CDE determines that the site is adjacent to the existing Schoolsite and is the best available site for meeting the educational and safety needs of the School District.
 - (2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by DTSC.
- (e) The actual site cost or the appraised value of the site shall be reduced, on a prorated basis, by the percentage of the excess acreage of the site that exceeds the eligible acreage shown below for a kindergarten classroom project, or as approved by CDE, pursuant to Title 5, California Code of Regulations Section 14010(a):

1 Classroom	2 Classrooms	3 Classrooms	4 Classrooms
.3 acres	.5 acres	.9 acres	1.6 acres

Note: Authority cited: Sections 17375(f) and 17375(gh), Education Code.

Reference: Sections 17375(f) and 17375(gh), Education Code.

Section 1860.10.3. New Construction Additional Grant for Hazardous Waste Removal Required on an Existing School Site.

- (a) The Board shall provide funding, in addition to any other funding authorized by these Regulations, for the necessary hazardous waste materials/waste removal and/or remediation costs on an existing school site where the New Construction funding will be used if all the following are met:
 - (1) The New Construction funding request is for additional school facilities on an existing school site.
 - (2) The New Construction Grant request does not include a funding request for initial site acquisition costs allowed pursuant to Sections 1860.10.
 - (3) The existing school site where the New Construction Grant will be expended has a functioning school on the site or the site had a closed school that will again be used as a functioning school.
 - (4) The hazardous material cleanup costs are required by DTSC.
- (b) If all the criteria in subsection (a) are met, the allowable hazardous waste removal cleanup costs shall be one half of all the following:
 - (1) The costs for preparation of the POESA, the PEA and the RA.
 - (2) The costs to implement the RA as determined necessary in the PEA that has been approved by DTSC subject to the following:
 - (A) The costs may include DTSC costs for review and oversight of the preparation and implementation of the RA.
 - (B) The costs may not include continuous operational and maintenance costs associated with the RA.

- (c) In advance of the New Construction Adjusted Grant, districts performing a RA on additions to existing school sites shall be eligible for the costs associated with evaluation and RA required by DTSC.

Note: Authority cited: Sections 17375(f) and 17375(gh), Education Code.

Reference: Sections 17375(f) and 17375(gh), Education Code.

Section 1860.11. New Construction School District Matching Share Requirement.

- (a) With the exception of School Districts receiving Financial Hardship funding provided by Section 1860.14, the School District's required matching share will be equal to the following:

<u>Program</u>	<u>Program Status</u>	<u>New Construction or Retrofit Project?</u>	<u>State Share</u>	<u>District Share</u>
<u>Full Day Kindergarten</u>	<u>Existing</u>	<u>New Construction</u>	<u>50%</u>	<u>50%</u>
<u>Transitional Kindergarten</u> <u>Preschool</u> <u>Part-Day to Full Day</u>	<u>New/Existing</u> <u>New/Existing</u> <u>Converting</u>	<u>New Construction</u>	<u>75%</u>	<u>25%</u>
<u>Converting from Part-Day to Full-Day Kindergarten Program</u>			<u>State Share</u>	<u>District Share</u>
<u>No</u>			<u>60%</u>	<u>40%</u>
<u>Yes</u>			<u>75%</u>	<u>25%</u>

- (b) School Districts that meet the requirements for Financial Hardship provided by Section 1860.14 may not be required to fund all or a portion of the matching share requirement for the Program grant.

Note: Authority cited: Sections 17375(b)(3) and 17375(b)(4), Education Code.

Reference: Sections 17375(b)(3) and 17375(b)(4), Education Code.

Section 1860.12. Retrofit Apportionment Determination.

The Retrofit Apportionment shall be equal to the sum of (a) through (e) below:

- (a) For applications funded with 2018 grant amounts, \$4,404 for each ~~elementary school~~ pupil.
 (b) For applications funded with 2018 grant amounts, \$143 for each ~~elementary school~~ pupil if the project includes an automatic fire detection and alarm system and is requested by the School District on the Form SAB 70-01.
 (c) An amount equal to 35 percent of the amount determined in (a) for costs associated with demolition, landscaping, playground safety improvements and other costs incurred when adding a preschool, transitional kindergarten or kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the project, if requested by the applicant School District on the Form SAB 70-01.
 (d) An amount equal to 15 percent of the amount determined in (a) for upgrading existing site development (utilities) work as necessary for the retrofit of 50 years or older permanent buildings, if requested by the School District on the Form SAB 70-01.
 (e) For applications funded with 2018 grant amounts, \$3,772 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17074.10(e).

Each eligible classroom in the project shall receive funding based on 25 pupils per classroom. The grant amounts shown in (a), (b) and (e) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17074.10(b).

Note: Authority cited: Section 17375(gh), Education Code.

Reference: Sections 17074.10(e), 17375(d), 17375(f) and 17375(gh), Education Code.

Section 1860.13. Retrofit School District Matching Share Requirement.

- (a) With the exception of School Districts receiving Financial Hardship funding provided by Section 1860.14, the School Districts required matching share will be equal to the following:

<u>Program</u>	<u>Program Status</u>	<u>New Construction or Retrofit Project?</u>	<u>State Share</u>	<u>District Share</u>
<u>Full Day Kindergarten</u>	<u>Existing</u>	<u>Retrofit</u>	<u>60%</u>	<u>40%</u>
<u>Transitional Kindergarten</u> <u>Preschool</u> <u>Part-Day to Full Day</u>	<u>New/Existing</u> <u>New/Existing</u> <u>Converting</u>	<u>Retrofit</u>	<u>75%</u>	<u>25%</u>

Converting from Part-Day to Full-Day Kindergarten Program	State Share	District Share
No	60%	40%
Yes	75%	25%

- (b) School Districts that meet the requirements for Financial Hardship provided by Section 1860.14 may not be required to fund all or a portion of the matching share requirement for a Program grant.

Note: Authority cited: Sections 17375(b)(3) and 17375(b)(4), Education Code.

Reference: Sections 17375(b)(3) and 17375(b)(4), Education Code.

Section 1860.14. Hardship Assistance and Financial Hardship

A School District shall qualify for hardship assistance by demonstrating a Financial Hardship, as provided in this Section, which prevents the School District from funding all or a portion of the matching share requirement for a Program grant.

A School District is eligible for a financial hardship grant to fund all or a portion of its matching share requirement after demonstrating the requirements of subsections (a), (b), and (c) below:

- (a) The School District has made all reasonable efforts to fund its matching share of the project by demonstrating it is levying the developer fee justified under law or an alternative revenue source equal to or greater than the developer fee otherwise justified under law at the time of request for hardship and the School District meets at least one of the following:
- (1) The current outstanding bonded indebtedness of the School District, issued for the purpose of constructing school facilities at the time of request for financial hardship status, is at least 60 percent of the District's total bonding capacity. Outstanding bonded indebtedness includes that part of general obligation bonds, Mello-Roos Bonds, School Facility Improvement District Bonds and certificates of participation which the district is paying a debt service that was issued for capital outlay school facility purposes.
 - (2) The School District had a successful registered voter bond election for at least the maximum amount allowed under Proposition 39 within the previous two years from the date of request for financial hardship status. The proceeds from the bond election that represent the maximum amount allowed under the provisions of Proposition 39 must be used to fund the School District's matching share requirement for the Program project(s).
 - (3) The School District's total bonding capacity at the time of the request for financial hardship status is \$5 million or less
 - (4) Other evidence of reasonable effort as approved by the SAB, such as a district's inability to pass local bonds, health and safety projects, and the instability of a district's fiscal situation.
- (b) The School District is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the School District's financial records by OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the School District's latest Independent Audit regarding funds available from all capital facility accounts, such as bridge financing, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds and sale proceeds

from surplus property, the appraised value of facilities approved for replacement, and bond funds either encumbered, unencumbered or authorized but unsold. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by OPSC and all prospective revenue made available to the School District's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
 - (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.
- (c) If the School District meets the financial hardship requirements in this Section, the amount of financial hardship is equal to the School District's matching share less funds deemed available in (b).
- (1) Once a School District has been notified that OPSC is scheduled to begin processing the School District's Form SAB 70-01, the School District must submit documentation to support the Financial Hardship request within 30 calendar days.
 - (2) If the School District does not submit documentation within 30 calendar days, the School District will be ineligible to receive a Financial Hardship grant for their project(s) and preference points as provided in Section 1860.15.

Note: Authority cited: Section 17375(b)(2)(A), 17375(b), Education Code.

Reference: Sections 17075.10 and 17070.15, Education Code.

Section 1860.15. Application Funding Criteria.

If the estimated total Apportionments of all Approved Applications received within a funding round specified in Section 1860.6 exceed the funds available in that funding round, OPSC will calculate preference points for all Approved Applications. An Approved Application shall receive preference points based on the total of (a) and (b) up to a maximum of 80 points, as follows:

- (a) Financial Hardship: 40 points if a School District demonstrates it meets the requirements under Section 1860.14.
- (b) Low Income: Up to 40 points based on the percentage of pupils at the School District meeting the definition of Low Income. The following sliding scale shall be used to determine the number of preference points:

Percentage Eligible for Free and Reduced Price School Meals	Preference Points Assigned
60-65%	4
66-70%	8
71-75%	15
76%	16
77%	17
78%	18
79%	19
80%	20
81%	21
82%	22
83%	23
84%	24
85%	25
86%	26
87%	27
88%	28
89%	29
90%	30
91%	31
92%	32
93%	33

94%	34
95%	35
96%	36
97%	37
98%	38
99%	39
100%	40

- (c) The Board shall apportion projects in the following order:
- (1) School Districts will be funded based on the total preference points, determined by the sum of subdivisions (a) and (b) above. If School Districts submit multiple applications in the same funding round, OPSC will use the priority order assigned to each application by the School Districts on the Form SAB 70-01 and then fund Approved Applications in the following order:
 - (A) School Districts shall have their first priority projects funded in order based on total preference points until all School Districts have had their first priority project funded, or until all funds are exhausted for that funding round, whichever comes first.
 - (B) School Districts with the same total preference points funded in order of the higher Low Income percentage reported to one decimal place. The School District with the higher Low Income percentage will be funded first.
 - (C) If School Districts have the same total preference points and the same Low Income percentage reported to one decimal place, projects will then be placed into a lottery system to determine the School District funding order.
 - (2) If sufficient funding remains after funding first priority projects pursuant to 1860.15(c)(1)(A), School Districts with multiple Approved Applications will be funded in the following order:
 - (A) The School District with the highest total preference points shall have their remaining projects funded in priority order until all projects are funded, or until all funds are exhausted for that funding round, whichever comes first. Funding shall then be provided to the School District with the next highest total preference points.
 - (B) A tie breaker will be used for School Districts with the same total preference points by using the exact Low Income percentage to one decimal place, as identified in the most recent Free and Reduced Price School Meals data on file at the CDE. The School District with the higher Low Income percentage will be funded first.
 - (C) If School Districts with the same total preference points are still tied after the review of the Low Income percentages, projects will be placed into a lottery system to determine School District funding order. The highest remaining priority project for each School District participating in the lottery will be funded until all projects from each School District participating in the same lottery round have been funded, or until all funds are exhausted for that funding round, whichever comes first.
 - (3) If the Board does not have sufficient funding to fully apportion a School District's Approved Application, that School District may elect to either:
 - (A) Accept partial funding for the project. If partial funding is accepted, the Apportionment shall become the full and final apportionment for the project.
 - (B) Decline to accept funding for the project. If partial funding is declined, the Board may offer partial funding to the next Approved Application, based on funding order determined in (c)(1) and (c)(2) above.

