

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
March 13, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE  
SCHOOL FACILITY PROGRAM AND  
GLOBAL SCHOOL FACILITY PROGRAM  
REGULATORY AMENDMENTS

PURPOSE

The purpose of this meeting is to continue discussion with stakeholders on the implementation of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2) and to discuss proposed “global cleanup” School Facility Program (SFP) regulatory amendments that are unrelated to Proposition 2.

*Proposition 2 Implementation*

The Office of Public School Construction (OPSC) is presenting proposed regulations and addressing feedback received for one topic that was introduced at the January 30, 2025 stakeholder meeting:

- SFP Matching Share (Attachment A4)

OPSC is also introducing the following new topic:

- Career Technical Education Facilities Modernization Supplemental Grant (Attachment A12)

*Global SFP Regulation Cleanup*

Separate from Proposition 2 implementation, OPSC is introducing various proposed amendments to clean up, clarify, and update the SFP regulations (Attachment B1).

BACKGROUND

*Proposition 2*

Proposition 2 was approved by a majority of California’s voters on November 5, 2024. To implement its provisions, existing SFP Regulations must be updated to align with the new statutory provisions.

*Global SFP Regulation Cleanup*

Separate from Proposition 2 implementation, OPSC is taking the opportunity while other regulatory changes are taking place to amend SFP regulations and forms that would be beneficial to provide additional clarity and/or corrections.

OPSC is requesting stakeholder feedback regarding these changes. Each of the topics listed within the Purpose section of this report is broken out into its own attachments for stakeholder reference.

## AUTHORITY

See Attachments A4a, A12a, and B1a.

## SUMMARY AND NEXT STEPS

Attached is a series of topics related to SFP Matching Shares, Career Technical Education Facilities Modernization Supplemental Grant, and Global SFP Regulation Clean-Up.

Staff will review any feedback obtained in today's meeting and anything received through close of business on Friday, March 28, 2025 and will address those suggestions in the next public meeting on the corresponding topic.

To submit written feedback after today's meeting, please email your suggestions to the OPSC Communications Team at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

## ATTACHMENT A4

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING March 13, 2025

# PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM MATCHING SHARES

## PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, to implement a points-based determination and sliding scale for the required local match for School Facility Program (SFP) projects.

## AUTHORITY

See Attachment A4a.

## DESCRIPTION

This report continues discussion of the proposed regulatory amendments presented to stakeholders on January 30, 2025. This report addresses the written comments Office of Public School Construction (OPSC) staff received from four school districts and agencies and proposes additional clarifying amendments.

There are two attachments to this report:

1. Attachment A4b is the proposed SFP Regulation Section 1859.70.5.
2. Attachment A4c is the proposed amendments to the Form SAB 50-04

## BACKGROUND

### *Stakeholder Feedback*

On January 30, 2025, OPSC presented proposed regulatory amendments to SFP Regulation Sections 1859.77.1 and 1859.79, the proposed addition of SFP Regulation Section 1859.70.5, as well as changes to the Form SAB 50-04 resulting from the following additions and amendments to Education Code (EC):

- EC Section 17070.59
- EC Section 17070.87
- EC Section 17072.30
- EC Section 17074.16

## BACKGROUND (cont.)

The amendments presented at the first stakeholder meeting included:

1. Clarifying language that the current existing dollar-for-dollar matching share requirement applies to New Construction applications (SFP Regulation Section 1859.77.1) and Modernization applications (SFP Regulation Section 1859.79[b]) received before October 31, 2024.
2. Addition of language for SFP Regulation Section 1859.77.1 specifying that applications received on or after October 31, 2024 shall require a district matching share contribution pursuant to EC Sections 17070.59 and 17072.30.
3. Addition of language for SFP Regulation Section 1859.79 specifying that applications received on or after October 31, 2024 shall require a district matching share pursuant to EC Sections 17070.59 and 17074.16.
4. Addition of SFP Regulation Section 1859.70.5 to outline the points process of the new points-based system for determining the district's local matching share for projects.

The full text of the stakeholder meeting item may be found here: [January 30, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Item](#)

The recording of the January 30, 2025 Stakeholder Meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations: [January 30, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Recording](#)

## STAFF ANALYSIS/DISCUSSION

### **Summary of Stakeholder Feedback**

Staff would like to thank stakeholders that participated in this meeting and provided valuable feedback.



STAFF ANALYSIS/DISCUSSION (cont.)

Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on January 30, 2025:

<b>Stakeholder Feedback</b>	<b>OPSC response</b>
<b>1.</b> If a District is choosing a Lease-Lease Back delivery method that requires a skilled and trained workforce which potentially exceeds the 60 percent of the trades currently, will that be equitable to a project labor agreement?	<b>1.</b> OPSC determined that this question is a legal question referring to Public Contract Code.  OPSC recommends school districts refer to legal counsel as to what meets the criteria of a project labor agreement.
<b>2.</b> EC Section 17072.30(a) which is cited as an authority for SFP Regulation Section 1859.77.1, conflicts with the new Proposition 2 matching share guidance for new construction grants. The EC states that before state funds will be released, a school district must meet certain provisions, including making a certification that the required matching funds "in an amount at least equal to the proposed apportionment" be expended or deposited in the county fund, or will be expended by project completion. Due to the Proposition 2 updates to this EC section, it is no longer possible to have a matching share that is equal to an apportionment unless a school district is determined to have a score of less than six points pursuant to Section 17070.59. Clarification is needed on how to address this conflict.	<b>2.</b> OPSC interprets that EC Section 17072.30(b) clarifies this issue, wherein:  "The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to Article 4 (commencing with Section 17072.10), as follows..."  Subsection (b) clarifies that this required local contribution may be adjusted, dependent on points allocated. Additionally, OPSC notes that the current certifications in the Fund Release Authorization (Form SAB 50-05) refer to the "applicable matching share."

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
<p><b>3.</b> The proposed regulations for SFP Regulation Section 1859.70.5(a) suggest the points for a district's bonding capacity, unduplicated pupil counts, and pupil enrollment of 200 pupils or fewer, be calculated when OPSC provides notification of application processing. Perhaps the points for the local matching share can be calculated at the time of processing for the New Construction Program and be calculated at the time of application submission for the Modernization program. Pursuant to SFP Regulation Section 1859.51(e), for New Construction funding requests, a district must submit an eligibility update at the time of processing.</p> <p>This eligibility update directly impacts the funding request by potentially reducing or changing the number of pupil grants available for use in the funding request. Accordingly, other calculations that directly impact the funding request, such as the matching share, should also be determined at that time to provide a consistent approach to determining the apportionment.</p> <p>Conversely, for Modernization funding requests, eligibility is determined at the time of application submission. The matching share should also be determined at that time, to provide a consistent approach to determining the apportionment.</p>	<p><b>3.</b> For Modernization funding applications, school districts may submit eligibility applications and either retain their "locked in" eligibility or choose to update their eligibility in companion with any eligible facilities of age. For instance, a school district may have submitted an eligibility update with enrollment reported for the 2005/06 enrollment year. If enrollment has declined since then, it is in the school district's best interest to retain that enrollment data.</p> <p>For purposes of processing consistency and equity as it relates to the determination of matching shares, OPSC intends to calculate the local matching share at the time of processing for both New Construction and Modernization applications.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
<p><b>4.</b> Section 22 discusses how to calculate the matching share and includes steps to calculate a district's enrollment as "pursuant to the Form SAB 50-01 instructions for reporting enrollment data." However, the suggested Form SAB 50-04 language fails to include all the Form SAB 50-01 instructions and specifically excludes enrollment accounted for in Part C (Continuation High School Pupils) and Part D (Special Day Class Pupils). We recommend that Part C and Part D be added to the SAB Form SAB 50-04 language.</p>	<p><b>4.</b> OPSC agrees that the inclusion of Continuation High pupils and Special Day Class pupils would be appropriate.</p> <p>Within the amended Form SAB 50-04 (see Attachment A4c), Continuation high pupils and Special Day Class pupils have been incorporated within the Section 22 instructions under the section outlining what the enrollment data must include. Continuation high school pupils and Special Day Class pupils have been removed from the section outlining pupils that are not to be included.</p>
<p><b>5.</b> The calculation of a district's gross bonding capacity relies on the district's assessed value, which, per EC Section 17070.54(c)(6), must be verified by the "appropriate local government entity that collects and maintains this information." However, this data is not publicly available and is often sourced from non-governmental entities. Please consider alternative sources for verification.</p>	<p><b>5.</b> OPSC is not aware of any alternative sources for this data. Financial Hardship applicants currently provide a letter from the County Auditor-Controller that certifies the school districts current year assessed valuation. OPSC proposes using this same approach for purposes of determining the district's assessed value. Any feedback on alternative sources for verification is welcomed, although OPSC notes the statutory language specifies verification of data would come from an appropriate local government entity.</p>
<p><b>6.</b> Clarification on the calculation of the SFP grant amounts when the matching share changes is needed. It is unclear based on a reading of the proposed regulations whether the total project cost (State + district share) is staying the same or going down, if for example, the matching share goes down to 35 percent for a modernization project.</p> <p>If the total approved project cost stays the same with the state share going up and the matching share going down, it</p>	<p><b>6.</b> The total project cost will not be adjusted, and no pupil grants will be required to be adjusted.</p> <p>For example, for a total Modernization project cost of \$1,000,000 for a total of 100 K-6 pupils, the total project cost will remain \$1,000,000 regardless of the matching share determination.</p> <p>For a normal 60/40 match, the State Share would be \$600,000, and the</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
<b>6. (cont.)</b> seems that this would necessitate a change in the actual pupil grants.	<b>6. (cont.)</b> District Contribution would be \$400,000. For a 65/35 match, the State Share would be \$650,000 (including \$50,000 for a Local Funding Adjustment Grant), and the District Contribution would be \$350,000.  See pages 6-7 for further clarification and a detailed example. OPSC does not anticipate modifying the currently proposed regulations to clarify.

**Additional Clarification: Total Project Cost and Project Labor Agreement**

Based on stakeholder questions and feedback, OPSC is providing further clarification on the following two subjects:

1. The determination of matching shares and its impact on the total project cost and associated pupil grant requests, and
2. Certifying to the use of a project labor agreement and the associated points contributing to the matching shares determination.

*1. Matching Shares Determination – Total Project Cost*

As indicated in the response to stakeholder feedback #6, the total project cost will not be affected by the new sliding percentage scale for matching shares. The total approved project cost will comprise of four components:

1. State Share
2. Financial Hardship (as applicable)
3. District Contribution
4. **Local Funding Adjustment Grant (new, as applicable)**

For purposes of calculating the matching shares for a Modernization grant, the State share will remain unchanged. Financial Hardship, dependent on a district's financial hardship status, would cover some or all of the District Contribution. The District Contribution will vary, dependent on the points allocated to the district for their project. Finally, the Local Funding Adjustment Grant will offset a portion of the

STAFF ANALYSIS/DISCUSSION (cont.)

local matching share according to the school district's point allocation. To see this in practice, an example is presented below:

Example of 65/35 Matching Shares

With 2025 Construction Cost Index costs, a school district is requesting 100 K-6 pupils as a base grant for a Modernization project. This results in a total project cost of \$1,159,013.33 with Small Size project and Fire Code supplemental grants added.

The applicant received 11 points for purposes of determining the matching share of this application, which means the matching shares determination is 65 percent, comprised of 60 percent State Share, 5 percent Local Funding Adjustment Grant, and 35 percent District Contribution.

<b>Modernization</b>	<b>65/35</b>
State Share <b>(60%)</b>	\$ 695,408.00
Financial Hardship Share	\$ -
District Contribution <b>(35%)</b>	\$ 405,654.67
Local Funding Adjustment Grant <b>(5%)</b>	\$ 57,950.67
<b>Total Approved Project Cost</b>	<b>\$ 1,159,013.33</b>

*Example of 65/35 Matching Shares Determination Calculation*

The State Share will remain as 60 percent of the total project cost. The District Contribution is 35 percent of the total project cost, and the Local Funding Adjustment Grant accounts for the remaining five percent. The "total approved project cost" is \$1,159,013.33.

For a standard 60/40 project, the overall "total approved project cost" is the same, but the District Contribution is greater and the Local Funding Adjustment Grant is zero:

<b>Modernization</b>	<b>60/40</b>
State Share <b>(60%)</b>	\$ 695,408.00
Financial Hardship Share	\$ -
District Contribution <b>(40%)</b>	\$ 463,605.33
Local Funding Adjustment Grant <b>(0%)</b>	\$ -
<b>Total Approved Project Cost</b>	<b>\$ 1,159,013.33</b>

*Example of 60/40 Matching Shares Determination Calculation*

The stakeholder noted that it appears an adjustment to the actual pupil grants being requested would be needed as a result of the calculation of the matching share determination. OPSC emphasizes that there would be **no adjustment to pupil grants being requested**. This is because the total project cost does not change, and the only adjustment is to the percentages of the State and District shares. The

**STAFF ANALYSIS/DISCUSSION** (cont.)

matching shares determination only impacts the funding sources (State and District), not the total funding provided per pupil.

For a full breakdown of point allocations impacting the State Share, District Contribution, and Local Funding Adjustment Grant, please see the chart below:

	< 6 Points	6 or 7 Points	8 Points	9 or 10 Points	> 10 Points
<b>Modernization</b>	60/40	61/39	62/38	63/37	65/35
State Share	\$695,408.00	\$695,408.00	\$695,408.00	\$695,408.00	\$695,408.00
Financial Hardship Share	\$ -	\$ -	\$ -	\$ -	\$ -
District Contribution	\$463,605.33	\$452,015.20	\$440,425.07	\$428,834.93	\$405,654.67
Local Funding Adjustment Grant	\$ -	\$11,590.13	\$23,180.27	\$34,770.40	\$57,950.67
<b>Total Approved Project Cost</b>	<b>\$1,159,013.33</b>	<b>\$1,159,013.33</b>	<b>\$1,159,013.33</b>	<b>\$1,159,013.33</b>	<b>\$1,159,013.33</b>

*Example of Matching Shares Determination Calculations*

***2. Clarification on the Process of Certifying to the use of a Project Labor Agreement***

OPSC understands that it may not be known with certainty at the time of application processing whether or not a school district will be using a project labor agreement.

As a result, OPSC proposes amending SFP Regulation Section 1859.70.5 and the Form SAB 50-04, as presented in the January 30, 2025 stakeholder meeting, to clarify the process of certifying to the use of a project labor agreement at the time of application processing as it relates to the audit process as required in EC Section 41024.

The amendment would include language outlining that if it is determined a project labor agreement was not used, the funding associated with the two points assigned will be required to be returned to OPSC with interest. In parallel, OPSC proposes adding this clarification to the Form SAB 50-04 for purposes of transparency as to the certifications the District Representative signs to upon submission of an application and fund release, respectively.

The proposed additions to SFP Regulation Section 1859.70.5 and the Form SAB 50-04 are summarized below.

STAFF ANALYSIS/DISCUSSION (cont.)

**Summary of Proposed Amendments to SFP Regulation Section 1859.70.5.**

To add subsection (d)(1), indicating the following:

- Applicants that indicate the use of a project labor agreement are subject to verification at the time of the audit as required in EC Section 41024.
- If it is determined that a project labor agreement was not used, the funding associated with the two points (as provided in [d]) will be required to be returned with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) from the time of fund release until funds are returned.

Attachment A4b includes the proposed amendments to the Form SAB 50-04.

**Summary of Proposed Amendments to the Form SAB 50-04**

During the January 30, 2025, stakeholder meeting, OPSC presented changes to the Form SAB 50-04, which included adding an editable entry section for Local Matching Share Determination, noted as a new Section 22, which shifted the subsequent sections on the form to be renumbered as 23, 24, and 25.

OPSC proposes additional certification language within Section 25 of the Form SAB 50-04 to clarify that the use of a project labor agreement will be verified as part of the audit as required in EC Section 41024. This certification further specifies that if it is determined a project labor agreement was not used, the district acknowledges that the funding associated with the corresponding points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the PMIA at the time of fund release) from the time of fund release until funds are returned.

Attachment A4c includes the proposed updates to the Form SAB 50-04 for stakeholder consideration.

**Seismic Mitigation Program Matching Shares – EC Section 17075.10**

Separately from the EC Section amendments mentioned above, EC Section 17075.10 was repealed and reenacted as a result of Proposition 2. Amendments resulting from this change altered the funding source for some applications under the Seismic Mitigation Program, and therefore the matching shares. These changes will be discussed during the March 20, 2025 stakeholder meeting, and may be referenced within the stakeholder item.