Note: Authority cited: Sections 17375(b)(2) and 17375(gh), Education Code.

Reference: Sections 17075.10, 17075.15, 17375(b)(2), 17375(b)(2)(A), 17375(b)(2)(B), 17375(gh), and 42238.01(a), Education Code.

Section 1860.16. Fund Release Process.

OPSC will release State funds that have been Apportioned by the Board pursuant to Sections 1860.9, 1860.10, 1860.10.2, 1860.10.3 and 1860.12 when the following requirements have been satisfied:

- (a) For an advance fund release for design costs, 40 percent of the grant determined in 1860.9(a) or 25 percent of the grant determined in 1860.12(a) will be released once an executed design, or design and site, Grant Agreement, as required by Section 1860.17, has been received by OPSC.
- (b) For an advance fund release for two percent site other costs, funds will be released once an executed site, or design and site, Grant Agreement, as required by Section 1860.17, has been received by OPSC.

- (c) For an advance fund release for site acquisition costs, other than two percent site other, funds will be released once an executed site, or design and site, Grant Agreement, as required by Section 1860.17, has been received by OPSC and the following requirements have been met:
 - (1) The School District has entered escrow for the site.
 - (2) There has been a final appraisal of the site.
 - (3) The School District received either contingent or final site approval from the California Department of Education.
 - (4) A complete Form SAB 70-02 has been received by OPSC.
- (d) For New Construction Grant or Retrofit Grant funding, all unreleased funds will be released once an executed full grant agreement, as required by Section 1860.17, has been received by OPSC and the following requirements have been met:
 - (1) The School District's applicable matching share has already been deposited or expended by the School District for the project, unless the School District meets the requirements for Financial Hardship pursuant to Section 1860.14.
 - (2) The School District has entered into a binding contract(s) for the completion of the project.
 - (3) The plans and specifications applicable to the state funded project have been approved by DSA.
 - (4) If the project includes site acquisition, there has been a final appraisal of the site, the site received written final approval by CDE and the School District has entered escrow for the site.
 - (5) A complete Form SAB 70-02 has been received by OPSC.
- (e) For New Construction Grant or Retrofit Grant funding, without a request for an advance release of funds pursuant to Sections 1860.7(a) and 1860.7(c), a complete *Fund Release Request* (Form SAB 70-02) with all required approvals must be submitted within 180 days of the first Apportionment. If a complete Form SAB 70-02 is not received within 180 days of Apportionment, the Apportionment shall be rescinded.
- (f) For an Apportionment received pursuant to Section 1860.7(b) and 1860.7(d), where submittal of the necessary CDE plan approval and/or DSA-approved plans and specifications were not required at the time the Board granted an Apportionment, the School District has up to 12 months to submit the required approvals from the date of the first Apportionment. If the required submittals are not received within 12 months, the Apportionment shall be rescinded, and the Full-Day Kindergarten Facilities Grant will return to the Program for reallocation.
- (g) Subject to available funds, site acquisition grants shall be adjusted based on actual costs prior to the release of funds.
- (h) Prior to fund release, OPSC will verify that the School District has included multilevel classrooms in the plans for the project, if multilevel funding was requested.
- (i) Financial hardship approval status by OPSC for a design and/or site advance will apply to any subsequent funding phases for the project(s) during the same application filing round, as established in Section 1860.6.

Note: Authority cited: Sections 17375(c) and 17375(gh), Education Code.

Reference: Section 17375(c), Education Code.

Section 1860.17. Grant Agreement Submittal.

A Grant Agreement for the project with an original signature by an authorized District Representative must be submitted prior to the release of any funds.

Note: Authority cited: Section 17375(e), Education Code.

Reference: Section 17375(e), Education Code.

Section 1860.18. Program Reporting Requirements.

- (a) A School District receiving funds in accordance with the Program shall submit an expenditure report from the district on the Form SAB 70-03 at the completion of the project. A project shall be deemed complete when either of the following occur:
 - (1) When the notice of completion for the project has been filed; all outstanding invoices, claims, and change orders have been satisfied and the facility is currently in use by the School District.
 - (2) One year from the date of the final fund release.
- (b) A final expenditure report to report expenditures of savings pursuant to 1860.19 shall be due one year after the earlier subdivision (a)(1) or (a)(2).

Note: Authority cited: Section 17375(gh), Education Code.

Section 1860.19. Project Savings and Unexpended Funds.

- (a) For the funding provided pursuant to Section 1860.3(a) School Districts must meet the following requirements for Project Savings and Unexpended Funds:
- (1) Project Savings - With the exception of School Districts that receive Financial Hardship funding, a School District may expend or encumber the savings, and interest earned on State funds, on other high priority capital facility needs of the School District. Any savings not expended or encumbered after one year from the completion of the project, as specified in Section 1860.18, must be returned to the State.
 - (2) Unexpended Funds - For a project that receives a Financial Hardship grant, any funding not expended or encumbered on eligible project expenditures prior to completion of the project, as specified in Section 1860.18, must be returned to the State.
- (A) Any interest earned on State funds for a project that received Financial Hardship grant funding, that is not expended or encumbered on eligible project expenditures prior to completion of the project, as specified in Section 1860.18, must be returned to the State.
- (B) A School District is only required to return unexpended or unencumbered funds up to the amount of Financial Hardship grant funding provided by the Board.
- (b) For the funding provided pursuant to Section 1860.3(b) all School Districts may expend or encumber the savings, and interest earned on State funds, as follows:
- (1) Professional development to build capacity for the implementation of a California state preschool program, transitional kindergarten program, or a full-day kindergarten program for the classrooms included in the project.
 - (2) Instruction materials to build capacity for the implementation of a California state preschool program, transitional kindergarten program, or a full-day kindergarten program for the classrooms included in the project.
 - (3) Other high priority capital facility needs of the School District, that are allowable expenditures in accordance to the Grant Agreement.
 - (4) Any savings, including interest, unexpended or unencumbered after one year from the completion of the project, as specified in Section 1860.18, must be returned to the State.

Note: Authority cited: Section 17375(a) and 17375(gh), Education Code.

Reference: Sections 17375(a), 17375(b)(3), 17375(b)(4) and 17375(gh), Education Code.

Section 1860.20. Program Accountability Expenditure Audit.

Projects will be subject to an audit conducted pursuant to Education Code Section 41024 to assure that the expenditures incurred by the district were made in accordance with the provisions of Education Code Section 17375. The audit will also assure that the district complied with all site acquisition guidelines as provided in Sections 1860.10, 1860.10.1, 1860.10.2, and 1860.10.3.

Districts shall retain all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Education Code Section 41024(a)(4) and shall provide project documentation, if requested by the local auditor. **The district shall also provide a copy of the California Department of Social Services approved Child Care License, or proof of license-exempt status, if requested by the local auditor.**

Pursuant to Education Code Section 41024(c)(5), should an audit of the School District certifications or the expenditures for the project make a finding that some or all of the expenditures were not made in accordance with the provisions of Education Code Section 17375 and Sections 1860.9 to 1860.13, CDE shall ensure that the School District has corrected the audit exception by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit exception. Subject to available funds, site acquisition grants shall be adjusted based on actual costs.

Note: Authority cited: Section 17375(hj), Education Code.

Reference: Sections 17375(hj) and 41024 Education Code; Section 1771.3, Labor Code.

Section 1860.21. On-going Routine Maintenance.

A School District, regardless of size, shall certify on the Form SAB 70-01 that a restricted account within the School District's general fund has been established for the exclusive purpose of providing on-going and major repair of its facilities.

Note: Authority cited: Section 17375(gh), Education Code.

Reference: Section 17375(gh), Education Code.

APPLICATION FOR FUNDING**FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM-CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM**SAB 70-01 (Rev. 10/19 12/21)

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GENERAL INSTRUCTIONS

If not previously submitted, a School District may file an application for new construction or retrofit funding for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Program) by use of this form for projects that have awarded construction contracts on or after July 1, 2018 for full day kindergarten projects, or on or after July 1, 2021 for preschool or transitional kindergarten projects the inception of the Full-Day Kindergarten Facilities Grant Program (FDKFGP) on June 27, 2018.

SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the Office of Public School Construction (OPSC), the Division of the State Architect (DSA), and the California Department of Education (CDE), and the California Department of Social Services (CDSS) for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the School District has already assigned a PTN to this project by prior submittal of the Plans and Specifications (P&S) to either DSA or 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 OPSC's website.

1. Type of Application

Check the appropriate box that indicates the type of FDKFGP Program funding the School District is requesting for purposes of new construction apportionment with or without an advance release of funds or retrofit apportionment with or without an advance release of funds. Requests for funding may be as follows:

a. **A New Construction Grant** pursuant to Section 1860.7(a). If the funding request includes site acquisition, the proposed site must either be owned by the School District, in escrow, or the School 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:

- Site map that includes labelling of all facilities and their current use, and identifies all classrooms constructed or previously retrofitted to house kindergarten students.
- Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
- Narrative that explains the current kindergarten classroom and facility usage at the site, what the School District plans to do with the project, and the resulting kindergarten usage at the completion of the project.
- California Preschool projects must submit the county's most recent childcare needs assessment conducted by its regional local planning council.
- California Preschool projects must submit a current or future contract with the California Department of Education to operate a preschool program.
- Appraisal of property, must be dated within 6 months prior to the received date of the Form SAB 70-01 (site acquisition only).

b. **A New Construction Grant with Advance** pursuant to Section 1860.7(b). If requesting this grant, check the appropriate box to specify if the School District is requesting advance funding for design and/or advance funding for site acquisition. School Districts may apply for both on the same project. For purposes of this apportionment, the following documents must be submitted with this form:

- Site map that includes labelling of all facilities and their current use, and identifies all classrooms constructed or previously retrofitted to house kindergarten students.
- Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
- Narrative that explains the current kindergarten classroom usage at the

site, what the School District plans to do with the project, and the resulting kindergarten usage at the completion of the project.