ATTACHMENT A4a

AUTHORITY

**Education Code (EC) Section 41024 – Accounting Regulations, Budget Controls, and Audits**

Link: [EC Section 41024](#)

**EC 17070.35 – General Provisions**

Link: [EC Section 17070.35](#)

**EC Section 17070.59 – General Provisions**

Link: [EC Section 17070.59](#)

**EC Section 17070.87 – General Provisions**

Link: [EC Section 17070.87](#)

**EC Section 17072.30 – New Construction Funding Process**

Link: [EC Section 17072.30](#)

**EC Section 17074.16 – Modernization Apportionment**

Link: [EC Section 17074.16](#)

**EC Section 17075.10 – Hardship Application**



## ATTACHMENT A4b

### PROPOSED REGULATIONS

#### Section 1859.70.5 Points For Local Matching Share Determination

This Regulation shall apply to Approved Applications received on or after October 31, 2024 for New Construction and Modernization Grants, including Approved Applications for funding pursuant to Sections 1859.82.1 and 1859.82.2.

The points used to compute the required matching funds for a New Construction Adjusted Grant and a Modernization Adjusted Grant request shall be based on the following computations. An Approved Application shall receive points for a local matching share based on the total of (a), (b), (c) and (d):

- (a) Points for the School District's gross bonding capacity divided by the School District's total enrollment at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04:
  - (1) Four points for a School District determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive.
  - (2) Three points for a School District determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive.
  - (3) Two points for a School District determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive.
  - (4) One point for a School District determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more.
- (b) Points for the School District's unduplicated pupil percentage at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04, based upon:
  - (1) An unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to EC Section 42238.02
    - (A) Eight points for a School District determined to have an unduplicated pupil percentage of between 75 percent and 100 percent, inclusive.
    - (B) Six points for a School District determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent, inclusive.
    - (C) Four points for a School District determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent, inclusive.
    - (D) Two points for a School District determined to have an unduplicated pupil percentage that is 24.99 percent or less.
- (c) Two points for a School District with a pupil enrollment of 200 pupils or fewer at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04.
- (d) Two points for a project that includes the use of a project labor agreement in the application being processed.
  - (1) Projects that indicate use of a project labor agreement will be verified as part of the audit process required in EC Section 41024. If it is determined that a project labor agreement was not used, the funding associated with the points assigned in (d) to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) from the time of fund release until funds are returned.

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20 xx/xx)

**ATTACHMENT A4c****GENERAL INFORMATION**

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

If not previously submitted, a district may file an application for modernization funding by use of this form concurrently with a determination of or an adjustment to the district's modernization eligibility. The district must submit a determination of or an adjustment to the district's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district must submit an adjustment to the district's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in OPSC returning the funding application to the district unprocessed.

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

Requests for funding may be made as follows:

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

The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-03 (if not previously submitted).
  - P&S for the project that were approved by the DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20 xx/xx)

**ATTACHMENT A4c**

- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
  - Plan approval letter from the CDE.
  - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
  - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
  - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
  - DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - High performance incentive (HPI) scorecard from DSA.
  - Plan approval letter from the CDE.
  - Construction cost estimate signed by the architect of record or design professional.
  - Determination of financial soundness from the California School Finance Authority (CSFA).
  - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC

processing, consult the SFP handbook and other information located on the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc).

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

**SPECIFIC INSTRUCTIONS**

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

**1. Type of Application**

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of a health and safety threat pursuant to Section 1859.82.1, or a seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings pursuant to Section 1859.82.2, and/or the request is for a conceptual approval for a Facility Hardship application pursuant to Section 1859.82.3(a) or a Seismic Mitigation Program application pursuant to Section 1859.82.3(b), check the appropriate box(es).

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

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

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

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and 24 25 only.

**2. Type of Project**

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by

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Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
  - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
  - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
  - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
  - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.
- g. Indicate the site scenario that best represents the project request.
- h. For ORG projects, the district must provide the following information in the space provided:
  - Name of the eligible school site(s) where portables will be replaced in this project
  - Number of portables being replaced at each school site
  - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

**3. Number of Classrooms**

Enter the:

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

**4. Financial Hardship Request**

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

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

**5. New Construction Additional Grant Request**

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed. Refer to Sections 1859.72 through 1859.76 for eligibility criteria. Enter the:

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

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



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

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

- g. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

**6. Modernization Additional Grant Request**

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

**7. Excessive Cost Hardship Request**

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

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

**8. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request****Additional Grant Request**

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

**Excessive Cost Hardship Request**

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

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

**9. Project Priority Funding Order**

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

**10. Prior Approval Under the LPP**

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

**11. Prior Apportionment Under the SFP**

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

**12. Preliminary Apportionment to a Final Apportionment**

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

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**ATTACHMENT A4c****13. Alternative Developer Fee**

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

**14. Adjustment to New Construction Baseline Eligibility**

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

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

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

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

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

**15. Pending Reorganization Election**

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

**16. Joint-Use Facility/Leased Property**

Check the box if:

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

**17. Project Progress Dates**

- 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.)
- Enter the issue date(s) for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.
- If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

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

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

monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

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

**19. Construction Delivery Method**

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

**20. Career Technical Education Funds Request**

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

**21. Overcrowding Relief Grant Narrative**

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

**22. Local Matching Share Determination**

Enter the following:

- The district's total assessed valuation.
- The district's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified school districts or 2.5% for unified school districts, rounded to two decimal places.
- The district's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.
- The district's pupil enrollment based on the latest California Basic Education (CBEDS) that is available approximately October 15 of each year. Applications filed on or after November 1 must include the current school year enrollment. This enrollment will be pursuant to the Form SAB 50-01 instructions for reporting enrollment data.

County superintendents report the enrollment for community school students as reported in April prior to the latest CBEDS report.

The enrollment data must include all of the following, if applicable:

- Off-track and on-track students attending multi-track year round schools
- Students living outside the district's boundaries but attending schools in the district
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and are enrolled in the same grade levels or type served by the district regardless if the district chartered the school
- Students attending magnet schools
- Community school students
- Students attending independent study
- Special Day Class pupils or
- Continuation high school pupils

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Do not include any of the following:

- Students living in the district's boundaries but attending other districts
- Students attending regional occupational programs
- Students attending preschool programs
- Other students not generally considered K-12 students including adult education students
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries but are enrolled in grade levels of type not served by the district
- Students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries
- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students

e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the district indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

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

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

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

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

**25. Certification**

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

☐ Existing Site with No Additional Acreage Acquired



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**ATTACHMENT A4c****3. Number of Classrooms:**

Master Plan Acreage Site Size (Useable): \_\_\_\_\_

Recommended Site Size (Useable): \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

**4. Type of Financial Hardship Request**

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

**5. New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) \_\_\_\_\_  
Other (sq. ft.) \_\_\_\_\_
- b. Multilevel Construction (CRS): \_\_\_\_\_
- c. ☐ Project Assistance
- d. Site Acquisition: \_\_\_\_\_
- (1) 50 percent Actual Cost: \$ \_\_\_\_\_
- (2) 50 percent Appraised Value: \$ \_\_\_\_\_
- (3) 50 percent Relocation Cost: \$ \_\_\_\_\_
- (4) 2 percent (min. \$25,000): \$ \_\_\_\_\_
- (5) 50 percent DTSC Fee: \$ \_\_\_\_\_
- e. 50 percent hazardous waste removal: \$ \_\_\_\_\_
- ☐ Response Action (RA)
- f. Site Development
- ☐ 50 percent Service-Site: \$ \_\_\_\_\_
- ☐ 50 percent Off-Site: \$ \_\_\_\_\_
- ☐ 50 percent Utilities: \$ \_\_\_\_\_
- ☐ General Site
- g. ☐ Energy Efficiency: \_\_\_\_\_ %
- h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- i. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**6. Modernization Additional Grant Request**

- a. ☐ Project Assistance
- b. ☐ Energy Efficiency: \_\_\_\_\_ %
- c. ☐ Site Development—60 percent utilities: \$ \_\_\_\_\_
- d. ☐ Automatic Fire Detection/Alarm System
- e. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**7. Excessive Cost Hardship Request****New Construction Only**

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

**Modernization Only**

- ☐ Geographic Percent Factor: \_\_\_\_\_ %
- ☐ Small Size Project
- ☐ Urban/Security/Impacted site
- ☐ Accessibility/Fire Code
- ☐ 3 percent of base grant; or,
- ☐ 60 percent of minimum work \$ \_\_\_\_\_
- ☐ Number of 2-Stop Elevators: \_\_\_\_\_
- ☐ Number of Additional Stops: \_\_\_\_\_

**8. Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request****Additional Grant Request**

- a. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**Excessive Cost Hardship Request**

- b. ☐ Geographic Percent Factor: \_\_\_\_\_ %
- c. ☐ Small Size Project
- d. ☐ Urban/Security/Impacted site
- e. ☐ Accessibility/Fire Code
- ☐ 3 percent of base grant; or,
- ☐ 50 percent of minimum work \$ \_\_\_\_\_
- ☐ Number of 2-Stop Elevators: \_\_\_\_\_
- ☐ Number of Additional Stops: \_\_\_\_\_

**9. Project Priority Funding Order—New Construction Only**

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

Project meets:

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

**10. Prior Approval Under the LPP**

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

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

**11. Prior Apportionment Under the SFP**

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

Design—Modernization: 57/ \_\_\_\_\_

**12. Preliminary Apportionment to Final Apportionment**

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

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

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

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**ATTACHMENT A4c****14. Adjustment to New Construction Baseline Eligibility**

## a. Classroom(s) provided:

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

Construction Contract(s) for the project signed on: \_\_\_\_\_

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

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

**17. Project Progress Dates**

- a. Construction Contract(s) awarded on: \_\_\_\_\_  
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Notice(s) to Proceed issued on: \_\_\_\_\_
- c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

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

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

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

**19. Construction Delivery Method**

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

**20. Career Technical Education Funds Request**

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

**21. Overcrowding Relief Grant Narrative**


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**22. Local Matching Share Determination**

For each line request, complete the following:

- a. Assessed Valuation: \_\_\_\_\_  
b. District's gross bonding capacity, (rounded to the nearest whole dollar): \_\_\_\_\_  
c. District's unduplicated pupil percentage, rounded to two decimal places: \_\_\_\_\_  
d. District's enrollment: \_\_\_\_\_  
e. Does this project include the use of a Project Labor Agreement? ☐ Yes ☐ No

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

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

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

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

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

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20)

**ATTACHMENT A4c**

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

**25. Certification**

I certify, as the District Representative, that the information reported on this form, with the exception of items 22 23 and 23 24, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20)

**ATTACHMENT A4c**

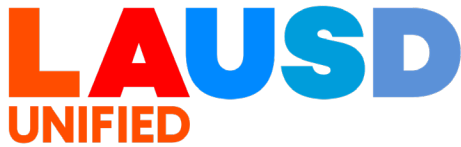
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.
- If this request includes certification to a project labor agreement, the district has considered that the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used, the funding associated with the points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in Pooled Money Investment Account at the time of fund release) until funds are returned.

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



**Alberto M. Carvalho**  
Superintendent

**Los Angeles Unified School District**  
Legislative Affairs & Government Relations

Sacramento Office: 1201 K St., Suite 1040  
Sacramento, CA 95814  
Administrative Office: 333 S. Beaudry Ave., 24th Floor  
Los Angeles, CA 90017  
Phone: (916) 443-4405

**Board of Education**

Scott M. Schmerelson, President  
Dr. Rocío Rivas, Vice President  
Sherlett Hendy Newbill  
Nick Melvoin  
Karla Griego  
Kelly Gonez  
Tanya Ortiz Franklin

February 14, 2025

Rebecca Kirk, Executive Director  
Office of Public School Construction  
Department of General Services  
707 Third St  
West Sacramento, CA 95605

**Re: Proposition 2 Implementation Stakeholder Meeting #1**

Dear Ms. Kirk,

On behalf of the Los Angeles Unified School District (Los Angeles Unified), we appreciate OPSC's Proposition 2 stakeholder engagement and welcome the opportunity to provide input on the proposed amendments to the School Facility Program in response to Proposition 2.

The comments and recommendations provided below correspond to the topics raised and materials provided for the January 30, 2025, Implementation Stakeholder Meeting #1.

**Topic #2 - Modernization eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts (Attachment A2)**

- *Eligibility Determination (Form 50-03)*: Clarify that the "year" being requested for the CBEDS enrollment data, refers to a "school year" rather than a "calendar year."
- *Eligibility Determination (Form 50-03)*: The language on lines 2 and 3 in the Option B section regarding military schools should also be included on lines 2 and 3 in the Option A section.

### Topic #3 – Eligible Expenditures (Attachment A3)

- *Grant Agreement Form, Items 5.q and 5.r:* The proposed grant agreement does not explicitly state whether lead testing following a remediation project is an eligible expenditure or whether lead testing prior to any remediation efforts is eligible. We believe language is necessary to clarify that these are both eligible expenditures.
- *Grant Agreement Form Items 5.q. and 5.r.:* Both items directly reference EC 17074.25(a)(2)(C) and should be combined for clarity.
- *Grant Agreement Form Items 5.u.:* As the supplemental grant for expansion or construction of a gymnasium, multipurpose room, library, or school kitchen will be discussed in greater detail at a future stakeholder meeting, we propose that discussion and implementation of any related grant-agreement language be deferred until that meeting.
- *Grant Agreement Form Item 5.w.:* As EC 17077.35 and 17073.16 will be discussed in greater detail at a future stakeholder meeting, we propose that implementation of any grant-agreement language related to Energy Efficiency changes be deferred until that meeting.
- *Grant Agreement Form Items 3.p, 3.s, 5.n, 5.t, and 5.v.:* Clarify whether design costs are considered eligible expenses for broadband infrastructure, healthcare and mental health facilities, kitchens, transitional kindergarten classrooms, and preschool program facilities.

### Topic #4 – School Facility Program (SFP) Matching Share (Attachment A4)

- *New Construction Funding Process & New Construction District Matching Share Requirement:* EC Section 17072.30(a) which is cited as an authority for 2 CCR 1859.77.1, conflicts with the new Proposition 2 matching share guidance for new construction grants. The EC states that before state funds will be released, a school district must meet certain provisions, including making a certification that the required matching funds “in an amount at least equal to the proposed apportionment” be expended or deposited in the county fund, or will be expended by project completion. Due to the Proposition 2 updates to this EC section, it is no longer possible to have a matching share that is equal to an apportionment unless a school district is determined to have a score of less than six points pursuant to Section 17070.59. Clarification is needed on how to address this conflict.
- *Points for Local Matching Share Determination:* The proposed regulations for 2 CCR 1859.70.5(a) suggest the points for a district’s bonding capacity, unduplicated pupil counts, and pupil enrollment of 200 pupils or fewer, be calculated when OPSC provides notification of application processing. Los Angeles Unified recommends that the points for the local matching share be calculated at the time of processing for the New Construction program and be calculated at the time of application submission for the Modernization program. Per 2 CCR 1859.51(e), for new construction funding requests, a district must submit an eligibility update at the time of processing. This eligibility update directly impacts the funding request by potentially reducing or changing the number of pupil grants available for use in the funding request.



Accordingly, other calculations that directly impact the funding request—such as the matching share—should also be determined at that time to provide a consistent approach to determining the apportionment. Conversely, for modernization funding requests, eligibility is determined at the time of application submission. The matching share should also be determined at that time, to provide a consistent approach to determining the apportionment.

- *Local Matching Share Determination* (Form SAB 50-04,): Section 22 discusses how to calculate the matching share, and includes steps to calculate a district's enrollment as "pursuant to the Form SAB 50-01 instructions for reporting enrollment data." However, the suggested SAB 50-04 language fails to include all the 50-01's instructions and specifically excludes enrollment accounted for in Part C (Continuation High School Pupils) and Part D (Special Day Class Pupils). We recommend that Part C and Part D be added to the SAB 50-04 language.
- *Gross Bonding Capacity*: The calculation of a district's gross bonding capacity relies on the district's assessed value, which, per EC 17070.54(c)(6), must be verified by the 'appropriate local government entity that collects and maintains this information.' However, this data is not publicly available and is often sourced from non-governmental entities. Los Angeles Unified requests consideration of alternative sources for verification.

#### **Topic #5 – 75-Year-Old Building Supplemental Grant (Attachment A5)**

- *Building Specific – Eligible Project Scope*: Los Angeles Unified does not agree with OPSC's interpretation of EC 17073.15 and 17074.10(f). According to EC 17074.10(f), portables eligible for a second modernization funding must be replaced unless the district can "document that modernizing the portable classroom is a better use of public resources". This wording indicates that portables are not necessarily "replaced through the second round of modernization funding," therefore the grant to replace 75-year-old buildings should not be limited to the replacement of permanent buildings and instead also include portable buildings.
- Los Angeles Unified requests that districts not be limited to like-kind square footage restrictions in certain situations when a replacement building requires additional square footage due to code requirements or functional mandates. Some examples of when additional square footage should be allowed are:
  - If classrooms in a 75-year-old building are too small and need to be brought up to 960sf to be compliant with Title 5 general classroom size guidelines, there will be a size increase when comparing the demolished square footage to the replacement square footage. This additional square footage should be eligible and allowable to receive funding.
  - If a district demolishes buildings (permanent or portables) with the intent to replace and consolidate those spaces under one roof, the replacement building will necessarily include hallways, restrooms, or outdoor corridors that were not included in the demolished buildings. This would create additional square footage that would be necessary to receive design approval, and to functionally use the building. This additional square footage should be eligible and allowable to receive funding.

- *Requesting 50-year-old Utilities Within the Project:* OPSC states that “...the 50-year-old utility grant should not be provided for a 75-year-old building that is being replaced as the new construction grant being provided already accounts for these costs”. Los Angeles Unified believes this is a misreading of EC 17072.35, which says that the new construction grant (not specifically the new construction *pupil* grant) provides for these costs. The new construction grant accomplishes this through the site-development/utilities additional grant permitted in section 5.f of Form SAB 50-04 and 2 CCR 1859.76. A similar utility grant should therefore also be available as part of the grant to replace a 75-year-old building.
- *Required Cost-Benefit Analysis to Determine Funding Eligibility:* OPSC suggests that a district will need to provide a unit cost amount that conforms to the Sierra West Current Construction Costs Remodeling Repair (Modernization) book at F1 level of difficulty. However, 2 CCR section 1859.82.1 (Facility Hardship Program) prescribes the use of that same book at an F3 level, and although not memorialized in section 1859.82.2 (Seismic Mitigation Program), OPSC allows the usage of the same book at an F3 level for that program. Los Angeles Unified recommends consistent usage of the Sierra West publication across all SFP programs and recommends that F3 level be used for the purpose of preparing the cost benefit analysis for this supplemental grant.
- *Cost Benefit Analysis (Table 1):* In preparing the modernization estimate, Table 1 indicates that the existing square footage must be determined using DSA plans (“Verify from DSA plans”). However, the original DSA plans may no longer be available and/or the building may have been constructed before DSA was established. In such cases, Los Angeles Unified recommends SP1A diagrams, or other similar type of documentation, be acceptable for determining square footage (as has been permitted for other funding requests in the Modernization and Seismic Mitigation programs).
- *Cost Benefit Analysis:* Los Angeles Unified proposes that OPSC allow districts to base their cost-benefit-analysis-modernization-estimate on conceptual drawings, or schematic drawings as is similarly permitted in the Seismic Modernization Program. A modernization estimate based on DSA-approved modernization plans would be unduly expensive and time-consuming.
- *Build Back of Demolished Classrooms and/or Ancillary Space:* OPSC proposes calculating this supplemental grant based on the original snapshot of a building rather than its current configuration. However, Los Angeles Unified recommends that funding be based on the building’s current usage, consistent with the approach used in the Seismic Mitigation Program and aligned with EC 17071.25(a). This section specifies that a district’s existing school building capacity is determined at the time of initial application, reflecting current usage rather than a past snapshot that may no longer be relevant. If EC 17071.25 is to guide the funding calculation, its full context should be considered. Basing the grant on the conditions at the time of application provides a more accurate and equitable representation of current classroom utilization. Therefore, Los Angeles Unified urges OPSC to adopt a funding methodology that reflects current building usage, aligns with the functional requirements of the replacement building’s design, and remains consistent with the Seismic Mitigation Program approach and the language of EC 17071.25(a).



ATTACHMENT A4d

If you have any questions regarding these comments, please contact Sasha Horwitz, Legislative Advocate: [Sasha.Horwitz@lausd.net](mailto:Sasha.Horwitz@lausd.net) or (916) 443-4405.

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Horwitz", with a horizontal line extending from the end of the signature.

Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District



February 14, 2025

Communications Team  
Office of Public School Construction  
707 Third St, 6<sup>th</sup> Floor  
West Sacramento, CA 95605

**RE: FEEDBACK ON TOPICS PRESENTED DURING JANUARY 30, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM**

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to provide feedback regarding the topics presented during the first Proposition 2 Implementation meeting held on January 30, 2025. Below is a summary of our comments and concerns:

- **Topic 1 – Financial Hardship**
  - For the proposed regulation section 1859.81.(i)(6)c., we request the ability for school districts to include an estimated or “up to” maximum amount of anticipated funding that will be borrowed or transferred, rather than an exact amount of funding. It is often difficult to determine the exact amount of funding that will be required for inter-fund borrowing, so a maximum anticipated amount would provide much-needed flexibility.
- **Topic 2 – Modernization Eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts**
  - For the adjustments to New Construction eligibility, we request the flexibility for school districts to submit current fiscal year enrollment information beginning in September of each year, rather than being required to utilize the prior year’s enrollment data. Those districts who have begun school and are aware of increased enrollment should have the ability to capture and use the increased enrollment data to support their projections and applications.
- **Topic 3 – Eligible Expenditures – n/a**
- **Topic 4 – School Facility Program (SFP) Matching Share**
  - We request clarification on the calculation of the SFP grant amounts when the matching share changes. It is unclear based on a reading of the proposed regulations whether the total project (State + district share) is staying the same or going down, if for example, the matching share goes down to 35 percent for a modernization project. Please see the below examples of a ‘standard’ 60%/40% project and the

## ATTACHMENT A4d

two options for a project with an adjusted matching share. Under Option 1, the total project amount stays the same, with the state share going up and the matching share going down- it seems that this would necessitate a change in the actual pupil grants. Under Option 2, the state share would stay the same but the matching share goes down further than Option 1. This option would result in less funding for financial hardship districts.

As a 60%/40% project, with ~100 K-6 pupil grants (calculations are simplified/ rounded down):

State=	\$600,000
District=	\$400,000
Total project=	\$1,000,000

Option 1: As a 65%/35% project:

State=	\$650,000
District=	\$350,000
Total project=	\$1,000,000

Option 2: As a 65%/35% project:

State=	\$600,000
District=	\$323,077
Total project=	\$923,077

- **Topic 5 – 75-Year Old Building Supplemental Grant**

- For replaced square footage, we request the ability for school districts to increase the square footage of any replaced classroom spaces to meet minimum space requirements under Title 5 for current classrooms. Districts should have the ability meet current Title 5 requirements and not be held to standards from over 75 years ago.

Please let us know if you have any questions or would like additional information regarding these topics. We look forward to continuing conversations as these topics progress with development.

Sincerely,

Jessica Love  
Hancock Park & DeLong

## ATTACHMENT A12

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING March 13, 2025

# PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR A CAREER TECHNICAL EDUCATION FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

## PURPOSE

To discuss and receive stakeholder feedback resulting from Assembly Bill (AB) 247, the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. This discussion and resulting stakeholder feedback is for a Modernization supplemental grant for Career Technical Education (CTE) Facilities under Article 11.5 of Chapter 12.5 of the Education Code (EC), which encompasses the School Facility Program (SFP).

## AUTHORITY

See Attachment A12a.

## BACKGROUND

The passage of Proposition 1D in November 2006 established the Career Technical Education Facilities Program (CTEFP). Under the CTEFP, a qualifying school district, County Office of Education (COE), or a Joint Powers Authority (JPA) can apply for and, if approved, receive funding for either new facilities or receive funding for the Modernization/reconfiguration of existing facilities and/or the purchase of CTE equipment to integrate CTE programs into comprehensive high schools and JPA facilities.

With the passage of Proposition 2, EC Section 17078.74 was added to the SFP and establishes a new supplemental grant for SFP Modernization projects for CTE facilities and equipment that meet the statutory eligibility requirements. This new Modernization supplemental grant would provide an increase of up to five percent of the Modernization base grant for CTE facilities and equipment.

Similar to the current CTEFP, the Modernization supplemental grant for CTE facilities may include plan designs and other project components that promote CTE to enhance the educational opportunities for pupils and provide them with the skills and knowledge necessary for high-demand technical careers. Additionally, and following with the established CTEFP process, projects requesting this grant will need to have approval by the California Department of Education (CDE) for the plans and receive a score letter for the CTE grant application of at least 105 points.

## BACKGROUND (cont.)

In addition, the CTE supplemental grant expands the grant to existing middle and high schools, pursuant to EC Section 17078.74(b).

## STAFF ANALYSIS/DISCUSSION

The Office of Public School Construction (OPSC) recognizes that there are many considerations related to the development of regulations for EC Section 17078.74. Therefore, some initial ideas to open the conversation and receive stakeholder feedback about implementing this new grant are presented below. OPSC anticipates hosting additional stakeholder meetings to address stakeholder feedback and provide proposed regulations.

### *Eligibility Criteria*

The CTE supplemental grant is a Modernization *only* supplemental grant for school districts and COEs. The grant will be provided *in addition* to the base grant for Modernization funding, provided the project includes CTE component(s) that promote CTE as an enhancement to the educational opportunities for pupils in existing middle and high schools. The EC states that the grant shall not exceed five percent of the state share of the Modernization base grant. To request the grant, the district must have Modernization eligibility and a valid modernization project that has at least one CTE component that has been approved by CDE, and is submitted as part of an Approved Application for Modernization funding.

### *Application Submittal Timing and Reimbursement*

If an Approved Application for Modernization funding has already been received by OPSC, on or after October 31, 2024, and is on the active Workload List or the Applications Received Beyond Bond Authority (ARBBA) List but did not request the CTE supplemental grant and would like to, districts may do so, provided the project includes eligible CTE component(s). OPSC proposes that during the application processing, the district would also submit the necessary documentation from CDE to demonstrate the minimum score was achieved.

However, if the CTE-eligible component(s), requiring the Division of the State Architect (DSA) approval, is not included in the Approved Application's DSA-approved plans and specifications, the district would be required to withdraw the existing application and resubmit it with the updated plan approvals to request this supplemental grant. If the project, as submitted, includes equipment only that would not alter the plan design as approved by DSA, OPSC proposes to allow the district to request addition of a CTE supplemental grant without withdrawing the project. This would be limited to equipment only and any added equipment or scope must be exempt from DSA review.

STAFF ANALYSIS/DISCUSSION (cont.)

*Eligible CTE Components*

As stated in EC Section 17078.74(c), CTE components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project for this grant. The types of projects that would meet this requirement include, and are not limited to, the following:

- (1) Modernization of facilities to support CTE programs.
- (2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
- (3) Purchasing equipment to support CTE programs with an average useful life expectancy of at least 10 years.

*Eligibility Requirements – Subdivision (d)*

As stated in EC Section 17078.74(d)(1), for a Modernization project to be eligible for this grant adjustment, the district must certify that the cost for the CTE portion of the project exceeds the amount of funding otherwise available to the applicant for the qualifying modernization scope of work, and that the CTE components are necessary to maintain industry standards.

In accordance with Subdivision (d)(2), districts must also comply with the following:

- Be a Local Educational Agency (LEA) operating a comprehensive high school as defined in EC Sections 51224, 51225.3, and 51228.
- Have an active career technical advisory committee pursuant to EC Section 8070.
- Have an application that meets all the requirements in EC Section 17078.72(i) and a score letter from CDE with at least 105 points.

Based on OPSC's interpretation of EC Sections 17078.74(b) and 17078.74(d)(2), the grant is only available to local educational agencies that have a comprehensive high school within its boundaries. Therefore, a district that only serves students through 8th grade would not be eligible to receive this CTE Modernization supplemental grant.

*Additional Eligibility Requirements – Subdivision (f)*

In accordance with subdivision (f), an applicant must have a CTE program that meets the criteria under EC Section 17078.72(b). This criteria is developed by CDE with the cooperation of the Chancellor's Office of the California Community Colleges, the Labor and Workforce Development Agency, and industry groups. In addition to meeting this requirement, an applicant must also have a CTE program that meets all of the following:

**STAFF ANALYSIS/DISCUSSION** (cont.)

- A clear and comprehensive CTE plan for each course of study applicable to the instructional space.
- Projections of pupil enrollment.
- Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
- Evidence of approval of the plan.
- A determination score letter from CDE that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
- The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
- Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement CTE offerings in the area.
- Evidence that upon completion of the project, the LEA will meet all obligations under EC Section 51228 relating to CTE.

Applicants would accomplish the steps above through the submittal of a grant application to the CDE for review and scoring.

**Options for Grant Calculation**

Pursuant to EC Section 17078.74(e), the grant provides a Modernization project with a grant adjustment increase that is not to exceed five percent of the state share of the per-pupil Modernization grant. The five percent increase is limited to the Modernization base grant without the inclusion of any other supplemental grants, such as the 50 years or older supplemental grant. The state's share of costs are the costs that are associated with the design, purchase, and installation related to CTE components and/or equipment. OPSC presents the following options for determining the CTE supplemental grant.

**Option 1**

Provide the lesser of a five percent increase to the Modernization base grant or the cost estimate amount for the CTE component(s) of the entire project.

STAFF ANALYSIS/DISCUSSION (cont.)

Option 2

Provide up to a five percent increase to the base grant for the CTE Modernization grant adjustment based on a sliding scale methodology. This sliding scale methodology will use the cost estimate for the CTE component(s) of the entire Modernization project to determine the appropriate percentage increase, from one, two, three, four or a maximum of five percent. This option would streamline the review of equipment costs that can vary based on availability in a geographic area or where they are sourced from. Below, is an example of the calculations:

Step 1:

Based on the total Modernization project cost estimate, OPSC would calculate the amount that equates to five percent of the total project cost.

Total Modernization Project Cost	Percentage	5 Percent of the Total Modernization Project Cost
\$1,000,000.00	5%	\$50,000.00

Step 2:

Once the amount in Step 1 is calculated, OPSC would compare the five percent amount of the total project cost (\$50,000 from our above example) to the amount that is listed on the applicant-provided cost estimate for the CTE component(s) included in the Modernization project. Once both amounts are determined, we will utilize a sliding scale methodology to determine the percentage increase to the Modernization base grant.

CTE Component(s) in Cost Estimate	Percentage Increase to Modernization Base Grant
\$1 - \$10,000	1%
\$10,001 - \$20,000	2%
\$20,001 - \$30,000	3%
\$30,001 - \$40,000	4%
\$40,001 - \$50,000	5%

Regardless of the option that is selected, the CTE supplemental grant would be capped at five percent of the total Modernization base grant as determined by the SFP Modernization Per Pupil Grant adopted by the SAB for the year in which the application is processed.

If an applicant elects to submit more than one Approved Application for funding to OPSC for processing using the same set of DSA-approved plans, only one of the applications will be eligible to receive the CTE supplemental grant.



STAFF ANALYSIS/DISCUSSION (cont.)

**Next Steps**

OPSC will develop regulations, subject to Board approval, for the implementation of these CTE Modernization supplemental grants. OPSC will work closely with our partners at CDE to develop the procedures for the submission of CDE-approved plans and specifications for a project to be eligible for an adjustment.

AUTHORITY

**Education Code (EC) 17078.74 – Career Technical Education Modernization Supplemental Grant**

- (a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.
- (b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.
- (c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:
  - (1) Modernization of facilities to support career technical education programs.
  - (2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
  - (3) Purchasing equipment with an average useful life expectancy of at least 10 years.
- (d)
  - (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.
  - (2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for approval, ensuring compliance with eligibility criteria as stipulated, for modernization projects only, in Section 1859.192 of Title 2 of the California Code of Regulations, with the exception of paragraph (2) of subdivision (b) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (e) The board shall provide an applicant for a modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Section 17074.10 for the state's share of costs associated with the design, purchase, and installation related to career technical education components as set forth in this section.
- (f) An applicant career technical education program shall meet the criteria developed under subdivision (b) of Section 17078.72 and shall demonstrate all of the following:

## ATTACHMENT A12a

- (1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.
- (2) Projections of pupil enrollment.
- (3) Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
- (4) Evidence of approval of the plan described in paragraph (1) by the entities listed in paragraph (3) and the State Department of Education, including a determination by the State Department of Education that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
- (6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.
- (7) Evidence that upon completion of the project, the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.
- (g) The Office of Public School Construction shall develop regulations, subject to board approval, to implement this section. The regulations shall include procedures for the submission of State Department of Education-approved plans and specifications as a condition for the modernization grant adjustment, in alignment with subdivision (b) of Section 1859.197 of Title 2 of the California Code of Regulations.
- (h) Projects shall be subject to a program accountability expenditure audit, consistent with State Department of Education guidelines, to ensure compliance with the funding regulations. Any repayments due back to the state as a result of these audits shall be subject to the repayment provisions in Section 1859.106.1 of Title 2 of the California Code of Regulations.