- California Preschool projects must submit the county's most recent childcare needs assessment conducted by its regional local planning council.
 - California Preschool projects must submit a current or future contract with the California Department of Education to operate a preschool program
 - Preliminary appraisal of property, must be dated within 6 months prior to the received date of the Form SAB 70-01 (site acquisition only).
- c. **A Retrofit Grant** pursuant to Section 1860.7(c). For purposes of this apportionment, the following documents must be submitted with this form:
- Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
 - Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
 - Narrative that explains the current kindergarten classroom usage at the site, what the School District plans to do with the project, and the resulting kindergarten usage at the completion of the project.
 - California Preschool projects must submit the county's most recent childcare needs assessment conducted by its regional local planning council.
 - California Preschool projects must submit a current or future contract with the California Department of Education to operate a preschool program.
- d. **A Retrofit Grant with Advance** pursuant to Section 1860.7(d). For purposes of this apportionment, the following documents must be submitted with this form:
- Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
 - Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
 - Narrative that explains the current kindergarten classroom usage at the site, what the School District plans to do with the project, and the resulting kindergarten usage at the completion of the project.
 - California Preschool projects must submit the county's most recent childcare needs assessment conducted by its regional local planning council.
 - California Preschool projects must submit a current or future contract with the California Department of Education to operate a preschool program.
- e. **A New Construction and Retrofit Grant** pursuant to Section 1860.1(a) and (c). For purposes of this apportionment, the following documents must be submitted with this form:
- Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
 - Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
 - Narrative that explains the current kindergarten classroom usage at the site, what the School District plans to do with the project, and the resulting

APPLICATION FOR FUNDING**FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM-CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM**SAB 70-01 (Rev. 10/19 **12/21**)

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kindergarten usage at the completion of the project.

- Appraisal of property, must be dated within 6 months prior to the purchase of the site (site acquisition only).
- f. A New Construction and Retrofit Grant with Advance pursuant to Section 1860.7(b) and (d). For purposes of this apportionment, the following documents must be submitted with this form:
- Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
 - Supporting documentation to substantiate the School District's enrollment at the site for the current reporting year and the three immediately preceding years.
 - Narrative that explains the current kindergarten classroom usage at the site, what the School District plans to do with the project, and the resulting kindergarten usage at the completion of the project.
 - Preliminary appraisal of property, must be dated within 6 months prior to the received date of the Form SAB 70-01 (site acquisition only).

2. School Site Enrollment Data

The information needed to complete this form is based on the latest California Basic Education Data Systems (CBEDS) California Longitudinal Pupil Achievement Data System (CALPADS) that is available approximately October 15th of each year. Applications filed on or after November 1st must include the current school year enrollment. Report the current year and the three prior years' K–12 enrollment, as appropriate. Enter the CBEDS-CALPADS enrollment at the school site for the current year and the three prior years' K–12 enrollment, as appropriate.

2.3. Pupil Grant Request and Project Information

- a. Enter the total number of pupils assigned to the project using state loading standards of 25 pupils per classroom pursuant to Section **1860.5(a)(2), 1860.5.1(a)(3)(B)**.
- b. Enter the number of new kindergarten classrooms for which the School District is requesting funding as shown on the P&S.
- c. Enter DSA's application number for this project, if applicable.
- d. Enter the date(s) of DSA's final plan approval, if applicable.
- e. Enter the date(s) of CDE's final plan approval, if applicable. In addition, enter the:
 - (1) Recommended site size, as determined by CDE.
 - (2) Existing Useable Acres already owned at that location (if any).
 - (3) Proposed Useable Acres that was/will be purchased as part of the application (if any).
- f. If the School District is requesting site acquisition, enter the date(s) of CDE final site approval.
- g. If the School District is requesting site acquisition, enter the date(s) of CDE contingent site approval.

3.4. Project Priority Funding Order

Enter the priority order of this application in relation to other FDKFGPP Program applications submitted by the School District during the same funding round.

4.5. Preference Points

- f. Check the box if the School District is requesting to receive priority because the School District qualifies for financial hardship and/or is requesting to receive priority for financial hardship because it is unable to meet its matching share requirement. To receive priority for financial hardship, a district must meet the criteria defined in Education Code Section 17375(b)(3) and 17075.10. Projects that meet these criteria will receive 40 preference

points.

- g. Enter the School District's Free and Reduced Price School Meals (FRPM) percentage if the School District is requesting to receive priority for having a high population of pupils who are FRPM eligible for as defined by Education Code Section 42238.01. Because a high FRPM percentage is required to receive priority, districts must have at least 60 percent FRPM to receive priority points. Points will be provided on the sliding scale listed in Section 1860.15. The School District can earn up to 40 preference points based on the School District's FRPM percentage.

If the application includes a request for Financial Hardship, the School District must comply with the requirements of Section 1860.14.

5.6. New Construction Additional Grant Request

Check the appropriate box(es) if the School District requests an augmentation to the new construction grant for "additional" grants for the items listed. Refer to Sections 1860.9(b) through (f) for eligibility criteria. Enter the:

- a. Check the box(es) if the School District requests and the project qualifies for additional funding for fire code requirements authorized in Section 1860.9(b) and (c).
- b. Check the box if the School District is requesting additional funding for Site Development pursuant to Section 1860.9(d). The new construction base grant for all new construction projects will be increased by 35 percent.
- c. List the number of multilevel classrooms in the P&S pursuant to Section 1860.9(e).
- d. Check the box if the School District has an enrollment of 2,500 or less and is requesting project assistance pursuant to Section 1860.9(f).

6.7. New Construction Additional Grant Request—Site Acquisition

Complete the following sections if the School District requests an augmentation to the new construction grant for "additional" grants for the items listed below. Refer to Sections 1860.10 through 1860.10.3 for eligibility criteria. Enter the:

- a. If the School District is requesting funding for eligible site acquisition costs pursuant to Section 1860.10, enter the following information:
 - 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 1860.7(b), enter 50 percent of the preliminary appraised value. Appraisals must be dated within 6 months prior to the received date of the Form SAB 70-01.
 - 3) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
 - 4) Enter 50 percent of the actual relocation cost.
 - 5) Enter 50 percent of the estimated relocation cost. (advance only)
 - 6) Enter 50 percent of the actual 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 1860.10.2 and 1860.10.3.
 - 7) Enter 15 percent of the appraised value for DTSC fees. (advance only)
- b. Enter 50 percent of the actual amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1860.10.2 and 1860.10.3. Enter 50 percent of the estimated hazardous waste removal (advance only). If an RA is required, check the box.

7.8. Retrofit Additional Grant Request

Complete the following sections if the School District requests an augmentation to the retrofit grant for "additional" grants for the items listed below. Refer to Section 1860.12 for eligibility criteria. Enter the:

- a. Check the box(es) if the School District requests and the project qualifies for

APPLICATION FOR FUNDING**FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM-CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM**SAB 70-01 (Rev. 10/19 **12/21**)

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additional funding for fire code requirements authorized in Section 1860.12(b)

- b. Check the box if the School District is requesting additional funding for site development pursuant to Section 1860.12(c). The retrofit base grant will be increased by 35 percent.
- c. Check the box if the School District is requesting additional funding for site development utility cost necessary for the retrofit of 50 years or older permanent building(s) pursuant to Section 1860.12(d). The retrofit base grant will be increased by 15 percent for 50 year-old utilities for projects that retrofit 50 years or older permanent buildings.
- d. Check the box if the School District has an enrollment of 2,500 or less and is requesting project assistance allowance pursuant to Section 1860.12(e).

8- 9. Construction Information

- h. Check the box that best represents the construction delivery method that the School District has or will use for this project, if known.
- i. 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.)

9- 10. Architect of Record or Licensed Architect Certification

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

~~10- 11. Architect of Record or Design Professional Certification~~

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

~~11- 12. Certification~~

The District Representative must complete this section.

APPLICATION FOR FUNDING

FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM

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The School District named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 3, Part 10.5, Division 1, commencing with Section 17375, et seq., of the Education Code and the Regulations thereto.

NAME OF DISTRICT REPRESENTATIVE (PRINT)	TITLE	EMAIL ADDRESS
SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME	SCHOOL ADDRESS	
COUNTY	PROJECT TRACKING NUMBER (PTN)	
CHECK APPROPRIATE BOX: <input type="checkbox"/> Initial 70-01 Submittal for Advance <input type="checkbox"/> Final submittal for full funding		

1. Type of Application—Check Only One

- a. New Construction Grant [Section 1860.7(a)]
- b. New Construction Grant with Advance [Section 1860.7(b)]
 - Design Site
- c. Retrofit Grant [Section 1860.7(c)]
- d. Retrofit Grant with Advance [Section 1860.7(d)]

- (2) Existing Acres (Useable): _____
- (3) Proposed Acres (Useable): _____
- f. CDE final site approval (if applicable) on: _____
- g. CDE contingent site approval (if applicable) on: _____

2. Enrollment Data for Proposed Site

Grade	3rd Prev.	2nd Prev.	Previous	Current
Preschool	/	/	/	/
TK				
K				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
TOTAL	0	0	0	0

2.3. Pupil Grant Request and Project Information

a. Total Pupils Assigned:

Preschool	Transitional Kindergarten	Full-Day Kindergarten

Preschool	Transitional Kindergarten	Full-Day Kindergarten

d. DSA final plan approval letter date (if applicable): _____

3.4. Project Priority Funding Order

Priority order of this application in relation to other FDKFGP applications submitted by the School District in the same funding round: # _____

4.5. Preference Points

- a. Financial Hardship
- b. Free and Reduced Price School Meal (FRPM) Percentage of School District (reported to one decimal place): _____
 - (1) Year of FRPM Used: _____

5.6. New Construction Additional Grant Request—New Construction Only

- a. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System
- b. Site Development
- c. Multilevel Classroom(s) Construction: _____
- d. Project Assistance

6.7. New Construction Additional Grant Request—Site Acquisition

- a. Site Acquisition:
 - (1) 50 percent Actual Cost: \$ _____
 - (2) 50 percent Appraised Value: \$ _____
 - (3) 2 percent (min. \$25,000): \$ _____
 - (4) 50 percent actual Relocation Cost: \$ _____
 - (5) 50 percent estimated Relocation Cost: \$ _____
 - (6) 50 percent actual DTSC Fee: \$ _____
 - (7) DTSC Fee 15 percent appraised value: \$ _____
- b. Hazardous Waste Removal
 - (1) 50 percent actual hazardous waste removal: \$ _____
 - (2) 50 percent estimated hazardous waste removal: \$ _____
 - (3) Response Action (RA)

7.8. Retrofit Additional Grant Request

- a. Automatic Fire Detection/Alarm System
- b. Site Development
- c. 50-year old utilities
- d. Project Assistance

APPLICATION FOR FUNDING

FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM

SAB 70-01 (Rev. 10/19 **12/21**)

8.9. Construction Information

a. Construction Delivery Method

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- This project includes or will include piggyback contract(s) as defined in Public Contract Code Section 20118.
- Other: _____

b. 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.)

9. 10. Architect of Record or Licensed Architect Certification

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

- Any portion of the P&S requiring review and approval by DSA were approved by DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

10. 11. 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 California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (FDKFGP) new construction project, 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 School District's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the School District for review by OPSC.
- If the request is for a California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program retrofit project, 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 School District's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the School District for review by OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

11. 12. Certification

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

- I am an authorized representative of the School District as authorized by the governing board of the School District; and
- The School District will comply with all laws pertaining to the construction or retrofit of its school building; and,
- A resolution or other appropriate documentation supporting this application under Chapter 3, Part 10.5, Division 1, commencing with Section 17375, 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 School 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 Section 1860.21; and,
- If this request is for new construction funding, the School District has received approval of the site and the plans from CDE. Plan approval with this application submittal is not required if the request is for apportionment with advance; and,
- If this request is for retrofit funding, the School District has received approval of the plans for the project from CDE. Plan approval with this application submittal is not required if the request is for apportionment with advance; and
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- The School District matching funds required pursuant to Sections 1860.11 or 1860.13 has either been expended by the School District, deposited in the County School Facility Fund or will be expended by the School District prior to fund release; and,
- The School 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 School District has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for an apportionment with advance. Plan approval is not required with this application submittal if the request is for apportionment with advance; and
- If the School District is submitting a request for an apportionment without advance, it will submit a fund release request for full funding with all required approvals within 180 days of apportionment. The School District understands that funds not requested within 180 days of apportionment shall be rescinded (refer to Section 1860.16); or,
- If the School District is requesting an apportionment with advance, it will submit a final fund release request with all required approvals within 12 months of apportionment. The School District understands that funds not requested within 12 months of apportionment shall be rescinded (refer to Section 1860.16); and,
- The School 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 1860.20; and,
- If the School District requested additional funding for fire code requirements pursuant to Sections 1860.9(b) and (c) or 1860.12(b), the School District will include the automatic fire detection/ alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- If the School District requested additional funding for 50-year old utilities, the School District certifies that 50-year old utilities work required for the retrofit of 50-year old permanent buildings will be included in the project and done prior to completion of this project.
- If the School District requested additional funding for multi-level classroom construction, the School District certifies that multi-level classroom construction work will be included in the project and done prior to completion of this project.
- If this funding request is for the retrofit of kindergarten classrooms, the School District has considered the potential for the presence of lead-containing materials in the retrofit project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- If this funding request is for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,

APPLICATION FOR FUNDING

FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM

SAB 70-01 (Rev. 10/19 12/21)

- With regards to providing preschool instruction as pursuant to Section 1860.5.2, the School District certifies that:
 - A resolution allowing the School District to provide preschool at the project site was adopted by the school district's governing board (attached) on, _____;
 - The county's most recent childcare needs assessments conducted by its regional local planning council for preschool age children
 - Current or future contract with the CDE to operate a preschool program
 - Before occupancy of classrooms in the project the district will meet Health and Safety Code (HSC) Division 2, Chapter 3.5 Article 2; and, obtain and be approved for licensure by the California Department of Social Services, unless the district qualifies as a license-exempt program.
 - Before occupancy of classrooms in the project the district will meet Title 22, Division 12, Chapter 1 and obtain and be approved for licensure by the California Department of Social Services, unless the district qualifies as a license-exempt program.
- With regards to providing transitional kindergarten instruction as pursuant to Section 1860.5.1, the School District certifies that:
 - A resolution allowing the School District to provide transitional kindergarten at the project site was adopted by the school district's governing board (attached) on, _____;
- With regards to providing full-day kindergarten instruction as pursuant to Section 1860.5, the School District certifies that:
 - A resolution allowing the School District to provide full-day kindergarten at the project site was adopted by the school district's governing board (attached) on, _____; or,
 - Prior to the completion of the project, a resolution allowing the School District to provide full-day kindergarten at the project site will be adopted by the school district's governing board and submitted with the Form SAB 70-03.
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by OPSC. In the event a conflict should exist, the language in OPSC's form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

Fund Release Authorization**Full-Day Kindergarten Facilities Grant Program California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program**

SAB 70-02 (Rev. 10/19/12/21)

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GENERAL INFORMATION**(Refer to Title 2, California Code of Regulations, Section 1860.16)**

After a California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (FDKFGP Program) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the School District has completed and submitted this form to OPSC. Design funds will automatically be released to the School District following, whichever occurs last: an Apportionment or submittal by the School District of a Grant Agreement pursuant to Section 1860.17, with the exception of advance funding Apportionments.

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

1. A copy of the construction contract pages that include project description, contract parties, date of contract, contract amount, and signature page.
2. A Grant Agreement for the project signed by an authorized District Representative.

SPECIFIC INSTRUCTIONS**Part 1. New Construction—Site Acquisition**

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

Part 2. New Construction/Retrofit

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

- a. Date of written plan approval by the Division of the State Architect (DSA) and application number.
- b. **Date of written plan approval by the California Department of Education (CDE)**
- c. If applicable, check the box if the School District has entered into a binding contract(s) for the completion of the project.
- d. Award date(s) of the construction contract(s) entered into by the School District for this project.
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- e. If requesting funding for site acquisition, enter the date of CDE final site approval.

Part 3. Identify School District's Construction Delivery Method

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

Part 4. Submittal of Project Grant Agreement

Check the appropriate box that identifies the timing of the submittal of the signed Grant Agreement for the project as pursuant to Education Code 17375(e).

Fund Release Authorization

Full-Day Kindergarten Facilities Grant Program California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program

SAB 70-02 (Rev. 10/19/12/21)

NAME OF SCHOOL DISTRICT REPRESENTATIVE (PRINT)	TITLE	EMAIL ADDRESS
SCHOOL DISTRICT	APPLICATION NUMBER	
SCHOOL NAME	SCHOOL ADDRESS	
COUNTY	PROJECT TRACKING NUMBER (PTN)	

Part 1. New Construction—Site Acquisition Only

- The School District certifies that it has entered escrow for the site (attach copy of escrow instructions)
- The School District certifies that there has been a final appraisal (attach copy of final appraisal)
- The School District certifies that they have received a CDE Contingent Site Approval Letter (attach CDE approval letter)
- The School District certifies that it has received CDE Final Site Approval Letter (attach Final Site Approval Letter)

- Subject to available funding, site acquisition funds shall be adjusted based on actual costs.
- OPSC will verify that the School District has included multilevel classrooms in the plans for the project

The amount of State funds released for new construction shall be 100 percent of the total **FDKFGPProgram** Grant, less any design and/or site acquisition funds previously released. The amount of State funds released for retrofit shall be 100 percent of the **FDKFGPProgram** Grant, less any design funds previously released.

Part 2. New Construction/Retrofit

School District must be able to check all boxes:

- The School District certifies that its applicable matching share has already been deposited or expended by the School District for the project, unless the School District meets the requirements for financial hardship pursuant to Section 17375(b)(2)(A).
 - The School District certifies it has entered into a binding contract(s) for the completion of the project.
 - The School District certifies the plans and specifications applicable to the state funded project), received written DSA approval on _____, and DSA application number _____, and on _____, and for the contract(s) awarded on _____.
- (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- If the project includes site acquisition, the School District certifies the site received written **CDE final approval on** _____ and that it has entered escrow for the site (attach copy of escrow instructions and updated appraisal).

Part 3. Identify School District's Construction Delivery Method

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- This project includes or will include piggyback contract(s) as defined in Public Contract Code Section 20118.
- Other: _____

Part 4. Signed Grant Agreement

- The School District has already submitted the signed Grant Agreement for this project
- The signed Grant Agreement for this project accompanies this Form.
- The signed Grant Agreement with amended costs (i.e. as automatic fire detection/alarm system, site acquisition, or multilevel classroom construction) for this project accompanies this Form.

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

- I am an authorized representative of the School District as authorized by the governing board of the School District; and
- The site where buildings will be retrofitted must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds, are sufficient to complete the school construction project; and,
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- The School District shall certify at the time of a fund release for the project that it complies with Section 1860.17; and,
- The School 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; and,
- This form is an exact duplicate (verbatim) of the form provided by OPSC. In the event a conflict should exist, then the language in OPSC's form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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EXPENDITURE REPORT**Full-Day Kindergarten Facilities Grant Program California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program**

SAB 70-03 (Rev. 10/19 12/21)

Page 1 of 2

INSTRUCTIONS (Refer to Title 2, California Code of Regulations Sections 1860.18 through 1860.20)

For purposes of completing this form enter the total amount spent for the project up to the total approved project cost authorized by the State Allocation Board, including interest.

1. Enter the date construction was completed as stated in the notice of completion on the last working contract.

The Final Expenditure Report and Final Savings Report must include a detailed listing of:

 - Warrant, date of warrant, payee, warrant number, and description/purpose of the expenditure.
 - The use of a transaction record, in lieu of warrant number, is acceptable for documenting actual force account labor expenditures.
2. Provide the following information regarding the Report Period:
 - A. School District contribution, enter the amount the School district contributed.
 - B. State Funds, enter the total **FDKFGP California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program** Grant awarded to the School District by the State Allocation Board for this application.
 - C. Total Approved project amount. To determine the sum, please add the number from box A with box B (A+B=C).
 - D. Interest Earned, provide the total interest earned on the **FDKFGP Program** Grant, that was accrued from the warrant release date to the date of the signature on the Form SAB 70-03.
 - E. Total Grant with Interest, enter the sum of total approved project amount with the interest earned. (C+D=E)
 - F. Project Expenditures, enter the total amount of expenditures for the **FDKFGP Program** project
 - G. Reported Savings, if the Grand Total with Interest from Part E is more than the Project Expenditures from Part F, *subtract* the Grand Total Interest with Interest from Project Expenditures (E-F=G).
 - H. Reported Over Spent, if the Project Expenditures from Part F is more than the Grand Total with Interest from Part E, *subtract* the Project Expenditures from the Grand Total with Interest (F-E=H).