## ATTACHMENT A12a

### Links to Referenced Authority Sections

**EC Section 17074.10 – Determination of Total Funding Eligibility for District Modernization Funding**

Link: [EC Section 17074.10](#)

**EC Section 17078.72 – Career Technical Education Facilities Program**

Link: [EC Section 17078.72](#)

**EC Section 51224 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51224](#)

**EC Section 51225.3 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51225.3](#)

**EC Section 51228 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51228](#)

**EC Section 8070 – Appointment of Committee by District Governing Board Required, Committee Duties; Members**

Link: [EC Section 8070](#)

**Section 1859.106.1 of Title 2 of the California Code of Regulations**

Link: [Section 1859.106.1 of Title 2 of the California Code of Regulations](#)

**Section 1859.192 of Title 2 of the California Code of Regulations**

Link: [Section 1859.192 of Title 2 of the California Code of Regulations](#)

**Section 1859.197 of Title 2 of the California Code of Regulations**

Link: [Section 1859.197 of Title 2 of the California Code of Regulations](#)

## ATTACHMENT B1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
March 13, 2025

# PROPOSED REGULATORY AMENDMENTS FOR GENERAL UPDATES TO SCHOOL FACILITY PROGRAM REGULATIONS AND STATE ALLOCATION BOARD FORMS

## PURPOSE

This item presents proposed general amendments to the School Facility Program (SFP) Regulations and State Allocation Board (SAB) Forms that:

- Add clarity to regulations and form instructions
- Correct inaccuracies from regulations and form instructions
- Remove outdated requirements and forms
- Update regulations and forms for the Green Oaks Fire Protection Act and Assembly Bill 1867 (2022)

## AUTHORITY

See Attachment B1a.

## BACKGROUND

Concurrent with implementation of Proposition 2, Office of Public School Construction (OPSC) staff would like to take the opportunity to update the SFP Regulations and Forms. Over time, staff has identified numerous areas that merit additional clarity or require updating.

## STAFF ANALYSIS/DISCUSSION

The proposed amendments to the SFP Regulations and SAB forms are summarized below:

### **Summary of Changes to SFP Regulation Sections**

#### *SFP Regulation Section 1859.2 – Definitions*

SFP Regulation Section 1859.2 defines a “Large Charter School” as a school in which the enrollment is greater than 351 pupils and a “Medium Charter School” as a school with an enrollment of 176 to 350 pupils. “Small Charter School” is defined as a school with an enrollment of not more than 175 pupils. With these current definitions, charter schools with an enrollment of exactly 351 pupils are undefined and are not considered a “Medium Charter School” or a “Large Charter School.”

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed update to the definition of “Large Charter School” revises the enrollment threshold for a “Large Charter School” to be greater than 350 pupils.

Schools with an enrollment of 1-175 pupils are considered “Small Charter Schools” and schools with an enrollment of 176-350 pupils are considered “Medium Charter Schools,” and the ranges of both kinds of school end on a number divisible by five (175 and 350 pupils respectively) and begin on an odd number. It appears that the current definition of “Large Charter School” classifying any school with an enrollment of 352 pupils or more is a drafting error. The intent appears to be for “Large Charter Schools” to include a school with an enrollment of 351 pupils. This maintains consistency with the definitions of “Small Charter School” and “Medium Charter School.”

*Section 1859.22 SFP Application for Funding on Leased Land*

The SFP allows for applications for funding on facilities that are or will be located on real property leased to the school district provided that certain conditions are met. The real property must be leased from a governmental agency, and depending on other conditions, the term of the lease for the land at the time the Approved Application is accepted must be either at least 25, 30, or 40 years depending on the agency.

As the current language in SFP Regulations examines the term of the lease at the time the funding application is received, a school district must either enter into a lease agreement that is longer than the minimum required term in Regulation, or if entering into a lease for the minimum required term, submit the funding application on the same day that the lease is executed.

A clarifying amendment is proposed to specify that the 25-, 30-, or 40-year requirement is specific to the remaining term of the lease at the time the Approved Application is accepted. This will provide additional guidance and clarification to districts so they can better prepare and plan the execution of their leases and the submittal of their applications.

*Section 1859.60 Calculation to Determine Modernization Baseline Eligibility and Section 1859.78.6 Modernization Grant for 50 Year or Older Permanent Buildings*

The proposed amendment specifies that the 20/25/50 year period shall begin 12 months after the plans for the construction or placement of the building on the school site were approved by the Division of the State Architect (DSA). This clarifies that the DSA approval of the stockpile date will not be used when

## STAFF ANALYSIS/DISCUSSION (cont.)

determining the age of a facility for the purposes of modernization eligibility.

Currently, there have been instances where applicants have attempted to use stockpile approval dates to determine the age of facilities. However, during processing, OPSC has maintained that the stockpile date cannot be accepted for determining the age of the building and requested that the DSA approval date for the placement of the portable facility on the site be used instead.

Education Code Section 17074.25(a)(1) clarifies that the intent of the modernization apportionment is to be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school.

Stockpiled facilities are not actively used for school purposes, and do not age or deteriorate at the same rate as facilities actively used for school purposes. Meaning, they do not require modernization at the same time periods as facilities actively used for school purposes to extend the useful life of the facility.

Therefore, in order to facilitate efficient processing of applications and to ensure that modernization apportionments are used appropriately, OPSC proposes that the regulation be amended to make explicit that in the instance of stockpiled facilities, the DSA approval date for the placement of the facility on a school site is to be used for the purpose of determining the start of the 20/25/50 year period.

A clarifying amendment is also proposed to specify that for the purposes of determining the age of a building previously modernized with State funds, the 20/25/50 year period shall begin on the date of its previous modernization apportionment. This aligns the language consistent with the language in 1859.78.6(b)(1)(B) and 1859.78.6(b)(2)(B) that specifies that the total permanent classrooms or square footage not previously modernized with State funds shall be calculated.

### *Section 1859.71.2 New Construction Additional Grant for Fire Code Requirements*

The proposed amendment to this Regulation Section clarifies that that all New Construction applications for which the DSA-approved plans and specifications include fire sprinkler work qualify for this grant.

The Green Oaks Fire Protection Act provides that all projects subject to this law and submitted to DSA for review on or after July 1, 2002, must include automatic fire sprinkler systems and automatic fire detection and alarm systems, as required.

STAFF ANALYSIS/DISCUSSION (cont.)

The automatic sprinkler system requirements apply to all buildings on a new public school campus, regardless of occupancy classifications. This includes, among others, assembly buildings such as gymnasiums, multipurpose rooms and auditoriums. Future buildings constructed on new public school campuses will also be required to be provided with an automatic fire sprinkler system if those buildings meet the above conditions.

SB 575 (Chapter 725, Statutes of 2001) added EC Sections 17074.50 through 17074.56 to require that all new construction projects submitted to DSA on or after July 1, 2002 include an automatic fire detection, alarm, and sprinkler system. Regulations were amended to provide a supplemental grant for projects that met the specified criteria. Currently, the Automatic Sprinkler System Grant can be provided to all new construction projects and the dates specified in 1859.71.2 are no longer necessary. The SAB is no longer in a situation where a grace period for applications being processed today is necessary, as all new construction projects would be required to include an automatic sprinkler system.

*Section 1859.77.2 and 1859.77.3 Use of New Construction Grant Funds*

A Use of Grants (UOG) request allows school districts, in part, to request new construction grants to construct classrooms at a grade level different from the grants requested, provided the requirements in SFP Regulation Section 1859.77.2 and 1859.77.3 are met.

The regulations regarding a UOG request do not currently contemplate the requirement in SFP Regulation Section 1859.51, set by the Board's action on June 5, 2017, to process applications under new construction eligibility derived from the prior or current fiscal year's enrollment data. Additionally, the UOG regulations do not consider that applications are currently processed in arrears. Currently, applications are submitted approximately two years prior to processing.

At submittal, school districts may not be able to accurately determine if there will be sufficient new construction eligibility to support their application at the time of processing, and often must change to a UOG request to support their funding application. Therefore, to allow for greater flexibility for applicants in supporting their new construction funding applications, OPSC proposes amendments to SFP Regulation Sections 1859.77.2. and 1859.77.3.

OPSC is not proposing amendments to 1859.51 to remove the requirement that applications be processed under the new construction eligibility of the fiscal year prior to or current with the time of processing. Maintaining this requirement in 1859.51 ensures that bond funds are provided only to projects for which there is a need for additional classrooms or schools and that bond funds are spent



STAFF ANALYSIS/DISCUSSION (cont.)

appropriately. This also ensures that planned new construction was necessary in the year in which the Board approves the funding.

SFP Regulation Sections 1859.77.2(b)(1) and 1859.77.3(b)(1) require the adoption of a school board resolution discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date that precedes the SFP application received date. The proposed amendment removes the requirement in SFP Regulation Sections 1859.77.2(b)(1) and 1859.77.3(b)(1) for the school board resolution to be passed on a date that precedes the application received date. Districts that are unable to support their funding application with current new construction eligibility will have the flexibility to submit a UOG request with the required local board resolution during processing. Applications that initially request a UOG to request pupil grants at a grade level different than the grade level of the classrooms to be constructed will be required to provide the resolution with the initial application submittal. However, the resolution may be updated and resubmitted if necessary.

Additionally, school districts intending to amend an Approved Application to include a UOG request after its submittal to OPSC are required by Regulation to withdraw and resubmit the application and receive a new date in line. The proposed amendment removes this requirement to allow applicants to amend Approved Applications to include a use of grants request during processing without having to withdraw and resubmit the funding application. This allows for applicants to utilize a UOG request to support their funding application while maintaining the application's original received date and place on the Workload List.

*Section 1859.81.1 Separate Apportionment for Site Acquisition and Design Costs*

Currently, a Financial Hardship school district may request a separate apportionment for the design and/or for site acquisition for a project before requesting full construction funding. The advance amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs. This mechanism allows Financial Hardship applicants unable to locally fund the costs for design and/or site acquisition to begin the design phase of their projects.

Applications for separate design and/or site apportionments must include a pupil grant request. The amount for the separate design and/or site apportionment is determined as a percentage of the total pupil grants requested. Current Regulation requires that the subsequent application for the full construction apportionment request a minimum percentage of the grant requested in the

STAFF ANALYSIS/DISCUSSION (cont.)

separate design and/or site application; 50 percent for New Construction and 60 percent for Modernization. This requirement ensures that applicants do not receive a separate design and/or site apportionment disproportionate to the final project.

The proposed amendment to Regulation Section 1859.81.1 clarifies the amount that must be requested on a Form SAB 50-04 submitted for a New Construction Adjusted Grant or a Modernization Adjusted Grant for an application that previously received a separate design and/or site apportionment. Without this clarifying change, the references to the New Construction Grant and the Modernization Adjusted Grant could be misinterpreted as the subsequently submitted Form SAB 50-04 must request a percent of the *dollar value* the district requested at the time of a separate design and/or site apportionment. This update clarifies that the percentage is of the *pupil grants* previously requested.

The proposed changes help to reduce confusion while maintaining the original intent of Education Code Section 17075.15. The additional clarity provided with this change will simplify the application process and more clearly communicate to applicants the requirements for converting a previous design and/or site apportionment to a full construction apportionment.

*Section 1859.83(b) Small Size Projects*

SFP Regulation Section 1859.83(b) provides an excessive cost hardship grant for small size projects, currently defined as applications housing 200 pupils or fewer. For projects housing fewer than 101 pupils, the grant provides 12 percent of the base pupil grant amount as a supplemental grant. For projects housing between 101 and 200 pupils, the grant provides 4 percent of the base pupil grant amount as a supplemental grant.

Classroom loading standards in the SFP are as follows: 25 students per K-6 classroom, 27 students per 7-8 and 9-12 classroom, 13 students per Non-Severe (NS) Special Day Class (SDC) classroom, and nine students per Severe (S) SDC classroom.

For K-6 projects, the 12 percent supplemental grant amount for small size projects is currently provided for applications housing four classrooms or fewer worth of pupils, and the 4 percent amount is provided for applications housing more than four classrooms not to exceed eight classrooms worth of pupils. However, the grant currently does not align with the loading standards of 7-8 or 9-12 classrooms. Currently, 7-12 projects would need to house fewer than eight “fully loaded” classrooms of pupils to qualify for the grant.

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed amendment raises the Excessive Cost Hardship Grant limits for the Small Size Grant for middle and high school applications to align with 7-8 and 9-12 classroom loading standards. The revision is to align the pupil grant thresholds to SFP loading standards so that the threshold for all K-12 projects to receive the 12 percent allowance is four classrooms or fewer of capacity, and the threshold to receive the 4 percent allowance is more than four classrooms, not to exceed eight classrooms of capacity. For projects that span grade levels with multiple loading capacities (K-8, K-12, etc.), the loading capacity of the highest grade level served will be used to determine the threshold. This practice aligns with other instances in which OPSC utilizes the highest grade level served for projects that span grade categories. For example, when determining the adequate size of a Minimum Essential Facility for a request pursuant to SFP Regulation Section 1859.77.3(a), the per pupil square footage amount of the highest grade level served in the project is utilized for a school that spans grade levels (K-8, 7-12, etc.).

For K-6 projects, the 12 percent supplemental grant amount for small size projects would still be provided for applications housing 100 or fewer pupils, and the 4 percent amount would still be provided for applications housing between 101 and 200 pupils.

For 7-12 projects, the 12 percent supplemental grant amount for small size projects would be provided for applications housing 108 or fewer pupils, and the 4 percent amount would be provided for applications housing between 109 and 216 pupils.

For projects that span grade levels (K-8, K-12, etc.), the 12 percent supplemental grant amount for small size projects would be provided for applications housing 108 or fewer pupils, and the 4 percent amount would be provided for applications housing between 109 and 216 pupils.

*Section 1859.90.2 Priority Funding Process*

The proposed amendment to Regulation Section 1859.90.2(a)(2) corrects a typo to accurately reference Section (a)(6) instead of Section (a)(5). Section 1859.90.2(a)(2) currently reads as follows: "Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(5), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and." Section 1859.90.2(a)(5) refers to the district or charter acknowledging that by participating in the priority funding process it is waiving its

STAFF ANALYSIS/DISCUSSION (cont.)

rights to a timeline for fund release submittal. The reference in Section 1859.2(a)(2) should be changed to accurately reference a Career Technical Education Facilities Project, which is referenced in Section 1859.90(a)(6).

**Summary of Changes to SAB Forms**

*Existing School Building Capacity (Form SAB 50-02)*

This proposed amendment updates the Specific Instructions for the Substantial Enrollment Requirement (SER) adjustment in Part III to clarify that non-severe and severe classroom capacity cannot be allocated across all grade levels, and instead must be reported under their respective column. SDC facilities have stricter design requirements and are not as interchangeable with K-12 as K-12 classrooms are with each other (e.g., there is less difference between a 7-8 CR and a 9-12 CR than between an NS SDC CR and 9-12 CR), so the adjustment is proposed to be reported in the same category. The revision adds clarity to the instructions and streamlines the application process.

*Application for Funding (Form SAB 50-04)*

*Project Progress Dates*

The proposed amendment updates the Specific Instructions for Section 17 and Section 19 to specify that construction contracts executed on or after August 22, 2022 that include modular construction via piggyback contracting are not eligible for funding and will be returned to the applicant unprocessed, consistent with the Board's action taken at the February 2006 meeting and reaffirmed at the June 22, 2022 SAB meeting.

Piggyback contracts for modular facilities are not eligible for funding due to the lack of being competitively bid, which is a violation of the Public Contract Code (PCC) compliance relative to modular school facilities. At the February 2006 State Allocation Board meeting, staff presented the Attorney General's (AG) Opinion 05-405 dated January 24, 2006, which concluded that school districts must competitively bid contracts to acquire modular school facilities for installation on a permanent foundation. This action was followed by alternate interpretations by stakeholders of the AG opinion to acquire and install school facilities, which prompted a follow up action at the June 22, 2022 Board meeting, to see if school districts should be allowed to use piggyback contracts for modular school facilities. The Board elected to provide a grace period for Board-administered programs for projects with construction contracts signed on or within sixty calendar days of this Board action. Additionally, to create a new process to begin after this grace period, Staff evaluates the contracts during the

STAFF ANALYSIS/DISCUSSION (cont.)

time of application processing and prior to fund release to ensure no piggyback contracts have been used for modular components.

The proposed revision to the Form SAB 50-04 would align with current practices and clarify that an application for the construction of modular facilities acquired via a piggyback contract executed on or after August 22, 2022 (the end of the previous grace period), is ineligible for state funding.

*Construction Delivery Method*

The proposed amendment updates Section 19 of the Form to correct a typo. The proposal lists “Developer Build” in Section 19 instead of “Developer Built.”

“Developer Built” is not universally recognized as a construction contract option and the correct term is “Developer Build,” which refers to a situation where a real estate developer acts as the primary contractor for a project, overseeing the entire construction process from the land acquisition and design to the final build. The proposed revision will correct Section 19 to have accurate construction delivery methods.

*Certification Section*

The proposed amendment to Section 24 of the Form adds a certification pursuant to Education Code Section 17584 implemented as part of Assembly Bill (AB) 1867 (Chapter 434, Statutes of 2022) to align the Form with current statute. Education Code Section 17584 requires a school district, county office of education, or a charter school that intends to seek state funding pursuant to the Greene Act for modernization projects submitted to the Division of the State Architect, to use faucet aerators and water-conserving plumbing in all bathrooms. The proposed revision to the Form SAB 50-04 would make the Form up to date with current practices and include requirements of this statutory change, which was implemented after the last revision to the Form SAB 50-04.