Visit the Office of Public School Construction (OPSC) website at www.dgs.ca.gov/opsc for the Expenditure Worksheets (an Excel worksheet) which may be used to assist in reporting these expenditures.

Submit completed form to: **Department of General Services
Office of Public School Construction
Attn: **FDKFGP California Preschool,
Transitional Kindergarten and Full-Day
Kindergarten Facilities Grant Audit**
707 Third Street, 6th floor
West Sacramento, CA 95605**
3. If applicable, list the amount of savings from this project that will be used for professional development or instruction materials to build capacity for the implementation of **the full-day kindergarten pProgram**, or other high priority capital facility needs of the School District. Savings must be used within one year of completion of the project pursuant to Regulation Section 1860.19(a) and Regulation Section 1860.19(b). If completing Final Savings Report, only complete this section.
 - A. Enter the savings expenditures reported at completion.
 - B. Enter the total savings expenditures submitted at Final Savings Report.
 - C. Enter the residual savings that shall be returned to the state.
4. Attach a copy of the approved School District board resolution approving a **California Preschool, Transitional Kindergarten and Full-Day Kindergarten Program** pursuant to Education Code Section 8973, if not provided with the *Application for Funding* (Form SAB 70-01). Check appropriate box if the Board Resolution is attached.

EXPENDITURE REPORT

Full-Day Kindergarten Facilities Grant Program California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program

SAB 70-03 (Rev. 10/19 12/21)

SCHOOL DISTRICT		APPLICATION NUMBER	
SCHOOL NAME		SCHOOL ADDRESS	
COUNTY	CHECK APPROPRIATE BOX:		FINAL EXPENDITURE REPORT <input type="checkbox"/>
			FINAL SAVINGS REPORT <input type="checkbox"/>
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	

1. Notice of Completion Date: _____

2. Report Period

A. School District Funds	
B. State Funds	
C. Total Approved Project Amount (A + B)	
D. Interest Earned	
E. Total Grant With Interest (Add parts C and D)	
F. Project Expenditures	

G. Reported Savings, subtract Part F from Part E.	
H. Reported Over Spent, subtract Part E from Part F	

3. If applicable, list the amount of savings from this project that will be used for other high priority capital facility needs of the School District.

Amount of Savings

A. Savings Expenditures Reported at Completion	\$
B. Savings Expenditures Submitted at Final Savings Report.	\$
C. Residual Savings to be Returned to the State	\$

4. A copy of the approved School District board resolution pursuant to Education Code Section 8973 is attached, if applicable. Yes No

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

- I am designated as an authorized School District representative by the governing board of the School District; and,
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that all laws pertaining to school construction were adhered to in the construction of this project; and,
- The School District has satisfied the supplement, not supplant requirement as specified in Education Code Section 17375(k); and,
- This form is an exact duplicate (verbatim) of the form provided by OPSC. In the event a conflict should exist, then the language in OPSC's form will prevail.
- If the project did not receive Financial Hardship funding, any savings not spent on other high priority capital facility needs of the School District within one year of project completion or within one year of the Final Expenditure Report, must be returned to the state.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
--------------------------------------	------

ATTACHMENT F

STATE OF CALIFORNIA
GRANT AGREEMENT
CALIFORNIA PRESCHOOL PROGRAM,
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STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
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Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

Grant Amount: _____ of which _____ is Financial Hardship Assistance.

Authority: Statutes of 2018, Chapter 32, Sec. 21. (AB 1808) Education Code section 17375 and Statutes of 2020, Chapter 24, Sec. 13. (SB 98) Education Code Section 17375, and Statutes of 2021, Chapter 44, Sec. 15. (Assembly Bill 130) Education Code Section 17375.

Full-Day Kindergarten Facilities Grant Program (FDKFGP)

PROJECT DESCRIPTION

Type of Work: _____ (e.g., New Construction or Retrofit)

Number and type of Classrooms (e.g. Four preschool, Two transitional kindergarten classrooms, etc.): _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

Agreement includes Grants for: _____ (Site Acquisition; Department of Toxic Substances Control fees and hazardous waste removal; etc.)

Agreement includes Grants for: _____ (Site Development, if appropriate)

This Project scope and resulting funding determination relied on the following documentation and state agency approvals:

- *Application for Funding* (Form SAB 70-01), executed by the District Representative on XXXXX
- Preliminary/Final Site Approval letter from the California Department of Education dated XXXXX
- Preliminary/Final Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX

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- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX

A copy of the documentation listed here is available as part of the Project file maintained by OPSC₇ and is also retained by the District for purposes of the Project audit.

Grants are to be used in accordance with the provisions contained in the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facility Grant Program (Education Code, Title 1, Division 1, Part 10.5, Chapter 3, commencing with Section 17375), Statutes of 2021, Chapter 44, Sec. 15. (AB 130) Education Code Section 17375, and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

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TERMS AND CONDITIONS OF GRANT**A. Definitions**

Terms not defined below shall have the same meaning as set forth in ~~FDKFGP Program~~ Regulation (Regulation) Section 1860.2.

“Agreement” means a contract to do or not to do a certain thing and refers to this Grant Agreement.

“Audit report” means the annual compliance reviews and fiscal reviews of the Grantee’s finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

“Capital Outlay,” for the purposes of the Grantee using Savings, pursuant to California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Regulation Section 1860.19, means capital assets in accordance with Section G of this Agreement.

“Change of Scope” means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including full-day kindergarten classrooms, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

“Expenditure Report” means the Form SAB 70-03 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of Project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in Regulation Section 1860.18.

“Application for Funding” means the Form SAB 70-01, *Application for Funding*, and all required supplementary documentation pursuant to the Program and Regulation Section 1860.7

“Fund Release Authorization” means the Form SAB 70-02, *Fund Release Authorization*, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Program and the Regulations.

“Grants” means all eligible program grants provided by the Board to the Grantee in this Agreement.

“Grantee” means the School District (as defined in Regulation Section 1860.2 whose representative has signed this Agreement for Grants.

“Grantee Representative” means the authorized representative of a School District (as defined in Regulation Section 1860.2 who signed this Agreement for Grants.

“Ineligible Expenditure” means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.

“Instructional Materials” for the purposes of the Grantee using Savings, pursuant to California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Regulation Section 1860.19, means instructional materials to build capacity for the implementation of a California Preschool, Transitional Kindergarten and/or Full-Day Kindergarten Program and in accordance with Section G of this Grant Agreement.

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"Local auditor" means an auditor hired at the Grantee's expense who conducts annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

"Preschool Classroom" means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

"Preschool Program" means a full-day California state program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6.

"Professional Development" for the purposes of the Grantee using Savings, pursuant to California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Regulation Section 1860.19, means professional development to build capacity for the implementation of a California Preschool, Transitional Kindergarten and Full-Day Kindergarten Program and in accordance with Section G of this Grant Agreement.

"Other Sources of Funds" means cash, the Grantee's matching funds, or in-kind contributions that are required or used to complete the Project beyond the Grants provided by this Agreement.

"Project" means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

"Regulations" means the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.8, commencing with Regulation Section 1860).

"Savings" means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1860.19, achieved by the Grantee's efficient and prudent expenditure of Grants.
(Authority: Regulation Section 1860.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for Apportionment. This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the Apportionment, or (3) if the Grantee withdraws its Application for Funding.

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants) \$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement. Grants may also be expended for Professional Development or Instructional Materials to build capacity for the implementation of a California Preschool, Transitional Kindergarten and/or Full-Day Kindergarten Program, or for the purposes of a future high priority Capital Outlay Project as the result of Savings, or for the purposes of reimbursement, pursuant to Regulation Section 1860.19.

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(Authority: Education Code Section 17375)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:
 - i. The Application for Funding was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.
 - ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Application for Funding for compliance with California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.
 - iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.
 - iv. Upon receipt of the final amendments to the Application for Funding, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for Apportionment.
(Authority: Regulation Sections 1860.7, 1860.16 and Office of Public School Construction process)
 - v. Upon confirmation of an Approved Application, and before occupancy of classrooms in the project the district will meet Health and Safety Code (HSC) Division 2, Chapter 3.5 Article 2 and obtain and be approved for licensure by the California Department of Social Services, unless the district qualifies as a license-exempt program.
 - vi. Before occupancy of classrooms in the project the district will meet Title 22, Division 12, Chapter 1 and obtain and be approved for licensure by the California Department of Social Services, unless the district qualifies as a license-exempt program.
3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.
(Authority: Form SAB 70-01 certifications)

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4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:
 - i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. This section was amended by Senate Bill 1171, Chapter 86, Statutes of 2016. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for School Districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.
 - ii. Labor Code Section 1773.3, as amended by Senate Bill 877, Chapter 455, Statutes of 2018, which requires school districts to provide notice to Department of Industrial Relations of any public works contract subject to the requirements of that chapter, within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work.

Project Execution Signature	
All laws and regulations noted in Sections (i), and (ii) above have been, and will be, followed, as applicable.	
X _____	Date _____

(Authority: Form SAB 70-01 certifications)

D. Receiving Board Approval

1. Grantee must have (1) title or (2) other interest to Project lands. Title may include an order for pre-judgement possession issued by a court in an eminent domain proceeding.
(Authority: Education Code Section 17375; Regulation Section 1860.8)
2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.
(Authority: Education Code Section 17375)
3. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for New Construction Projects, and (2) unspent Financial Hardship Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17375 and Education Code Section 41024, as applicable.
4. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the California Department of Education, and if no repayment plan has been approved

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pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

5. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the Project.
(Authority: Education Code Sections 17375(b)(3) and 17375(b)(4); Regulation Sections 1860.11 and 1860.13; and Form SAB 70-01 certifications)

6. Financial Hardship Review Process

- i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid.

[Authority: Regulation Section 1860.14]

ii.

- a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.

- b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

7. [Instructions: The following sections only apply to the Program, or other circumstance, that is detailed in this Agreement.]

New Construction:

- i. The Grantee has received approval of the plans from the California Department of Education and the Division of the State Architect, and approval of the site from the California Department of Education if the Project included site acquisition. Plan approval is not required if request is for design or site advances. Site approval is not required if request is for design or site other two percent advances.

(Authority: Regulation Sections 1860.7, and 1860.10 through 1860.10.3)

Site Acquisition: The Grantee has complied with Regulation Sections 1860.10 through 1860.10.3, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (decrease or if funds are available, increase) to the Grant amount

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based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

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E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.