*Certification Section for Application for Funding (Form SAB 50-04), and Application for Career Technical Education Facilities Funding (Form SAB 50-10)*

OPSC has received and funded several forms of “hybrid” applications, which are multiple funding applications submitted for the same set of DSA approved plans and specifications. As part of processing these hybrid applications, OPSC requires from the applicant various documents to ensure that double funding does not occur. These documents include a clear delineation of scope, a proration of project costs, an explanation of proration methodology, a certification that funds for one hybrid application will be used exclusively for that application, and an acknowledgement that expenditures should be tracked and reported separately according to the cost proration for a smooth audit.

STAFF ANALYSIS/DISCUSSION (cont.)

OPSC also requires that applicants provide the scope delineation and proration of project costs that defines the scope of work attributable to each hybrid application in the plan set when the first hybrid application is received and processed. This request is in alignment with Education Code Section 17070.63, which states that the total funding provided for a project in the SFP constitutes the full and final contribution to the project.

The proposed amendment to the Forms adds a certification with language directly from Education Code Section 17070.63. This provision applies to several programs; therefore, this language will be added verbatim from Education Code Section 17070.63 as part of the certifications made when applying for funding.

This amendment is not proposed to be made to the *Application for Charter School Preliminary Apportionment* (Form SAB 50-09), which is an application for a preliminary apportionment that reserves bond authority. Applicants may submit a Form SAB 50-04 to convert the preliminary apportionment to a final apportionment and may increase the final apportionment request beyond the amount initially reserved, provided the project supports the increased request and bond authority is available. The final apportionment would be the full and final contribution to the project, and as the applicant must submit the Form SAB 50-04 to receive the final apportionment, the proposed certification is not necessary to be added to the Form SAB 50-09.

*Fund Release Authorization (Form SAB 50-05)*

The proposed amendment to the General Information Section of the Form removes the requirement that accepted bid documents including additive/deductive alternates be attached for New Construction projects that complete Part V. Accepted bid documents are not required to make the certifications on the Form SAB 50-05. Only the signature page(s) of the construction contract(s) are required to substantiate the certifications made in Part V of the Form SAB 50-05. Bid documents are not required and represent unnecessary effort on the behalf of the applicant. To streamline processes for applicants, this requirement has been removed.

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### AUTHORITY All Applications

#### **Education Code (EC) 17070.35 – General Provisions**

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

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

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

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

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

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

#### **Education Code (EC) 17070.63 – General Provisions**

(a) The total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. As a condition of receipt of funds, a school district shall certify that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.

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(b) Any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.

(c) Any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

(Added by Stats. 1998, Ch. 407, Sec. 4. Effective August 27, 1998.)

### **Education Code (EC) 17070.99 – General Provisions**

(a) The board shall conduct an evaluation on the cost of new construction and modernization of small high schools in conjunction with the pilot program established pursuant to subdivision (c) of Section 17072.10, as it read on January 1, 2005.

(b) The State Department of Education shall conduct an evaluation that focuses on pupil outcomes, including, but not limited to, academic achievement and college attendance rates, at the small high schools constructed pursuant to subdivision (c) of Section 17072.10, as it read on January 1, 2005, and on the reasons school districts do not currently opt to build small high schools.

(c) The evaluations required pursuant to subdivisions (a) and (b) shall be completed no later than two years after the opening of the last small high school constructed pursuant to subdivision (c) of Section 17072.10, as it read on January 1, 2005.

(d) The evaluations conducted pursuant to subdivisions (a) and (b) shall be used to inform the direction of future school facilities construction and related bond measures.

### **Education Code (EC) 17071.10 – Existing School Building Capacity**

(a) The calculation determined by this article shall be made on a one-time basis, and will be used as the baseline for eligibility determinations pursuant to this chapter.

(b) (1) Each school district that elects to participate in the new construction program pursuant to this chapter shall submit to the board a one-time report of existing school building capacity.

(2) The information reflected in the report described in paragraph (1) shall be included in a school facilities master plan submitted pursuant to Section 17070.54.

(c) Notwithstanding subdivisions (a) and (b), a school district newly formed, reorganized, or affected by reorganization, pursuant to an election that occurred on or



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after November 4, 1998, shall calculate or recalculate its existing school building capacity pursuant to regulations adopted by the board.

(d) Notwithstanding subdivisions (a), (b), and (c), a school district that elects to participate in the new construction program or modernization program pursuant to this chapter after November 5, 2024, shall submit an updated report of the school district's existing school building capacity to the board.

*(Amended by Stats. 2024, Ch. 81, Sec. 8. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)*

### **Education Code (EC) 17071.25 – Existing School Building Capacity**

(a) The existing school building capacity in the applicant school district or, where appropriate, in the attendance area, at the time of initial application shall be calculated pursuant to the following formula:

(1) Identify by grade level all permanent teaching stations existing in the school district or, where appropriate, the attendance area. For the purposes of this section, “teaching station” means any space that was constructed or reconstructed to serve as an area in which to provide pupil instruction, but shall not include portable buildings, except as provided in Section 17071.30.

(2) (A) The assumed capacity of each calculated teaching station pursuant to paragraph (1) shall be 25 pupils for each teaching station used for kindergarten or for grades 1 to 6, inclusive, and 27 pupils for each teaching station used for grades 7 to 12, inclusive.

(B) On or after January 1, 2000, the board may adopt or amend regulations adjusting the assumed capacity set forth in this subparagraph as appropriate for each teaching station used for nonsevere or severe special day class purposes after considering the recommendations of the Legislative Analyst pursuant to Section 17072.15. These special day class capacity adjustments and any adjustment of existing school capacity related to changes in the assumed capacity of special day class teaching stations shall be approved by the Director of Finance prior to implementation.

(C) On or after January 1, 2001, the board may adopt regulations establishing assumed capacity standards after consideration of the recommendations developed by the Director of General Services for continuation high school, community day school, county community school, and county community day school, teaching stations pursuant to Section 17072.17. Teaching station assumed capacity adjustments pursuant to these regulations and any other adjustments of existing school capacity related to changes in the assumed capacity of continuation high school, community day school, county

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community school, and county community day school, teaching stations shall be approved by the Director of Finance prior to implementation.

(3) Multiply the assumed capacity of each teaching station as specified in paragraph (2) by the number of teaching stations calculated under paragraph (1).

(4) The result of this computation shall be the number of pupils housed by grade level in the existing school building capacity of the applicant school district.

(b) The existing school building capacity of the applicant school district calculated under this section shall not include, in any school operated on a year-round schedule, any teaching station that has been in continuous use during the preceding five-year period primarily for the operation of a preschool program or programs.

*(Amended by Stats. 1999, Ch. 858, Sec. 7. Effective January 1, 2000.)*

### **Education Code (EC) 17072.12 – New Construction Grant Eligibility Determination**

(a) In addition to the amount provided in Section 17072.10, the board may provide funding for assistance in site development and acquisition if all of the following are met:

(1) The amount of the site acquisition and development assistance does not exceed 50 percent of the cost of site development to the school district, plus the lesser of the following:

(A) 50 percent of the site cost to the school district.

(B) 50 percent of the appraised value of the site within six months of the time the complete application is submitted.

(2) The school district certifies that there is no alternative available site, or that the district plans to sell an available site in order to use the proceeds of the sale for the purchase of the new site.

(b) Notwithstanding subdivision (a), the board may provide funding for assistance in site development and acquisition to a school district that uses land previously acquired by the school district in an amount equal to 50 percent of the cost of site development to the school district, plus 50 percent of the site's appraised value at the time the application for site acquisition and development is submitted, provided all of the following are met:

(1) The site was acquired no less than five years prior to the date the application is submitted.

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(2) The site had been productively used by the school district as other than a schoolsite for the five years immediately preceding the date the application is submitted.

(3) The board determines that the nonschool function currently taking place on the site must be discontinued or relocated in order to utilize the site as a schoolsite.

(c) A school district that receives assistance pursuant to subdivision (b) shall, within one year after the completion of the project, certify in writing to the board that the nonschool function was in fact relocated as set forth in paragraph (4) of subdivision (b).

(d) Pursuant to subdivision (b), an applicant school district shall include in its application to the board a cost-benefit analysis performed by the school district demonstrating how utilizing existing nonschoolsite district property pursuant to this section would be a more effective method of solving the school district's pupil housing problems than any other method of funding under this chapter. The board shall review and approve the analysis if the board agrees with the findings and shall consider the analysis and findings in approving the project pursuant to this section.

### **Education Code (EC) 17072.13 – New Construction Grant Eligibility Determination**

In addition to the amounts provided pursuant to Sections 17072.10 and 17072.12, the board may provide site acquisition and hazardous materials evaluation and response action funding for proposed new schoolsites as follows:

(a) (1) For 50 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district and for 50 percent of the other response action costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action in connection with hazardous substances at that site. Except as provided in subdivision (b), the funding provided pursuant to this section may not exceed 50 percent of the total evaluation and response action costs, including, but not limited to, the costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action, as determined by the Department of Toxic Substances Control, in connection with hazardous substances at that site, pursuant to standards adopted by the board.

(2) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 50 percent of 1½ times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.

(b) (1) The board may provide funding for up to 100 percent of the cost of the evaluation of hazardous materials at a site to be acquired by a school district eligible for financial

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hardship assistance pursuant to Article 8 (commencing with Section 17075.10) and for up to 100 percent of the other response action costs for the site. The funding provided pursuant to this subdivision may not exceed 100 percent of the total evaluation and response action costs, including, but not limited to, the costs of the removal of hazardous waste or solid waste, the removal of hazardous substances, or other response action, as determined by the Department of Toxic Substances Control, in connection with hazardous substances at that site, pursuant to standards adopted by the board.

(2) The board may provide funding pursuant to this subdivision only if the State Department of Education certifies that the site is the best available site considering all of the following factors in relation to other available sites:

(A) The total costs of the project, including, but not limited to, costs of evaluation and response action.

(B) The desirability of the site, considering its proximity to pupils and suitability for meeting the educational and safety needs of the school district.

(C) The time required to fully complete the project in relation to the current and projected need for school facilities.

(3) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 100 percent of  $1\frac{1}{2}$  times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.

(c) A school district with a proposed site that meets the environmental hardship criteria set forth in paragraph (1) may apply to the board for site acquisition, including, but not limited to, evaluation and response action, funding for that site prior to having construction plans for that site approved by the Division of the State Architect and State Department of Education.

(1) A project is eligible for environmental hardship site acquisition funding if both of the following apply:

(A) The preparation and implementation of a response action for the site, to be approved by the Department of Toxic Substances Control pursuant to Section 17213, is estimated by the Department of Toxic Substances Control to take six months or more to complete.

(B) The State Department of Education determines that the site is the best available alternative site.

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(2) The initial site-specific reservation pursuant to this subdivision shall be for a period of one year. Extension may be approved in one-year intervals upon demonstration to the State Allocation Board of progress toward acquisition, including, but not limited to, evaluation or response, as the case may be. In the event there is not demonstrable progress, the State Allocation Board shall have the option of rescinding the reservation.

(3) Environmental hardship site acquisition funds approved by the State Allocation Board can be used only for the site identified in the response action approved by the Department of Toxic Substances Control.

(4) The date that the State Allocation Board approves the environmental hardship site acquisition funding will become the State Allocation Board approval date for the project's construction funding for that site.

(5) A school district may apply to the State Allocation Board for construction funding for the environmental hardship site when the project has received final Division of the State Architect plan approval and final State Department of Education site and plan approval.

(d) The cost incurred by the school districts when complying with any requirement identified in this section are allowable costs for purposes of an applicant under this chapter and may be reimbursed in accordance with this section.

(e) The State Allocation Board shall develop regulations that allow school districts with financial hardship site acquisition, including, but not limited to, evaluation and response action, funding prior to ownership of the site or evidence that the site is in escrow.

### **Education Code (EC) 17072.20 – New Construction Funding Process**

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

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

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

### **Education Code (EC) 17073.10 – Modernization Eligibility Determination**

Each school district that desires to receive an apportionment for modernization under this chapter shall submit an application in a form, and in the number of copies, that the board may require.

*(Added by Stats. 1998, Ch. 407, Sec. 4. Effective August 27, 1998.)*

*(Amended by Stats. 2003, Ch. 62, Sec. 35. Effective January 1, 2004.)*

### **Education Code (EC) 17074.50 – Automatic Fire Detection, Alarm, and Sprinkler Systems**

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal. These provisions shall entitle the school district to all applicable reductions in code requirements, as provided in the California Building Standards Code (Title 24 of the California Code of Regulations).

(b) On and after July 1, 2002, all modernization projects that have an estimated total cost in excess of two hundred thousand dollars (\$200,000) submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection and alarm system as set forth in Section 17074.52 and approved by the State Fire Marshal. For a modernization project that is to be completed in more than one phase, the school district may defer installation of the system until the final phase of the modernization project. Solely for purposes of this section, "modernization" means any modification of a permanent structure or construction of a new building on an existing campus.

(c) The Department of General Services shall administer this section based upon the standards adopted by the State Fire Marshal pursuant to Section 17074.52.

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### **Education Code (EC) 17074.52 – Automatic Fire Detection, Alarm, and Sprinkler Systems**

- (a) For modernization projects, the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50 shall consist of smoke or heat detectors, or a combination thereof, as determined by the State Fire Marshall, installed in the school building. The alarm, upon activation of an initiating device, shall alert all occupants and shall transmit the alarm signal to an approved supervising station.
- (b) For new construction projects, the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50, shall in addition to compliance with subdivision (a), include an automatic fire sprinkler system installed in the school building including, but not necessarily limited to, attic spaces.
- (c) Notwithstanding Section 17074.50 or subdivisions (a) or (b) of this section, for a stand alone portable building, the system required pursuant to this article shall consist of an automatic fire detection and alarm system. For the purposes of this subdivision a “stand alone portable building” means a portable building that is used as a single classroom and that is sited more than 25 feet from any other building, including, but not limited to, any other portable building.
- (d) Except as required for automatic fire detectors and waterflow detection devices, manual fire alarm boxes shall not be required throughout the school building.
- (e) The entire system shall be installed, tested, and maintained in accordance with the regulations of the State Fire Marshal.

### **Education Code (EC) 17074.54 – Automatic Fire Detection, Alarm, and Sprinkler Systems**

- (a) A portable building that is sited with the intent that it be at the site for less than three years and is sited upon a temporary foundation in a manner that is designed to permit easy removal, is exempt from Sections 17074.50 and 17074.52 for a period of three years from the date of siting.
- (b) After the three-year exemption set forth in subdivision (a), a school district may request an extension of the exemption for an additional period not to exceed three additional years. The board shall grant the request if the school district presents convincing evidence demonstrating to the satisfaction of the board that the extension is necessary.
- (c) For purposes of this section, “portable building” means a classroom building of modular design and construction that meets all of the following criteria:

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- (1) It is designed and constructed to be relocatable and transportable over public streets.
- (2) It is designed and constructed for relocation without detaching the roof or the floor from the building.
- (3) It has a floor area of 2,000 square feet or less when measured at the most exterior walls.

### **Education Code (EC) 17074.56 – Automatic Fire Detection, Alarm, and Sprinkler Systems**

- (a) The State Allocation Board shall adjust the per-pupil grant amount set forth in Section 17072.10 as necessary to accommodate 50 percent of the increased costs due to the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50. The board shall adjust the per-pupil grant amount set forth in Section 17074.10 as necessary to accommodate 80 percent of the increased costs due to the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50. The board shall establish a method to provide up to 100 percent of the increased costs of the automatic fire detection, alarm, and sprinkler, if applicable, systems for school districts which qualify for hardship assistance pursuant to paragraph (1) of subdivision (b) of Section 17075.10.
- (b) By July 1, 2003, the board shall review the adequacy of the per-pupil grant adjustments made pursuant to subdivision (a) and shall increase or decrease those adjustments as determined to be necessary.
- (c) Any project submitted to the Division of the State Architect on or after September 1, 2001, that includes a qualifying fire detection, alarm, and sprinkler, if applicable, system, and that has not been fully funded prior to July 1, 2002, shall be eligible for grant or eligibility adjustments as set forth in this article.

### **Education Code (EC) 17075.15 – Hardship Application**

- (a) From funds available from any bond act for the purpose of funding facilities for school districts with a financial hardship, the board may provide other construction, modernization, or relocation assistance as set forth in this chapter or Chapter 14 (commencing with Section 17085) to the extent that severe circumstances may require, and may adjust or defer the local financial participation, as pupil health and safety considerations require to the extent that bond act funds are provided for this purpose.



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(b) The board shall adopt regulations for determining the amount of funding that may be provided to a district, and the eligibility and prioritization of funding, under this article.

(c) The regulations shall define the amount, and sources, of financing that the school district could reasonably provide for school facilities as follows:

(1) Unencumbered funds available in all facility accounts in the school district, including, but not limited to, fees on development, redevelopment funds, sale proceeds from surplus property, funds generated by certificates of participation for facility purposes, bond funds, federal grants, and other funds available for school facilities, as the board may determine.