(Authority: Regulation Sections 1860.7 and 1860.16)

Additionally:

1. Any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a complete Fund Release Authorization, unless for design or site other two percent advance funding, and shall not exceed \$ _____ except for _____.
 (site-related exceptions)
(Authority: Education Code Section 17375(c) Regulation Sections 1860.16 and Form SAB 70-02)
2. Supplementary documentation submitted with, or prior to, a Fund Release Authorization must include this Agreement as well as documentation, including but not limited to, that proves the Grantee has entered into a binding contract(s) for the completion of the Project included in the plans and specification applicable to this Project.
(Authority: Education Code Section 17375(c), Form SAB 70-02 certifications)
3. If the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Authorization within 180 days of Apportionment if the Project had Division of the State Architect Approval at the time of Apportionment and 12 months from Apportionment if the Project did not have Division of the State Architect approval at the time of Apportionment. However, if the Grantee does not submit a valid Fund Release Authorization by the applicable deadline, the Apportionment shall be rescinded by the Board.
(Authority: Education Code Section 17375(c), Regulation Section 1860.16)

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F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Report required pursuant to Education Code Section 17375, at the completion of the Project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, Project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.
 (Authority: Education Code Section 17375(f), Regulation Sections 1860.18, Form SAB 70-03)
2. Annual Expenditure Reports
 Pursuant to Education Code Section 17375(h), beginning 12 months from full fund release, the Grantee shall submit an *Expenditure Report* (Form SAB 70-03) to the Office of Public School Construction within one year, as described in the FDKEGP Program Regulation Section 1860.18.
3. Project Audit

The Grantee understands and agrees to the following:

- i. Upon Project completion pursuant to Regulation Section 1860.20, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.
 (Authority: Regulation Section 1860.20)
- ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) Proof of acreage purchased
 - b) Proof of site costs and adjusted site grants, where applicable
 - c) Copy of Form SAB 70-01
 - d) Copy of SAB Board item(s) (Approval of Project Apportionment)
 - e) DSA Approval Letter, if for New Construction Grant or Retrofit Grant Apportionment
 - f) Preliminary or Final CDE Approval Letter, as applicable
 - g) Architect Final Billing
 - h) Proof of Routine Restricted Maintenance Account
 - i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
 - j) Final construction billing and invoices,

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- k) Any and all change orders
 - l) Proof the School District implemented California preschool, transitional kindergarten and/or full-day kindergarten program
 - m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the fund that the proceeds from the COP were originally deposited into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the Project is completed, as described complete pursuant to Regulation Section 1860.18. If the Grantee has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.
(Authority: Education Code Section 17375 and Regulation Section 1860.18)
 - n) California State Preschool license or license-exempt info
- iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.
 - iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the California Department of Education and the Office of Public School Construction of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
 - (b) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the California Department of Education and the Office of Public School Construction of the amount of the Ineligible Expenditure. Should the grantee report that they were unable to obtain a license or license-exempt status the local auditor will inform the Department of Education and the Office of Public School Construction of the amount of the Ineligible Expenditures associated with the preschool portion of the project. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.

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(bc) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).

(ed) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).

(de) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).

(fd) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17375(f) and 41024; Regulation Section 1860.20)

- v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to Regulation Section 1860.18, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17375(hj))

- vi. The Grantee shall also provide site access to the local auditor to determine if the Project work is in accordance with the Board-approved Project scope, including a final inspection for a Project deemed complete pursuant to Regulation Section 1860.18.

(Authority: Education Code Section 17375(hj).)

4. Savings Audit(s)

For Program funds provided pursuant to Regulation Section 1860.3(a), grantees may retain Savings for expenditure for other high priority capital outlay with the exception of when unexpended funds remain on Project that received Financial Hardship funding. Savings must be spent within one year of the completion of the Project. *(Authority: Education Code Section 17375 and Regulation Section 1860.19)*

For Program funds provided pursuant to Regulation Section 1860.3(b), grantees may retain Savings for expenditure for Professional Development or Instructional Materials to build capacity for the implementation of a California Preschool, Transitional Kindergarten or Full-Day Kindergarten Program, or for other high priority capital outlay.

- Savings on a Preschool project can only be used for Professional Development or Instructional Materials to build capacity for implementation of a Preschool Program, or for other high priority capital outlay.

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- Savings on a Transitional Kindergarten project can only be used for Professional Development or Instructional Materials to build capacity for implementation of a Transitional Kindergarten Program, or for other high priority capital outlay.
- Savings on a Full-Day Kindergarten project can only be used for Professional Development or Instructional Materials to build capacity for implementation of a Full-Day Kindergarten Program, or for other high priority capital outlay.
- Savings on a project containing a combination of Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program can be used for Professional Development or Instructional Materials to build capacity for implementation of the programs included in the project, or for other high priority capital outlay.

Savings must be spent within one year of the completion of the Project.
(Authority: Education Code Section 17375 and Regulation Section 1860.19)

The Grantee understands and agrees to the following:

- i. Upon the Grantee declaring Savings pursuant to Regulation Section 1860.19, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.
(Authority: Education Code Section 41024 and Regulation Section 1860.19)
- ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) The Grantee's expenditure report with actual savings submitted to the Office of Public School Construction, and
 - b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
 - c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds as applicable for Professional Development or Instructional Materials to build capacity for the implementation of a California Preschool, Transitional Kindergarten and/or Full-Day Kindergarten Program, or for high priority Capital Outlay, and
 - d) Construction billing and related invoices.
(Authority: Education Code Section 17375(hj) and Regulation Section 1860.20)

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- iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.
 - iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).
(Authority: Education Code Sections 41024 and 17375(hj); Regulation Section 1860.20)
 - v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17375(hj).
 - vi. The Grantee shall also provide site access to the local auditor to determine if the Project work is in accordance with eligible uses of Savings.
(Authority: Education Code Sections 41024 and 17375(hj))
5. Site Adjustments
Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2). Adjustments resulting in an increase to the amount of funding provided will only be made if funds are available.
(Authority: Education Code Sections 41024 and 17375(hj))
6. Financial Hardship
Should the audit report determine that there are unspent Financial Hardship Grants, then the Grantee agrees to repay the unspent Financial Hardship Grants pursuant to Education Code Section 41024(c)(2)
(Authority: Education Code Sections 41024, and 17375(hj), and Regulation Section 1860.14)

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G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facility Grant Program. *

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment
(Authority: Education Code Section 41024)
- The expenditures are expended or encumbered prior to the time a Project is deemed complete, pursuant to Regulation Section 1860.18
(Authority: Education Code Section 17375(fe))

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible Project expenditures. The local auditor may use the written response from OPSC to guide the audit of the Project expenditures.

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development for the FDKFGP Program.
(Authority: Regulation Sections 1860.9(d), 1860.12(c), and 1860.12(d))

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**1. New Construction – Apportionment with Advance for Design Costs or Apportionment
 Common Eligible Project Expenditures**

DESIGN COSTS

	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17375(f)
b.	Architect’s Fee for Plans	Ed. Code Section 17375(f)
c.	CDE Plan Check or Site Review Fee	Ed. Code Section 17375(f)
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed. Code Section 17375(f)
e.	Consultant Fees – specific to SFP Project(s) (prorate if necessary)	Ed. Code Section 17375(f)*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17375(f)
g.	Energy Analysis Fee	Ed. Code Section 17375(f)*
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP Project-related lease agreements. • The review of the SFP Project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP Project-related bid documents and bid responses. 	Ed. Code Section 17375(f)*
i.	Local Agency Plan Check Fees	Ed. Code Section 17375(f)
j.	Preliminary Site Tests	Ed. Code Section 17375(f)
k.	Engineering Fees	Ed. Code Section 17375(f)

*These costs are recognized as components of allowable costs pursuant to EC Section 17375, and may be included as allowable expenditures under the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program.

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**2. New Construction - Apportionment with Advance for Site Acquisition Costs or Apportionment
 Common Eligible Project Expenditures**

Site Acquisition

Type of Expenditure		Authority
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 70-01) or actual site cost.	Ed. Code Section 17375(f)

Site (Other) (4% Allowance)

Type of Expenditure		Authority
b.	Appraisal Fees	Ed. Code Section 17375(f)
c.	Escrow Fees	Ed. Code Section 17375(f)
d.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of site acquisition documents • Site condemnation or relocation proceedings. 	Ed. Code Section 17375(f)
e.	Litigation costs not to exceed the total FDKEGP <u>Program</u> Project funding Apportionment.	Ed. Code Section 17375(f)
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	Ed. Code Section 17375(f)
g.	Survey Costs	Ed. Code Section 17375(f)

DTSC Fees

Type of Expenditure		Authority
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Section 17375(f)

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Hazardous Waste Removal

Type of Expenditure		Authority
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Section 17375(f)
j.	<p>Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including:</p> <ul style="list-style-type: none"> • Expenses for Remedial Action Plan and/or Removal Action Work Plan if acted upon. • Expenses for public hearings if Remedial Action Plan and/or Removal Action Work Plan acted upon. • Expenses for Supplemental Site Investigation with a Remedial Action Plan and/or Removal Action Work Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement 	Ed. Code Section 17375(f)

Relocation Assistance

Type of Expenditure		Authority
k.	<p>Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following:</p> <ul style="list-style-type: none"> • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed \$5,250 Last Resort Housing • Residential Owner Occupant Moving expenses Replacement Housing – Not to exceed \$25,500 • Business • Moving expenses – In addition, a displaced business owner may file a claim for the following: <p>The cost directly related to modifying machinery, equipment, or other personal property to adopt it to the new site. The cost of any license, permit, or certification to reestablish a business at a new location.</p> <p>The reasonable cost of any professional services necessary for planning the move, moving the</p>	Ed. Code Section 17375(f)

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	Type of Expenditure	Authority
	<p>property, or installation of property at the replacement site.</p> <p>When an item is not moved but replaced with a comparable item, reimbursement shall be the lesser of replacement cost or estimated cost of moving by professional mover.</p> <ul style="list-style-type: none"> • Losses of Tangible Personal Property • Searching for a Replacement Site • Re-establishment Expenses • In Lieu Payments - Any displaced person who moves or discontinues their business may elect to receive a fixed relocation payment "in lieu" of moving, losses of tangible property, searching, and reestablishment costs. 	