(2) The board may exclude from consideration all funds encumbered for a specific capital outlay purpose, a reasonable amount for interim housing, and other funds that the board may find are not reasonably available for the project.

(d) The regulations shall also specify a method for determining required levels of local effort to obtain matching funds. The regulations shall include consideration of at least all of the following factors:

(1) Whether the school district has passed a bond measure within the two-year period immediately preceding the application for funding under this article, the proceeds of which are substantially available for use in the project to be funded under this chapter, but remains unable to provide the necessary matching share requirement.

(2) Whether the principal amount of the current outstanding bonded indebtedness issued for the purpose of constructing school facilities for the school district and secured by property within the school district or by revenues of, or available to, the school district, which shall include general obligation bonds, Mello-Roos bonds, school facility improvement district bonds, certificates of participation, and other debt instruments issued for the purpose of constructing school facilities for the school district and for which owners of property within the school district or the school district are paying debt service is at least 60 percent of the school district's total bonding capacity, as determined by the board.

(3) (A) Whether the total bonding capacity, as defined in Section 15102 or 15106, as applicable, is fifteen million dollars (\$15,000,000) or less, in which case, the school district shall be deemed eligible for financial hardship.

(B) Commencing with the 2026–27 fiscal year, the amount described in subparagraph (A) shall be adjusted each fiscal year by the inflation adjustment computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(4) Whether the application for funding under this article is from a county superintendent of schools.

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(5) Whether the school district submits other evidence of substantial local effort acceptable to the board.

(6) The value of any unused local general obligation debt capacity, and developer fees added to the needs analysis to reflect the district's financial hardship, available for the purposes of school facilities financing.

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### PROPOSED REGULATIONS

#### Section 1859.2. Definitions.

....

“Large Charter School” shall be defined as a school in which the enrollment is greater than 3540 pupils, based on the latest available CBEDS report or if a CBEDS report is unavailable, the registration list for the Charter School may be used.

....

#### Section 1859.22. SFP Application for Funding on Leased Land.

In addition to meeting the requirements of Sections 1859.20 and 1859.21 or 1859.120, a district may receive SFP funds for facilities that are or will be located on real property leased by the district provided all the following are met:

- (a) The real property is leased from a governmental agency.
- (b) The term of the lease remaining for the land for which the district is requesting SFP funding at the time the Approved Application is accepted is one of the following:
  - (1) At least 25 years if the lease is for real property owned by the federal government.
  - (2) At least 40 years if the lease is for real property owned by a governmental agency other than the federal government.
  - (3) At least 30 years if the lease is for real property owned by a governmental agency other than the federal government and the district has certified to all the following:
    - (A) There are no other educationally adequate sites for new construction available under a 40-year lease.
    - (B) The cost per year to lease the real property for no less than 30 years is no greater than the cost per year to lease the real property for 40 years.
  - (4) At least 30 years if the lease is for real property owned by a governmental agency other than the federal government and the district has provided other evidence satisfactory to the Board that a shorter lease term is necessary.

A district seeking modernization funding on land or facilities leased by the district pursuant to this Section is subject to the adjustment in the district's baseline eligibility pursuant to Section 1859.51(c).

A district seeking new construction funding on land or facilities leased by the district pursuant to this Section is subject to the adjustment in the district's baseline eligibility pursuant to Section 1859.51(a) and (i).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17070.71, Education Code.

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### Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:

(a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:

- (1) Permanent and at least 25 years old.
- (2) Portable and at least 20 years old.
- (3) The remaining classrooms not reported in (1) or (2) above.

(b) Identify all square footage at the school site that is:

- (1) Permanent area and at least 25 years old.
- (2) Portable classroom area and at least 20 years old.
- (3) The remaining square footage on the site not reported in (1) or (2) above.

The age of the classroom or square footage shall begin 12 months after the plans for the placement or construction of the building on the site were approved by the DSA; or in the case of permanent or portable classrooms that were previously modernized with State funds or rehabilitated under the Charter School Facilities Program, the 25/20 year period shall begin on the date of its previous apportionment. For purposes of identifying square footage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Enrollment at the school shall be the latest CBEDS report for K-6, 7-8 and 9-12 pupils. If the school is closed at the time of application for eligibility determination for modernization, and the district intends to reopen it and use it as a school for at least the next five years, the enrollment may be estimated based on district demographic data.

The calculated eligibility determined on the Form SAB 50-03, shall be referred to as the modernization baseline eligibility for the specific school site.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15, 17073.20 and 17074.10, Education Code.

### Section 1859.71.2. New Construction Additional Grant for Fire Code Requirements.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for each pupil included in an application for new construction if the project includes an automatic fire detection and alarm system as described in Education Code Section 17074.52:

- (1) \$7.12 for each elementary school pupil.
- (2) \$9.79 for each middle school pupil.
- (3) \$16.03 for each high school pupil.

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- (4) \$20.42 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
- (5) \$30.41 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) In addition to the funding provided by Subdivision (a) of Education Code Section 17072.10 and Section 1859.71.1, the Board shall provide the following grant amounts for each pupil included in an application for new construction if the project includes an automatic sprinkler system as required in Education Code Section 17074.52:
  - (1) \$98.83 for each elementary school pupil.
  - (2) \$117.53 for each middle school pupil.
  - (3) \$121.98 for each high school pupil.
  - (4) \$209.77 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
  - (5) \$312.40 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- ~~(c) Pursuant to Subdivision (c) of Education Code Section 17074.56, the Board shall provide the grant amounts shown in (a) and (b) above, if applicable, in addition to any other funding authorized by these Regulations, for each pupil included in an application for new construction if all the following criteria are met:~~
  - ~~(1) The final plans for the new construction project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.~~
  - ~~(2) The final plans for the new construction project included an automatic fire detection and alarm system and/or an automatic sprinkler system as described in Education Code Section 17074.52 or the project will include the system(s) prior to the completion of the project.~~
  - ~~(3) The new construction project did not receive the entire New Construction Adjusted Grant apportionment by June 30, 2002.~~

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.50, 17074.52, 17074.54 and 17074.56, Education Code.

Section 1859.77.2. Use of New Construction Grant Funds for Projects Accepted by the DSA on or before January 22, 2003.

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

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

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- (a) A district may request new construction grants that do not to exceed 135 percent of the number of pupils that will be housed in the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the grant requests above 100 percent of the number of pupils to be housed do not include eligibility based on Special Day Class pupils and if the district has adopted a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the Application filing that includes the following:
  - (1) A plan that identifies how the district has housed or will house the excess pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan may not include housing the excess pupils in portables excluded from existing school building capacity pursuant to Education Code Section 17071.30 or housing in facilities to be constructed with district funds if the district has received financial hardship approval pursuant to Section 1859.81. The plan shall not utilize Multi-track Year Round Education schedules for the purposes of housing excess pupils.
  - (2) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
  - (3) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
- (b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed 135 percent of the number of pupils that will be housed in the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations subject to all the following:
  - (1) The district has adopted a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board ~~on a date preceding the Application filing~~ that includes the following:
    - (A) A plan that identifies how the district has housed or will house the excess pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan may not include housing the excess pupils in portables excluded from existing school building capacity pursuant to Education Code Section 17071.30 or housing in facilities to be constructed with district funds if the district has received financial hardship approval pursuant to Section 1859.81. The plan shall not utilize Multi-track Year Round Education schedules for the purposes of housing excess pupils.
    - (B) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
    - (C) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
  - (2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b) in the following order:
    - (A) At the grade level of the proposed project.
    - (B) At the lowest grade level other than the proposed project.
    - (C) At the next highest grade level other than the proposed project.
- (c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 in place as of the date of a local bond election provided that clear

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language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

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

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

Note: Authority cited: Section 17072.13, Education Code.

Reference: Sections 17072.13 and 17072.35, Education Code.

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

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

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

- (a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
  - (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
    - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
    - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

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- (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
  2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
- (2) The existing school site was not constructed under the SFP.
- (3) The proposed project includes no more than eight classrooms.
- (4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.
- (5) For purposes of this Section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.
- (6) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82.1(b)(4)(B)2., except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

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

\*The proposed project cannot include more than eight classrooms.



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- (7) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:
- (A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, as follows:
1. For Alternative Education Schools, refer to the chart above.
  2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section 1859.82.1(b)(4)(B)2.
  3. For a Multipurpose/Gym Hybrid:
    - a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.
    - b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.
- (B) Multiply the product in (a)(7)(A) above by the per square foot grant amount of \$154. This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.
- (C) Divide the product in (a)(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.
- (b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:
- (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board ~~on a date preceding the application filing~~ that include the following:
    - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
    - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
    - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
      1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
      2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or
      3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.

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- (2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b), in the following order:
- (A) At the grade level of the proposed project, if available.
  - (B) At the lowest grade level other than the proposed project, if available.
  - (C) At the next highest grade level other than the proposed project.
  - (c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 or 1859.77.3, as appropriate, in place as of the date of a local bond election provided that clear language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

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

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

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

Reference: Sections 17072.13 and 17072.35, Education Code.

### Section 1859.78.6. Modernization Grant for 50 Year or Older Permanent Buildings.

- (a) In lieu of the funding provided by Subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide the amounts shown below for each pupil housed in permanent school buildings that are 50 years or older as follows:
- (1) \$3,120 for each elementary pupil.
  - (2) \$3,300 for each middle school pupil.
  - (3) \$4,320 for each high school pupil.
  - (4) \$9,944 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
  - (5) \$6,650 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) If the eligibility at the school site includes permanent buildings both over and under 50 years old, the number of pupils housed in 50 years or older permanent buildings, for purposes of (a) above, shall be determined by either of the following, at the district's option:

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- (1) A percentage of permanent classrooms that are 50 years or older to the total number of classrooms eligible for Modernization at the site determined as follows:
  - (A) Calculate the total number of classrooms eligible for Modernization at the site that were included in the Gross Classroom Inventory pursuant to Section 1859.31.
  - (B) Calculate the total number of permanent classrooms that are at least 50 years old and were not previously modernized with State funds.
  - (C) Divide the classrooms calculated in (b)(1)(B) by the total classrooms calculated in (b)(1)(A). Round up to the nearest one tenth of one percent.
  - (D) Multiply the percentage determined in (b)(1)(C) by the total modernization eligibility as determined in Option A or B on the Form SAB 50-03, for each grade group. Round up, or;
- (2) A percentage of the permanent building area Square Footage that is 50 years or older to the total Square Footage eligible for Modernization at the site determined as follows:
  - (A) Calculate the total Square Footage building area eligible for Modernization at the site.
  - (B) Calculate the total permanent Square Footage of building area that is at least 50 years old and was not previously modernized with State funds.
  - (C) Divide the Square Footage of building area calculated in (b)(2)(B) by the total Square Footage of building area calculated in (b)(2)(A). Round up to the nearest one tenth of one percent.
  - (D) Multiply the percentage determined in (b)(2)(C) by the total modernization eligibility as determined in Option A or B on the Form SAB 50-03, for each grade group. Round up.

The amounts shown shall be adjusted annually in the manner prescribed in Section 1859.78. The grant is eligible for any modernization grant augmentation for which the project is otherwise eligible under the law and regulations.

For purposes of determining the age of the building, the 20 year, 25 year, and the 50 year period shall begin 12 months after the ~~original~~ plans for the placement or construction of the building on the site were approved by the DSA or in the case of permanent or portable classrooms previously modernized with State funds, the 50/25/20 year period shall begin on the date of its previous modernization apportionment.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

### Section 1859.81.1. Separate Apportionment for Site Acquisition and Design Costs.

A district that meets the financial hardship criteria in Section 1859.81 is eligible for the following:

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- (a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180, when all the following requirements are met:
  - (1) The district has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.
  - (2) The district has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.
  - (3) The district has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.
- (b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):
  - (1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.
  - (2) The estimated relocation expenses that will 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.
  - (3) Four percent of the lesser of the preliminary appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than \$50,000.
  - (4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.
- (c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.
  - (1) The cost of the site as determined in Section 1859.74.1 and the amount the district reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.
  - (2) Fifty percent of the estimated relocation expenses that will 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.
  - (3) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of \$50,000.

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- (4) The estimated DTSC costs for review, approval and oversight 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 (c), (c)(1) and (c)(4) 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 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 the DTSC.
- (e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any district funds available for the project pursuant to Section 1859.81(a), plus \$150,000 for new school projects and \$250,000 for new construction addition projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section. For modernization projects, the Board will apportion an amount not to exceed the following:
  - (1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).
  - (2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a), plus \$250,000 for projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section.

The amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs.

Qualifying districts may request a separate apportionment for the design and for site acquisition for the same new construction project. Those projects requesting an Overcrowding Relief Grant, pursuant to Section 1859.180, do not qualify for these separate apportionments.

The amount provided as a separate apportionment shall be offset from the New Construction Adjusted Grant or the Modernization Adjusted Grant amount the district would otherwise be eligible for pursuant to Sections 1859.70, 1859.71.6, 1859.77.4 and 1859.81 when the district submits Form SAB 50-04. A district seeking a separate apportionment for site acquisition or design costs shall submit Form SAB 50-04. If a new construction project received a previous design apportionment, the district may request an additional design apportionment for that project up to the 40 percent maximum design apportionment allowed pursuant to this Section.

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must be for request at least 50 percent of the New Construction Grant pupil grants the district requested as a separate design apportionment.

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The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must ~~be for request~~ at least 80 percent of the ~~Modernization Grant pupil grants~~ the district requested as a separate design apportionment that was received on or before April 29, 2002.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must ~~be for request~~ at least 60 percent of the ~~Modernization Grant pupil grants~~ the district requested as a separate design apportionment that was received after April 29, 2002.

When the Board is accepting applications pursuant to Section 1859.95, the funding of the new construction or modernization grant may be made from funds set aside by the Board for financial hardship. The amount provided as a separate apportionment shall be adjusted at a future date to assure that hardship funding for the project does not exceed the amount the district was otherwise eligible to receive.

Note: Authority cited: Sections 17070.35, 17072.13 and 17075.15, Education Code.

Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, 17074.16 and 17079.20, Education Code.

### Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

#### (a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

### GEOGRAPHIC PERCENTAGE CHART

COUNTY	% FACTOR	DESCRIPTION
Alpine	5	The entire county.
Amador, Eastern Part	5	All of Amador County except the portion lying west of a line drawn five miles east of, and paralleling State Highway 49.

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COUNTY	% FACTOR	DESCRIPTION
Butte, Eastern Part	5	All of Butte County except that portion lying west of a line drawn ten miles east of, and paralleling State Highway 99.
Calaveras, Eastern Part	5	All of Calaveras County except that portion lying west of State Highway 49.
Del Norte	5	The entire county.
El Dorado, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to State Highway 88.
El Dorado	5	<p>El Dorado County except the eastern part and the following areas:</p> <ul style="list-style-type: none"> <li>• West of a line drawn six miles east of and paralleling State Highway 49.</li> <li>• Within five miles of either side of U.S. highway 50 from the western county line to a point on the eastern limit of the community of Pollock Pines.</li> <li>• West of a line drawn three miles easterly from and paralleling a certain county road described as the Pleasant Valley Road which connects the community of Aukum with Diamond Springs and with the city of Plymouth.</li> </ul>
Fresno, Eastern Part	5	All of Fresno County lying east of a line drawn ten miles east of, and paralleling the west boundary of the Sierra National Forest.
Glenn, Western Part	5	All of Glenn County except that portion lying east of a line drawn ten miles west of, and paralleling Interstate Highway 5.
Humboldt, Redwood Highway	5	That portion of Humboldt County situated within five miles of the Redwood Highway (U.S. 101) except for that portion situated within ten miles of the Redwood Highway from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Humboldt, State Highway 299 and Vicinity	5	That portion of Humboldt County situated within five miles of State Highway 299 and State route 96, except for those portions situated within ten miles of the Redwood Highway (U.S. 101) from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Humboldt, Southeastern Part	15	That portion of Humboldt county adjacent to or east of, the road between Harris to Blocksburg to a point ten miles north of Blocksburg.

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COUNTY	% FACTOR	DESCRIPTION
Humboldt, Residual Area	10	All areas of Humboldt County not classified in other cost groups except for that portion situated within ten miles of the Redwood Highway from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Imperial	5	The entire county.
Inyo, Southeastern Part	20	That portion of Inyo County situated east of the western boundary of the Death Valley National Monument from the northern boundary of said national monument to the southern boundary of the county.
Inyo, Residual Area	5	All of Inyo County except the southeastern part described above.
Kern, Eastern Part	5	That portion of Kern County lying east of a north-south line drawn through the eastern boundary of the town of Tehachapi.
Lake	5	The entire county.
Lassen, Southern Part	10	That portion of Lassen County lying south of an east-west line drawn through a point ten miles north of Susanville.
Lassen, Northern Part	15	All of Lassen County except the southern part described above.
Los Angeles, Santa Catalina Island only	50	The entire Santa Catalina Island.
Madera, Central Part	5	That portion of Madera County lying between a line drawn ten miles west of, and paralleling the western boundary of the Sierra National Forest and a line drawn ten miles east of and paralleling the western boundary of the Sierra National Forest.
Madera, Eastern Part	5	All of Madera County except the western part and the central part described above.
Mariposa, Eastern Part	5	All of Mariposa County except that portion lying west of: <ul style="list-style-type: none"> <li>• A line drawn five miles east of, and paralleling State Highway 49 from the northern county line to Mormon's Bar; and</li> <li>• A line drawn ten miles west of, and paralleling the western boundary of the Sierra National Forest from a point due east of Mormon's Bar to the southern county line.</li> </ul>



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COUNTY	% FACTOR	DESCRIPTION
Mendocino, Fort Bragg Area	10	Those portions of Mendocino County lying west of the Southern Redwood Highway Area, and south of the Ten Mile River.
Mendocino, Northern Redwood Highway Area	5	That portion of Mendocino County situated within five airline miles of the Redwood Highway (U.S. 101) from a point ten miles north of the Willits City Hall to the northern boundary of the county.
Mendocino, Residual Area	10	Those portions of Mendocino County not otherwise classified except that portion situated within ten airline miles of the Redwood Highway (U.S. 101) from a point ten miles north of the Willits City Hall to the southern boundary of the county. (Comprises the Northeastern part of the county and the coastal strip in the northwestern part).
Modoc	15	The entire county.
Mono	20	The entire county.
Monterey, Southern Part	5	All Monterey County except that portion lying north of an east-west line beginning on the coast two miles south of the City of Carmel and extending due east to the eastern boundary of the county.
Nevada	5	That portion of Nevada County not included in the Eastern Part.
Nevada, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to the county line.
Placer, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to the county line.
Placer, Northeastern Part	5	<p>All of Placer County except the Eastern Part and the following:</p> <ul style="list-style-type: none"> <li>• Within five miles of either side of State Highway 65 from the southern boundary of the county and the northern limit of the community of Lincoln.</li> <li>• Five miles either side of Interstate 80 from the southern boundary of the county and the northern limit of the community of Penryn.</li> <li>• West of a line drawn five miles east of, and paralleling State Highway 49.</li> <li>• Within five miles of either side of Interstate 80 between the northern limit of the community of</li> </ul>

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COUNTY	% FACTOR	DESCRIPTION
		Penryn and the northern limit of the community of Colfax.
Plumas	5	The entire county.
Riverside, Eastern Part	20	That portion lying east of a north-south line drawn 50 miles west of the Arizona State Line and north to the county line and south to the county line.
Riverside, Central Part	5	That portion of Riverside County lying east of a north-south line drawn through the intersection of Interstate 10 and Fields Road extending from the southern county line of Riverside County, north to the southern county line of San Bernardino County to the Eastern Part of the County.
San Benito, Southern Part	5	All of San Benito County except that portion lying north of an east-west line drawn across the county from a point two miles south of the community of Paicines.
San Bernardino, Northeastern Part	5	That portion of San Bernardino County lying north and east of an east-west line drawn two miles north of Oro Grande, extending from the western boundary of the county to its intersection with the northerly extension of, and thence along a line drawn through the following points: A point five miles east of Victorville, the eastern edge of the communities of Running Springs and Camp Angelus then due south to the San Bernardino County line.
San Bernardino, Eastern Part	20	That portion lying east of a north-south line drawn 150 miles west of the Arizona State Line and north to the county line and south to the county line.
San Diego, Northeastern Part	10	That portion of San Diego County lying east of a north-south line drawn ten miles east of the community of Julian, said line extending from the northern boundary of the county to its intersection with an east-west line extending from the eastern boundary of the county to its intersection with the aforesaid north-south line, said east-west line being at its closest point, three miles due north of the community of Mount Laguna.
San Mateo, Southwestern Part	5	That portion of San Mateo County lying more than two miles westerly from the nearest point on Skyline Boulevard and south of an east-west line drawn through a point two miles north of the community of Montara.

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COUNTY	% FACTOR	DESCRIPTION
Santa Cruz, Northwestern Part	5	That portion of the Santa Cruz County lying northerly and westerly from a line drawn from a point one mile north of Swanton on the coast through a point one mile north of Brookdale and situated more than two miles from the nearest point on the eastern boundary of the county.
Shasta, except Valley Area	5	All of Shasta County except that portion lying south of Shasta Lake and situated within ten miles of Interstate Highway 5.
Sierra	5	The entire county.
Siskiyou, Central Part	15	That portion of Siskiyou County situated within ten miles of U.S. Highway 97 from Grass Lake to the Oregon State Line.
Siskiyou, Salmon River	25	All of the drainage area of the Salmon River (including the North and South Forks) except that portion situated within the Somes Bar Area described below.
Siskiyou, Somes Bar Area	20	Those portions of the drainage areas of the Salmon and Klamath Rivers located within the boundaries of the Junction Elementary School District.
Siskiyou, Western Part	15	That portion of Siskiyou County lying westerly from a line drawn ten miles west of and parallel to Interstate 5, except the Somes Bar and Salmon River areas described above.
Siskiyou, Yreka and Residual Area	5	All of Siskiyou County except the Salmon River, Somes Bar and Western areas described above.
Sonoma, Northwestern Part	5	That portion of Sonoma County enclosed by a line following the northern boundary of the county from the Pacific Ocean to a point 15 miles inland, thence southerly to a point two miles west of the community of Los Lomas, thence southerly to a point on the coast two miles south of the community of Fort Ross, thence northerly along the coast line to the northern boundary of the county.
Tehama, Residual Area	5	All of Tehama County except those portions situated within ten miles west of Interstate Highway 5 from the north county line to the southern county line; within ten miles east of Interstate Highway 5 from the north county line southward to a point east of Red Bluff, thence within ten miles east of and paralleling State Highway 99 southward to the county line.
Trinity, Residual Area	15	All of Trinity County except the State Highway 299 area described below.

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COUNTY	% FACTOR	DESCRIPTION
Trinity, State Highway 299	10	That portion of Trinity County situated within five miles of State Highway 299.
Tulare, Eastern Part	5	That portion of Tulare County lying east of a north-south line drawn through the western limits of the community of Silver City.
Tuolumne, Eastern Part	5	All of Tuolumne County except that portion lying west of State Highway 49.
Yuba, Northeastern Part	5	All of Yuba County except that portion lying west of a line drawn ten miles east of, and paralleling State Highway 65 and that portion lying south of a line drawn three miles north of, and paralleling State Highway 20.

- (b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects – Elementary School) and 216 Pupils (Small Size Projects – Middle and High School).
- (1) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house fewer than 101 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.
  - (2) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house greater than 100 and fewer than 201 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.
  - (3) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house fewer than 109 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.
  - (4) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house greater than 108 and fewer than 217 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.
  - ~~(3)~~ (5) A Type I Joint-Use Project and a Type II, part of a qualifying SFP Modernization project, Joint-Use Project is eligible for an Excessive Cost Hardship Grant equal to:
    - (A) 12 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house fewer than 101 pupils.
    - (B) Four percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house greater than 100 and fewer than 201 pupils.

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- (3) A Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is eligible for an Excessive Cost Hardship Grant equal to eight percent of the funding provided by Section 1859.125(a)(1) through (a)(2).
- (4) A grant request pursuant to Section 1859.79.3(a)(1) or (a)(2) and fewer than 101 pupils is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the Modernization Grant.
- (5) A Facility Hardship project that is eligible to receive funding pursuant to Sections 1859.82.1(b)(4)(B), 1859.82.1(b)(4)(C), or 1859.82.2(b)(4)(B), may request an Excessive Cost Hardship Grant for small size project if the following qualifications are met:
  - (A) For the purposes of determining qualification for (6)(B) or (6)(C) below:
    - 1. Calculate the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1(b)(4)(B). If the Facility Hardship project is for the replacement of portable space, calculate the sum of the Portable Replacement Grant and Portable Toilet Replacement Grant pursuant to Section 1859.82.1(b)(4)(C).
    - 2. Divide the amount determined in (6)(A)(1) by the New Construction Grant at the time the project is approved by the Board, for the highest grade level served at the site.
    - 3. Round the quotient to the nearest whole number.
  - (B) The district is eligible for an Excessive Cost Hardship Grant equivalent to 12 percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (6)(A) above is fewer than 101 pupils.
  - (C) The district is eligible for an Excessive Cost Hardship Grant equivalent to four percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (6)(A) above is greater than 100 and fewer than 201 pupils.
- (c) Excessive Cost to Construct a New School Project.
  - (1) With the exception of Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after March 24, 2004, if the project is for a new elementary, middle or high school on a site with no existing school facilities the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms, including classrooms used for Individuals with Exceptional Needs, in the project:

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<b>Classrooms in project</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
1	\$160,000	\$674,000	\$1,466,000
2	\$377,000	\$756,000	\$1,525,000
3	\$566,000	\$840,000	\$1,885,000
4	\$717,000	\$932,000	\$2,205,000
5	\$842,000	\$1,028,000	\$2,428,000
6	\$1,021,000	\$1,125,000	\$2,651,000
7	\$1,202,000	\$1,222,000	\$2,874,000
8	\$1,341,000	\$1,328,000	\$3,046,000
9	\$1,341,000	\$1,440,000	\$3,184,000
10	\$1,577,000	\$1,553,000	\$3,321,000
11	\$1,577,000	\$1,666,000	\$3,459,000
12	\$1,660,000		\$3,585,000
13			\$3,709,000
14			\$3,833,000
15			\$3,958,000
16			\$4,082,000
17			\$4,207,000
18			\$4,331,000
19			\$4,455,000
20			\$4,580,000
21			\$4,704,000
22			\$4,828,000

The amounts shown above will be adjusted annually in the manner prescribed in Section 1859.71.

Any Excessive Cost Hardship Grant provided under this subsection for a new school project shall be offset against future New Construction Grant funds provided for that same school. The amount of the offset shall be determined by dividing the additional New Construction Grant pupil request by the difference in the New Construction Grant pupil request when the initial Excessive Cost Hardship Grant was made and 325 for an elementary school, 324 for a middle school, and 621 for a high school project and multiplying the quotient by the Excessive Cost Hardship Grant funds provided under this subsection for that project.

- (2) Excessive Cost Hardship Grants for Alternative Education schools for which the plans and specifications for the project were accepted by the DSA on or after March 24, 2004, or for any Alternative Education schools for which the plans and specifications for the project were accepted by the DSA prior to March 24, 2004 and in lieu of choosing funding under Section 1859.83(c)(1), may request funding as follows:

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- (A) If the project is for an Alternative Education school on a site with no existing school facilities, the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms in the project:

<b>Classrooms</b>	<b>Alternative Education New School Allowance</b>
1	\$434,700
2	\$527,400
3	\$921,960
4	\$1,037,250
5	\$1,152,540
6	\$1,267,830
7	\$1,383,120
8	\$1,504,170
9	\$1,629,180
10	\$1,754,190
11	\$2,239,290
12	\$2,364,300
13	\$2,489,310
14	\$2,614,320
15	\$2,739,330
16	\$2,864,340
17	\$2,989,350
18	\$3,114,360
19	\$3,239,370
20	\$3,364,380
21	\$3,489,480
22	\$3,614,490
23	\$3,739,500
24	\$3,864,510
25	\$3,989,520
26	\$4,114,530
27	\$4,239,540

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

- (B) If the project is for additional classroom(s) to an existing Alternative Education school constructed under the provisions of 1859.83(c)(2), the district is eligible for a New Construction Excessive Cost Hardship Grant calculated as follows:

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1. Determine the amount as shown in the chart above in Section 1859.83(c)(2)(A) for the total combined number of classrooms in the current project and all previous projects at the same site. In the first funding request when the total number of classrooms exceeds 27, the amount shown for 27 classrooms shall be used.
  2. Subtract the sum of the amount previously apportioned for the New Construction Grant and the funding provided pursuant to Section 1859.83(c)(2) for the sum of the number of classrooms for all previous projects at the same site (exclude the classrooms in the current project) from (B)1.
  3. Subtract the New Construction Grant for the current project from the result in (B)2.
- (d) Excessive Cost Due to Urban Location, Security Requirements and Impacted Site.
- (1) Excluding Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if the district had a project that was previously approved by the DSA, and prior to January 22, 2003, has received SAB approval for a time extension for substantial progress, and if the useable site acreage for the project is:
- (A) at least 50 percent but less than 75 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to eight percent of the New Construction Grant and eight percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).
- (B) at least 30 percent but less than 50 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).
- (C) less than 30 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 50 percent of the New Construction Grant and 50 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).
- (D) less than 30 percent of the site size recommended by the CDE for the master planned project capacity.
- (2) Excluding Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if all of the following conditions are met, as applicable:
- (A) the Useable Acres of the site for the project are 60 percent or less of the CDE recommended site size based on:
1. the current CBEDS Report at the existing site, if any, at the time of the CDE final plan approval for the project, if any, plus the greater of the Net School Building Capacity of the final new construction project plans submitted to the DSA as calculated in Education Code Section 17071.25(a)(2) or the pupil grants requested in the COS or Charter School project. The Useable Acres will include the existing site that is being utilized for this project plus any additional acreage to be acquired as a part of the Application.
  2. the current CBEDS Report at the site at the time of the CDE final plan approval for the modernization project.
- (B) at least 60 percent of the classrooms in the construction plans are in multistory facilities for any type of new construction project.
- (C) the value of the site being acquired for a new construction project on a new site is at least \$750,000 per Useable Acre.
- (3) If the criteria in (d)(2) are met, the Excessive Cost Hardship Grant:



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- (A) for new construction is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c) for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. In no event shall the amount provided in this subsection for a new construction project on a new site exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the number of the pupil grants requested in the Application determined as follows:
1. The current estimated value of the project site as determined in Section 1859.74.6(a)(1).
  2. Divide the amount in (A)1. by the number of Useable Acres.
  3. Multiply the quotient in (A)2. by the number of Useable Acres recommended by CDE for the number of pupils described in Section 1859.83(d)(2)(A)1.
  4. Subtract the value in (A)1. from the product in (A)3.
  5. Multiply the difference in (A)4. above by 50 percent.
- (B) for modernization is equal to 15 percent of the Modernization Grant and 15 percent of the funding authorized by Section 1859.83(b) for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease of the CDE recommended site size below 60 percent.
- (4) For Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if:
- (A) the Type I Joint-Use Project's qualifying SFP New Construction project pursuant to Section 1859.123 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(A).
- (B) The Type II Joint-Use Project's qualifying SFP Modernization project pursuant to Section 1859.123.1 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(B).
- (C) The Useable Acres at the existing school site where the Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is to be constructed are 60 percent or less of the CDE recommended site size based on the existing enrollment at the site.
- (5) If the criteria in (d)(4)(A) or (C) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. For a Type I Joint-Use Project when the qualifying SFP New Construction project involves new construction on a new site, in no event shall the amount provided in this subsection exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the qualifying SFP New Construction project pursuant to Section 1859.123 as calculated in Section 1859.83(d)(3)(A).
- (6) If the criteria in (d)(4)(B) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.
- (e) Excessive cost due to accessibility and fire code requirements.

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- (1) The district is eligible for a Modernization Excessive Cost Hardship Grant equal to three percent of the Modernization Grant for accessibility and fire code requirements.
- (2) In lieu of three percent funding provided in (1) above, the district has the option of requesting 60 percent of the amount determined in (A), not to exceed 60 percent of the amount determined in (B):
  - (A) Determine the difference of the verified hard construction costs of the minimum accessibility and fire code work necessary to receive approval from the DSA minus seven percent of the sum of the Modernization Grant and the district matching share of the Modernization Grant pursuant to Section 1859.79.
  - (B) Determine the difference of 1. minus 2.:
    1. Multiply the pupils requested in the application by the New Construction Grant.
    2. The sum of the State and district share of the pupils requested on the Form SAB 50-04 multiplied by the grant determined pursuant to Section 1859.78 and 1859.78.3.
- (3) The district is eligible for a Modernization Excessive Cost Hardship Grant of:
  - (A) \$80,000 for each new two-stop elevator required to be included in the project by the DSA if the Approved Application was received on or before April 29, 2002.
  - (B) \$60,000 for each new two-stop elevator required to be included in the project by the DSA if the Approved Application is received after April 29, 2002.The amounts shown in (A) and (B) above shall be adjusted annually in the manner prescribed in Section 1859.78.
- (4) The district is eligible for a Modernization Excessive Cost Hardship Grant of:
  - (A) \$14,400 for each additional stop of the new elevator required in (3) above if the Approved Application was received on or before April 29, 2002.
  - (B) \$10,800 for each additional stop of the new elevator required in (3) above if the Approved Application was received after April 29, 2002.The amounts shown in (A) and (B) above shall be adjusted annually in the manner prescribed in Section 1859.78.