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**3. New Construction – Apportionment
 Common Eligible Project Expenditures**

CONSTRUCTION COSTS

Type of Expenditure		Authority
a.	Construction Management Fees	Ed. Code Section 17375(f)
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical • Shade Structures 	Ed. Code Section 17375(f)
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17375(f)*
d.	Construction Tests	Ed. Code Section 17375(f)
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include School District “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b)
f.	Force Account Labor – complies with the Public Contract Code and is specific to the Project, adhering to the following criteria outlined in Section 20114: <ul style="list-style-type: none"> • For School Districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For School Districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. • Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 201114

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Type of Expenditure	Authority
<p>g. ** General site development within school property lines necessary for the FDKFGP <u>Program</u> Project (Including but not limited to):</p> <ul style="list-style-type: none"> • Finish Grading • Roads and Driveways • Sidewalks, stairs, & Ramps • Parking Area • Curbs and Gutters • Turfed/Paved Play Area • Playground Equipment • Surface Drains & Play Area • V-Gutters at Parking Lot • Landscaping & Irrigation System • Site Lighting • Fencing & Outdoor Walls 	Ed. Code Section 17375(f)
<p>h. Inspections – For services provided during construction of Project.</p>	Ed. Code Section 17375(f)
<p>i. ** Off-site development costs on up to two immediately adjacent sides of the site necessary for the FDKFGP <u>Program</u> Project, including:</p> <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	Ed. Code Section 17375(f)
<p>j. ** Service site development costs within school property lines necessary for the FDKFGP <u>Program</u> Project, including:</p> <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements 	Ed. Code Section 17375(f)

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Type of Expenditure		Authority
	<ul style="list-style-type: none"> Multi-Level Parking 	
k. **	<p>Utility service costs associated with the CDE approved site size that are necessary to serve the <u>FDKFGP Program</u> capacity of the site as follows:</p> <ul style="list-style-type: none"> Water Sewage Gas Electric Communication systems 	Ed. Code Section 17375(f)
l.	<p>Furniture and Equipment that meet all of the criteria as described in Government Code Section 16727 and the California School Accounting Manual (CSAM); Procedure 770 as follows:</p> <ul style="list-style-type: none"> Lasts more than two years. It is typically repaired rather than replaced. It is an independent unit (rather than being incorporated into another unit item). The cost of tagging and inventory is a small percentage of the item cost. Not operational or administrative costs. <p>It exceeds the minimum dollar value of capitalization threshold established by the local educational agency, but in no case should the threshold be less than \$5,000. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770:</p> <ul style="list-style-type: none"> Projectors Smart Boards Freezers Refrigerators Stoves Exercise equipment – Only if available for use by all students 	Ed. Code Section 17375(f) & CSAM Procedure 770
m.	<p>Furniture and Equipment:</p> <ul style="list-style-type: none"> Desks Chairs Built-in Storage Cabinets Window Coverings 	Ed. Code Section 17375(f)

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Type of Expenditure		Authority
	<ul style="list-style-type: none"> • White/Chalk Boards • Library Books 	
n.	Demolition Costs	Ed. Code Section 17375(f)
o.	Interim Housing – only eligible if new construction additions are to an existing site where classrooms temporarily are inaccessible or unsafe to house students during construction.	Ed. Code Section 17375(f)*
p.	Acquiring an existing government-owned or privately owned building, or privately financed school building, and the necessary costs of converting the government-owned or privately-owned building for public school use.	Ed. Code Section 17375(f)
q.	Upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.	Ed. Code Section 17375(f)

*These costs are recognized as components of allowable costs pursuant to EC Section 17375, and may be included as allowable expenditures under the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program.

**Eligible expenditures in these sections may exceed the amounts requested on the Application for Funding.

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4. Retrofit - Apportionment with Advance for Design Costs or Apportionment Common Eligible Project Expenditures

DESIGN COSTS

Type of Expenditure		Authority
a.	Advertising for Construction Bids	Ed. Code Section 17375(f)
b.	Architect's Fee for Plans	Ed. Code Section 17375(f)
c.	CDE Plan Check Fee	Ed. Code Section 17375(f)
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed. Code Section 17375(f)
e.	Consultant Fees – specific to <u>FDKFGP Program</u> Project(s) (prorate if necessary)	Ed. Code Section 17375(f)*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17375(f)
g.	Energy Analysis Fee	Ed. Code Section 17375(f)*
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the <u>FDKFGP Program</u> Project-related lease agreements. • The review of the <u>FDKFGP Program</u> Project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the <u>FDKFGP Program</u> Project-related bid documents and bid responses. 	Ed. Code Section 17375(f)*
i.	Local Agency Plan Check Fees	Ed. Code Section 17375(f)
j.	Preliminary Site Tests	Ed. Code Section 17375(f)
k.	Engineering Fees	Ed. Code Section 17375(f)

*These costs are recognized as components of allowable costs pursuant to EC Section 17375 and shall be included as allowable expenditures under the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program.

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**5. Retrofit- Apportionment
 Common Eligible Project Expenditures**

CONSTRUCTION COSTS

Type of Expenditure		Authority
a.	Construction Management Fees	Ed. Code Section 17375(f)
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical • Shade Structures 	Ed. Code Section 17375(f)
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17375(f)
d.	Construction Tests	Ed. Code Section 17375(f)
e.	Force Account Labor – complies with the Public Contract Code and is specific to the Project, adhering to the following criteria outlined in Section 20114: <ul style="list-style-type: none"> • For School Districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For School Districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. • Must be work that involves a skilled trade. • To be eligible must be supported by time cards or time logs. 	PCC Section 20114
f.	Inspections – For services provided during construction of the project.	Ed. Code Section 17375(f)
g. *	Utility Services – Only if approved for fifty years or older permanent building Retrofit Project	Ed. Code Section 17375(f)
h.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows:	Ed. Code Section 17375(f) & CSAM Procedure 770

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Lasts more than one year. • It is typically repaired rather than replaced. • It is an independent unit (rather than being incorporated into another unit item). • The cost of tagging and inventory is a small percentage of the item cost. • Not operational or administrative costs. <p>It exceeds the minimum dollar value of capitalization threshold established by the local educational agency. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770:</p> <ul style="list-style-type: none"> • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students 	
i.	Furniture and Equipment: <ul style="list-style-type: none"> • Desks • Chairs • Built-in Storage • Cabinets • White/Chalk Boards • Library Books 	Ed. Code Section 17375(f)
j.	Demolition Costs – the cost must be attributable to replacement of “like kind” building area .	Ed. Code Section 17375(f)
k.	Interim Housing	Ed. Code Section 17375(f)
l.	Removal of hazardous waste from a modernization Project the DTSC has declared unsafe which does not exceed ten percent of the total modernization Apportionment.	Ed. Code Section 17375(f)
m. *	General site development within school property lines necessary for the FDKEGP <u>Program</u> Project (Including but not limited to): <ul style="list-style-type: none"> • Finish Grading • Roads and Driveways • Sidewalks, stairs, & Ramps 	Ed. Code Section 17375(f)

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Type of Expenditure		Authority
	<ul style="list-style-type: none"> • Parking Area • Curbs and Gutters • Turfed/Paved Play Area • Playground Equipment • Surface Drains & Play Area • V-Gutters at Parking Lot • Landscaping & Irrigation System • Site Lighting • Fencing & Outdoor Walls 	
n. *	<p>Service site development costs within school property lines necessary for the FDKFGP <u>Program</u> Project. Including:</p> <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	Ed. Code Section 17375(f)
o.	The purchase and installation of air-conditioning equipment and insulation materials and related costs	Ed. Code Section 17375(f)
p.	Cost associated with fire, playground and seismic safety improvements	Ed. Code Section 17375(f)
q.	Upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology	Ed. Code Section 17375(f)

*Eligible expenditures in these sections shall exceed the amounts requested on the Application for Funding.

**6. Apportionments Pursuant to Regulation Section 1860.3(b)
 Common Eligible Savings Expenditures**

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SAVINGS COST

Type of Expenditure		Authority
a.	Instructional Materials to build capacity for the implementation of a Full-Day Kindergarten Program.	Ed Code Section 17375(a)(4)(B)
b.	<p>Professional Development – For staff or consultants to develop curriculum for the professional or occupational growth and competence of instructional staff members during the time of their service to the school system or school in order to build capacity for the implementation of a <u>Preschool, Transitional Kindergarten, and/or a Full-Day Kindergarten Program.</u></p> <p>The following examples are eligible expenditures only if they build capacity for the implementation of a Full-Day Kindergarten Program:</p> <ul style="list-style-type: none"> • Salaries of district staff who guide teachers in the use of instructional materials and curriculum development • The cost of providing the environment for in-service training • The cost of consultants who work with teachers outside the classroom to develop a skill • Fees paid for an employee to attend a staff development conference that is directly applicable to their job functions 	Ed Code Section 17375(a)(4)(B)

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H. Advisory Listing Detailing Common Ineligible Project Expenditures

The following tables are intended to provide advisory listings of common, but not exhaustive, ineligible Project expenditures.

In addition to the ineligible Project expenditures listed on the following tables, any costs associated with the Grantee's local debt issuance or interest on the Grantee's local bond(s) are also ineligible Project expenditures.

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible Project expenditures. The local auditor may use the written response from OPSC to guide the audit of the Project expenditures.

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**1. New Construction – Apportionment with Advance for Design Costs or Apportionment
 Common Ineligible Project Expenditures**

DESIGN COSTS

Type of Ineligible Expenditure		Authority
a.	Legal Fees not attributable to the Project	Ed. Code Section 17375(f)
b.	For Projects that received Design funds only any site and/or construction related expenditures are not eligible	Ed. Code Section 17375(f)

**2. New Construction – Apportionment with Advance for Site Acquisition Costs OR Apportionment
 Common Ineligible Project Expenditures**

SITE ACQUISITION COSTS

Type of Expenditure		Authority
a.	Relocation costs not considered reasonable such as: goodwill not court ordered; the difference between the salvage value and new value of furniture and equipment costs, if the business vendor retains the furniture and equipment.	Ed. Code Section 17375(f)
b.	For Projects that received site funds only (did not receive construction funds) any construction related expenditures are not eligible.	Ed. Code Section 17375(f)

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**3. New Construction – Apportionment
 Common Ineligible Project Expenditures**

CONSTRUCTION COSTS

Type of Ineligible Expenditure		Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed. Code Section 17375(f)
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	Ed. Code Section 17375(f)
c.	Repair of damages incurred during construction are not eligible.	Ed. Code Section 17375(f)
d.	Operational costs (such as service contracts and maintenance expenses or commissioning).	Ed. Code Section 17375(f)
e.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17375(f) & CSAM Procedure 770
f.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	Ed Code Section 17375(f) & CSAM Procedure 770
g.	Costs associated with housing new kindergarten pupils	Ed. Code Section 17375(f)
h.	Acquisition and installation of portables	Ed. Code Section 17375(f)

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**4. Retrofit – Apportionment with Advance for Design Costs OR Apportionment
 Common Ineligible Project Expenditures**

DESIGN COSTS

Type of Expenditure		Authority
a.	Legal Fees not attributable to the Project	Ed. Code Section 17375(f)
b.	For Projects that received Design funds only any construction related expenditures are not eligible	Ed. Code Section 17375(f)

**5. Retrofit – Apportionment
 Common Ineligible Project Expenditures**

DESIGN COSTS

Type of Expenditure		Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17375(f)
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	Ed Code Section 17375(f)
c.	Repair of damages incurred during construction are not eligible	Ed Code Section 17375(f)
d.	Operational costs (such as service contracts and maintenance expenses or commissioning).	Ed Code Section 17375(f)
e.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17375(f)
f.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts 	Ed Code Section 17375(f)

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Type of Expenditure		Authority
	<ul style="list-style-type: none"> • Trailers • Trucks/Tractors and cars • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	
g.	Costs for an improvement to extend the useful life of, or to extend the physical environments of, the school	Ed Code Section 17375(f)
h.	The replacement of portable classrooms	Ed Code Section 17375(f)
i.	Acquisition and development of real property	Ed Code Section 17375(f)
j.	Cost associated with routine maintenance and repair	Ed Code Section 17375(f)

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I. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Project, at a Project-specific level of detail. Grantee shall also retain such financial accounts, documents, and records necessary for an audit, pursuant to Education Code Section 41024(a)(4).

The district shall also provide a copy of the California Department of Social Services approved Child Care License, or license-exempt status, if requested by the local auditor.

Financial accounts, documents, and records may be retained electronically.
(Authority: Government Code Section 12275(a) and (b), and Education Code Section 41024)

KJ. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

LK. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

ML. Disputes

1. Any claim that the Grantee may have regarding performance of this agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the Office of Public School Construction. The Office of Public School Construction and Grantee shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.

Office of Public School Construction Application Number: _____

2. Any claim that the Grantee may have regarding the audit report's Project expenditure determination shall be adjudicated by the Education Audit Appeals Panel, consistent with Education Code Section 41344.

NM. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

ON. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Project. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Project, even if those laws and regulations are not specifically cited in this Agreement, consistent with Education Code Section 17375(k).

PO. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF GRANTEE REPRESENTATIVE	DATE
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE

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September 8, 2021 Stakeholder Meeting Questions

The following is a summary of questions received at the September 8, 2021 stakeholder meeting and staff's response to each. The questions have been edited for clarity.

- Q. Can you elaborate on the Advance Funding process? What is required to be submitted with the *Application for Funding* (Form SAB 70-01), and is a second Form SAB 70-01 required to be submitted with all necessary documentation within the 12-month period?
- A. Advance Funding is similar to Design Funding for a School Facility Program (SFP) project. The application can be submitted and approved without having the required California Department of Education (CDE) and the Division of the State Architect (DSA) approvals. This allows school districts to receive some funding in advance to hire a design professional to create the construction plans. Applications without CDE/DSA approval are still required, in addition to the Form SAB 70-01, to submit a project narrative, project site map (with required labeling), enrollment data and a school board resolution (as applicable). The primary difference between Advance Funding under the Full-Day Kindergarten (FDK) Program and Design Funding under the SFP, is that under the FDK Program the District may request and receive Advance Funding without having a Financial Hardship status.
- Q. Are there Project Savings for this Program?
- A. Yes. Pursuant to EC Section 17375(a)(4)(B)(iii), savings and interest may be retained and expended for up to one year after project completion and may be used for professional development or instructional materials to build capacity for the implementation of the program, or high priority capital outlay purposes.
- Q. Is there a mechanism to prioritize applications for the funding rounds or is it first come until funds are exhausted? Will hardship districts receive a higher priority during funding rounds?
- A. Yes, there is a mechanism to prioritize applications. Pursuant to EC Section 17375(b)(2), priority is given for school districts who are financially unable to contribute a portion of, or all of, the local matching share and qualify for Financial Hardship under the same criteria as the SFP. Priority is also provided to school districts in an underserved community with a high free or reduced priced meals percentage. The priority is determined by assigning preference points based on these criteria which are specified in the Program regulations.

The Program does not fund based on date order received and applications may only be submitted during established application filing periods that correspond to specific funding rounds.

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Q. On campuses that are under-enrolled, however the majority of the classroom space is in portables, is retrofit required or is new construction allowed?

A. Retrofitting of portable classrooms is permitted; however, applications and project site details will be reviewed by OPSC and CDE in alignment with EC 17375 to determine if funding will be limited to a retrofit project. Because site information varies this will need to be done on a site specific basis.

Q. Can a school district purchase modular building to house pupils?

A. Yes, the purchase of modular buildings is allowed in the program. Note, statute specifically prohibits the purchase of portable classroom buildings.

Q. Can a school district purchase a relocatable building that exceeds 2,000sf?

A. Pursuant to EC 17375 (f)(3), Program funding may not be used to purchase or install portables as defined in the statute.

Q. Would the 50% triggers for modernization work from DSA be applicable? (DSA's EB 4 Guidelines)

A. While OPSC is aware that the DSA review can affect the scope of work in a project, OPSC will process the project as it is depicted in the approved plans when it is received and processed by OPSC. If Advance Funding is provided and the project scope changes significantly during the DSA review of the project design, OPSC has a process in place for requesting change of scope. The scope change will be reviewed by OPSC staff and presented to the SAB for approval, if necessary.

Q. Is it possible that 100% of funds will only get to financial hardship districts based on the priority criteria?

A. As the program's priority system includes Financial Hardship as an aspect of determining the highest priority projects, there is a possibility that only applications that qualify for Financial Hardship get funded, but it is dependent on the individual applications received during a filing round. The funding order determination included in the Program Regulations includes a provision that one application is funded per school district at a time, until each applicant has at least one project funded. Once each school district that submitted a valid application is funded, the process would start again until funds are exhausted.

Q. If a TK-2 site that lacks space wants to move the 2nd grade students to a different site can program funds be used to build the facilities to house the 2nd grade students on another site?

A. Program funding is to be spent on the facilities that are to be constructed to house only full-day preschool, transitional kindergarten, or kindergarten pupils.

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- Q. From the first two rounds of funding availability, all funds were exhausted. Do you have a sense of what the monetary demand would be for these new rounds of funding based on the previous two funding rounds?
- A. The funding that has been provided thus far for Full-Day Kindergarten funding has been oversubscribed. With the inclusion of Preschool and Transitional Kindergarten, as well as the comments staff has received from stakeholders on the need for facilities to house these pupils, it is possible for the program to be oversubscribed again.
- Q. Charter schools can't apply on their own, but can a school district apply on behalf of a dependent charter?
- A. A school district can apply on behalf of a charter school; however, it must still meet the requirement that the school district owns the site, and specifically for Preschool, the program must be operated by the school district. The school district is also the responsible party for compliance with all program requirements.
- Q. Can a district submit to multiple programs for a project, for example TK and Modernization?
- A. Yes. Hybrid projects, or multiple funding sources, are allowed. The applications in each program would have to meet those specific requirements including the 60-percent commensurate and the plans should clearly delineate the scope of work for each project.

September 22, 2021

- Q. How will OPSC determine the number of classrooms a school district is eligible for Transitional Kindergarten and Preschool pupils? What will need to be provided to substantiate the enrollment?
- A. Staff has been speaking to representatives of the Department of Social Services (DSS) and the Department of Education (CDE). Based on these conversations there is not an accurate way to predict enrollment on a district level. It appears an average based on actual enrollment data would be the most accurate.
- Transitional Kindergarten - Staff is proposing that 1st, 2nd, and 3rd grade enrollment on the school site be used to help indicate the number of classrooms necessary to house Transitional Kindergarten enrollment for new programs. Three years of actual enrollment will be averaged to indicate the number of classrooms needed at the site. This assumes that all current 1st graders were eligible for Transitional Kindergarten two years prior, 2nd Graders = three years prior, and 3rd graders = four years prior. Averaging the three current years of actual enrollment helps to address the current phased implementation of Transitional Kindergarten based on birth month.

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Alternatively, school districts can use three years of actual Transitional Kindergarten enrollment in lieu of higher grade levels if available.

This same methodology will be used to determine Preschool enrollment.

Example:

1 st Grade	2 nd Grade	3 rd Grade	3-Year Average
70 pupils	65 pupils	75 pupils	70 pupils/year

If a school district does not have preschool and/or transitional kindergarten at every school site, OPSC would request enrollment information for 1st through 3rd grade for sites that will receive the students (similar to a feeder school concept).

Staff would use enrollment based on the 2021/2022 enrollment year when the applications are projected to be received and processed for the third-round funding.

- Q. What is OPSC using the three years of prior enrollment information for?
- A. OPSC will use the enrollment pattern and facility usage to determine if the project should be limited to retrofit funding. An example of this would be if a school site has had declining enrollment and has the equivalent of two empty classrooms available, and classrooms may be near or adjacent to the kindergarten complex, the project may be limited to retrofit funding.
- Q. Would a community college district that provides a certified childcare center/ Preschool be eligible for Program funding?
- A. No, EC Section 80 defines “Any school district” and “all school districts” to mean school districts of every kind or class, except a community college district.

Additionally, community college districts are not expressly mentioned in EC Section 17375 as eligible recipients.

- Q. Does the site have to qualify for [SFP] Modernization eligibility [to be eligible for Program funding]?
- A. This Program does not require nor utilize SFP modernization eligibility. Retrofit projects under this Program are intended to include the possibility of adding square footage to an existing facility. Retrofit projects are typically for the purpose of converting a standard sized classroom into a Title 5 compliant kindergarten classroom. Additionally, the retrofitting of a classroom under this Program will not

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result in any redating of any facilities for the purpose of the SFP modernization eligibility date(s) at the project site.

Q. Can a district apply for a project on a new site or in a vacant school to establish a centralized site to provide preschool or transitional kindergarten?

A. Yes, this would be a permissible use of Program funding. Currently, the Program has been allotted \$490 million. Based on the number of applications received under the original program, it appears the new program may be oversubscribed; therefore, staff is seeking a way to balance the amount of funding with the number of applicants. A cap on this type of project structure is proposed.

Q. Does my project need to be for a full-day facility, or can it be part-day if it's for preschool or transitional kindergarten?

A. EC Section 17375(m)(1) states that "'Kindergarten' included transitional kindergarten as defined in EC Section 48000". EC Section 17375(m)(3) defined a preschool program as "means a *full-day* [emphasis added] California state preschool program...." Staff interprets the statute to require preschool, transitional kindergarten, and kindergarten to be full-day programs. Looking at the grade level progression, it is logical to conclude that if preschool and kindergarten are required to be full-day programs, then the year in a transitional kindergarten program was also intended to require a full-day program.