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

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

### Article 10. Fund Release and Priority Points

#### Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to districts or charter schools that request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of

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July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

- (a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes each of the project Application numbers, and the type of Apportionment request (e.g., Apportionment, separate Apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain the following:
- (1) Statement that the request is to convert the unfunded approval to an Apportionment or to receive an approved advance release of funds; and
  - (2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(56), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and
  - (3) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and physically received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(2); and
  - (4) Acknowledgement that, if the district submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit an LCP third party report, pursuant to Section 1859.97(b), the report will be submitted to the OPSC and the DIR at least 60 days prior to submitting the Form SAB 50-05; and
  - (5) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the district or charter school is waiving its right to the timeline for fund release submittal described in Section 1859.90.
  - (6) For a Career Technical Education Facilities Project that was granted an unfunded approval without the required CDE plan approval and/or required DSA-approved plans and specifications, the applicant's request must include:
    - (A) Acknowledgement that the applicant must submit the required approval(s) to the OPSC within 12 months from the date of the Apportionment. If the required submittal(s) is not received within 12 months, the Apportionment shall be rescinded without further Board action pursuant to Section 1859.197(c)(1); and

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- (B) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of the submittal described in (6)(A) and that failure to do so will result in the rescission of the Apportionment without further Board action; and
- (C) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and physically received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(6)(B).
- (b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative within the 30-calendar day filing period, and shall contain all of the following:
  - (1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,
  - (2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and
  - (3) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and physically received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (b)(2); and
  - (4) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.
- (c) If a district or charter school receives an Apportionment or approved advance release of funds request through the priority funding process, the OPSC must receive a valid, original signature copy of the Form SAB 50-05 within the specified time period, pursuant to (a)(2), (a)(6) or (b)(2), as applicable, and a Grant Agreement, pursuant to (a)(3), (a)(6)(C), or (b)(3), as applicable. Upon submittal of the original signature copy of the Form SAB 50-05, if OPSC determines that the Form SAB 50-05 is not valid, the district will have ten business days to amend the Form SAB 50-05 in order to make the Form SAB 50-05 valid. If the OPSC does not receive a valid, original signature copy of the Form SAB 50-05 within the time period:
  - (1) The priority funding Apportionment or approved advance release of funds request shall be rescinded without further Board action, and
  - (2) If the Application is not subject to rescission pursuant to Section 1859.90.3(c) as defined in Section 1859.90.3(d), the Application shall return to the Unfunded List (Lack of AB 55 Loans) with a new unfunded approval date that is 90 calendar days from the date of Apportionment or approval of the advance release of funds request.
- (d) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the Application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for

## ATTACHMENT B1b

which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Requests not converted to Apportionments will not be returned to the district or kept by the OPSC.

- (e) In the event that unexpected cash proceeds from sources other than bond funds become available for use for priority funding Apportionments, at a public meeting the Board may, based on considerations relevant to the amount of time available to effect a distribution of funds, waive the 30-calendar day filing provision specified in this section for impacted school districts to provide funds more rapidly.
- (1) OPSC shall identify and invite impacted school districts to submit a priority funding request that meets all other criteria in (a) above.
- (2) Requests submitted under this provision shall be valid from the date the priority funding request is submitted until the end of the regularly scheduled filing period specified above.
- (3) Requests submitted under this provision must comply with all other requirements of the priority funding process in this Section and Section 1859.90.3.
- (4) Districts may decline to submit a request outside the normal 30-calendar day filing period without consequence. If the option to submit a request is declined, the requirements to participate in the standard 30-calendar day filing periods specified in (a) above remain in effect.
- (5) Unexpected cash proceeds from sources other than bond funds include, but are not limited to, the \$250 million appropriated from the General Fund to the 2016 State School Facilities Fund as a result of the enactment of Statutes of 2021, Chapter 44, Section 163 (Assembly Bill 130).
- (f) For purposes of this section “rescinded” or “rescission” shall mean that the Apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date, except for (a)(5)(A). The new unfunded approval date will be 90 calendar days from the Apportionment date. The district or charter school will not be required to re-submit the Application and no further Application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.41, 17071.75, 17072.12, 17072.30, 17073.10, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

**GENERAL INFORMATION**

As part of the district's request for new construction funding under the School Facility Program (SFP), a determination of the district's existing school building capacity must be made. This one time report and the Form SAB 50-01 are used to calculate the district's eligibility for SFP new construction funding. Once the district's existing school building capacity has been determined on this form, a determination of the district's baseline eligibility may be made, by completion of the Form SAB 50-03.

The following documentation is necessary and must be submitted with this form:

- A drawing of each school site within the boundaries of the district or the high school attendance area (HSAA) or Super HSAA that identifies all permanent and portable classrooms on the site that are included in the gross classroom inventory pursuant to Section 1859.31.
- A summary of each school site that identifies each classroom that qualifies for exclusion pursuant to Section 1859.32.
- A summary of all classrooms and exclusions for all sites within the district, the HSAA or Super HSAA (as appropriate).

A high school district, unified school district, elementary school district, or county superintendents of schools may file on a HSAA or Super HSAA basis as provided under Education Code Section 17071.76 and Section 1859.41. In that case, the facilities in that HSAA or Super HSAA shall be reported on this form.

After the Board has determined the initial baseline eligibility, this form is used to adjust that baseline eligibility pursuant to Section 1859.51 for the following:

- A change in the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading.
- Errors and/or omissions of the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity.
- A change in the classroom inventory of the district as a result of a reorganization election. This form is not used for modernization eligibility or funding applications.

For a list of the documents that must be submitted in order for the Office of Public School Construction (OPSC) to deem an eligibility request for new construction complete and ready for OPSC processing, consult the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc).

**EXISTING SCHOOL BUILDING CAPACITY  
SCHOOL FACILITY PROGRAM**

SAB 50-02 (REV 12/19xx/25)

**ATTACHMENT B1c****SPECIFIC INSTRUCTIONS****PART I - Classroom Inventory**

Indicate if this request is for a new or adjusted Existing School Building Capacity determination. The district must first prepare a gross classroom inventory and make adjustment to the inventory pursuant to Sections 1859.31 and 1859.32. Contact the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc) for an EXCEL worksheet for preparation of this inventory. To assure timely processing of your application, districts must provide drawing(s) of each school site within the district, the HSAA or Super HSAA with the eligibility request to the OPSC (if not previously submitted to the OPSC). The drawing(s) must identify all permanent and portable classrooms and the specific reason why any classroom was excluded from the inventory pursuant to Section 1859.32.

Once the classroom inventory has been prepared, identify the classrooms in that inventory as follows:

Lines 1-6, report those classrooms included in the inventory that meet the definition of portable as provided by subdivision (k) of Education Code Section 17070.15 as follows:

1. Leased under the provisions of the State Relocatable Program. This includes portables approved for purchase, but with outstanding payments.\*
2. Leased or lease-purchased for less than five years. Include interim housing portables lease-purchased for less than five years.
3. Leased for interim housing purposes for less than five years.\*\*
4. Leased for interim housing for five years or more.\*\*
5. Leased or lease-purchased for five years or more. Include interim housing portables lease-purchased for five years or more.
6. Owned, including those acquired under the State Relocatable Program (i.e. no outstanding payments). Include interim housing portables owned.
7. Report the remaining classrooms in the inventory that do not meet the "Portable" definition that were reported on lines 1-6.

\* State Relocatable Classrooms approved for purchase by the Board shall be deemed owned by the district when the final lease payment is made to the Board, otherwise it is deemed to be leased, not lease-purchased.

\*\*Interim housing is defined as temporary classrooms used for modernization, therefore only portables leased may be considered interim. Lease-purchase agreements are not acceptable.

When reporting classrooms, identify each classroom based on its most typical use for grades K-6, 7-8, 9-12 or non-severely disabled individuals with exceptional needs (non-severe) and severely disabled individuals with exceptional needs (severe). If this request is to adjust the inventory for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial determination of existing school building capacity. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house the projected number of non-severe and severe pupils shown on the Form SAB 50-01 using loading standards of 13 pupils for non-severe and 9 pupils for severe classrooms.

Continuation high classrooms must be counted as 9-12 teaching stations.

**PART II - Available Classrooms**

Once all classrooms have been identified and reported as either permanent or portable in Part I, the district may use one of two options for determining the final count of available classrooms which will be used to calculate the "existing school building capacity" of the district, the HSAA or Super HSAA.

**OPTION A**

Report the classrooms in Part I as reported on lines 4, 5, 6 and 7. Enter the totals on line e for grades K-6, 7-8, 9-12, non-severe or severe.

**OPTION B**

- a. Enter the totals of all classrooms reported in Part I, line 8 as either K-6, 7-8, 9-12, non-severe or severe.
- b. Enter the total number of all portable classrooms reported in Part I, lines 1, 2, 5 and 6.
- c. In the total column, report 25 percent of the total permanent classrooms reported in Part I, line 7. Round up.
- d. Subtract the total of line c from the total of line b and assign the total portables as either K-6, 7-8, or 9-12, non-severe or severe. Assignment of classrooms must be proportionate to the portable classrooms reported on lines 1, 2, 5, and 6 of Part I for each grade group. Classrooms assigned at a grade group cannot exceed the classrooms reported for that grade group on line a.
- e. Subtract line d from line a for grades K-6, 7-8, 9-12, non-severe or severe.

Unless specifically requested by the district, the OPSC will use the "total" of Option A or Option B that minimizes the existing school building capacity of the district, the HSAA or Super HSAA.

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**Part III - Determination of Existing School Building Capacity**

1. Classroom capacity - After determining the lesser of the totals on line e of Option A or Option B in Part II, multiply the K-6 classroom total by 25, the 7-8 and 9-12 classroom totals by 27, the non-severe classrooms by 13 and the severe classrooms by 9, for the option selected.
2. Enter one of the following:
  - 6 percent of the K-6 pupil capacity as reported on line 1, and 6 percent of the K-6 non-severe and severe classroom capacity for elementary and unified districts or elementary and unified districts filing on a HSAA or Super HSAA. The K-6 non-severe and severe classroom capacity shall be determined by applying a ratio of the K-6 classroom capacity reported on line 1 to the K-12 classroom capacity reported on line 1 multiplied by the non-severe and severe classroom capacity reported on line 1. Unified districts may allocate distribute the 6 percent amount at or between any of the K-12 grade groups. For non-severe and severe the 6 percent cannot be allocated across different grade levels and must be reported in its respective category (i.e. 6 percent of the K-6 non-severe capacity must be reported in the non-severe category in Line 2).
  - Indicate zero (0) if the elementary or unified district meets the ~~Substantial Enrollment Requirement~~ (SER) or the district qualifies for waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7 (c).
  - Indicate zero (0) if applicant is a high school district.
3. Total Line 1 and Line 2 – Report the totals of grade groups K-6, 7-8, 9-12, non-severe and severe on line 3. This represents the “existing school building capacity” of the district, the HSAA or Super HSAA.



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SCHOOL DISTRICT	FIVE DIGIT DISTRICT CODE NUMBER (see California Public School Directory)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable)

PART I - Classroom Inventory <input type="checkbox"/> NEW <input type="checkbox"/> ADJUSTED		K-6	7-8	9-12	Non-Severe	Severe	Total
Line 1.	Leased State Relocatable Classrooms						0
Line 2.	Portable Classrooms leased less than 5 years						0
Line 3.	Interim Housing Portables leased less than 5 years						0
Line 4.	Interim Housing Portables leased at least 5 years						0
Line 5.	Portable Classrooms leased at least 5 years						0
Line 6.	Portable Classrooms owned by district						0
Line 7.	Permanent Classrooms						0
Line 8.	Total (Lines 1 through 7)	0	0	0	0	0	0

PART II - Available Classrooms		K-6	7-8	9-12	Non-Severe	Severe	Total
Option A.							
a.	Part I, line 4	0	0	0	0	0	0
b.	Part I, line 5	0	0	0	0	0	0
c.	Part I, line 6	0	0	0	0	0	0
d.	Part I, line 7	0	0	0	0	0	0
e.	Total (a, b, c, & d)	0	0	0	0	0	0

Option B.		K-6	7-8	9-12	Non-Severe	Severe	Total
a.	Part I, line 8	0	0	0	0	0	0
b.	Part I, lines 1, 2, 5 and 6 (total only)						0
c.	25 percent of Part I, line 7 (total only)						
d.	Subtract c from b (enter 0 if negative)						
e.	Total (a minus d)						

PART III - Determination of Existing School Building Capacity		K-6	7-8	9-12	Non-Severe	Severe
Line 1.	Classroom capacity					
Line 2.	SER adjustment					
Line 3.	Total of lines 1 and 2	0	0	0	0	0

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

- I am designated as an authorized district representative by the governing board of the district; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail.

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

**APPLICATION FOR FUNDING  
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**ATTACHMENT B1d****GENERAL INFORMATION**

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

If not previously submitted, a district may file an application for modernization funding by use of this form concurrently with a determination of or an adjustment to the district's modernization eligibility. The district must submit a determination of or an adjustment to the district's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district must submit an adjustment to the district's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in OPSC returning the funding application to the district unprocessed.

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE.
  - Preliminary appraisal of property.
  - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81.
 

Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE (site apportionment only).
  - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Site approval letter from the CDE.
  - Appraisal of district-owned site.
  - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the

financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

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

The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-03 (if not previously submitted).
  - P&S for the project that were approved by the DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

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**ATTACHMENT B1d**

- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
  - Plan approval letter from the CDE.
  - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
  - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
  - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
  - DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - High performance incentive (HPI) scorecard from DSA.
  - Plan approval letter from the CDE.
  - Construction cost estimate signed by the architect of record or design professional.
  - Determination of financial soundness from the California School Finance Authority (CSFA).
  - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC

processing, consult the SFP handbook and other information located on the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc).

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

**SPECIFIC INSTRUCTIONS**

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

**1. Type of Application**

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of a health and safety threat pursuant to Section 1859.82.1, or a seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings pursuant to Section 1859.82.2, and/or the request is for a conceptual approval for a Facility Hardship application pursuant to Section 1859.82.3(a) or a Seismic Mitigation Program application pursuant to Section 1859.82.3(b), check the appropriate box(es).

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

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

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

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and 24 only.

**2. Type of Project**

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by

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**ATTACHMENT B1d**

Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
  - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
  - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
  - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
  - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.
- g. Indicate the site scenario that best represents the project request.
- h. For ORG projects, the district must provide the following information in the space provided:
  - Name of the eligible school site(s) where portables will be replaced in this project
  - Number of portables being replaced at each school site
  - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

**3. Number of Classrooms**

Enter the:

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

**4. Financial Hardship Request**

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

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

**5. New Construction Additional Grant Request**

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed. Refer to Sections 1859.72 through 1859.76 for eligibility criteria. Enter the:

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

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



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**ATTACHMENT B1d**

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

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

- g. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

**6. Modernization Additional Grant Request**

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

**7. Excessive Cost Hardship Request**

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

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

**8. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request****Additional Grant Request**

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

**Excessive Cost Hardship Request**

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

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

**9. Project Priority Funding Order**

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

**10. Prior Approval Under the LPP**

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

**11. Prior Apportionment Under the SFP**

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

**12. Preliminary Apportionment to a Final Apportionment**

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

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**ATTACHMENT B1d****13. Alternative Developer Fee**

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

**14. Adjustment to New Construction Baseline Eligibility**

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

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

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

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

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

**15. Pending Reorganization Election**

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

**16. Joint-Use Facility/Leased Property**

Check the box if:

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

**17. Project Progress Dates**

- 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 a construction contract is executed on or after August 22, 2022 that includes modular construction procured via piggyback contract, the application is not eligible for funding and will be returned to the District unprocessed. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- Enter the issue date(s) for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.
- If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

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

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

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

**19. Construction Delivery Method**

Check the box that best represents the construction delivery method that the district has or will use for this project, if known. If a construction contract is executed on or after August 22, 2022, that includes modular construction procured via piggyback contract, the application is not eligible for funding and will be returned to the District unprocessed.

**20. Career Technical Education Funds Request**

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

**21. Overcrowding Relief Grant Narrative**

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

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

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

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

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

**24. Certification**

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



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**ATTACHMENT B1d****3. Number of Classrooms:**

Master Plan Acreage Site Size (Useable): \_\_\_\_\_

Recommended Site Size (Useable): \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

**4. Type of Financial Hardship Request**

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

**5. New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) \_\_\_\_\_  
Other (sq. ft.) \_\_\_\_\_
- b. Multilevel Construction (CRS): \_\_\_\_\_
- c. ☐ Project Assistance
- d. Site Acquisition: \_\_\_\_\_
- (1) 50 percent Actual Cost: \$ \_\_\_\_\_
- (2) 50 percent Appraised Value: \$ \_\_\_\_\_
- (3) 50 percent Relocation Cost: \$ \_\_\_\_\_
- (4) 2 percent (min. \$25,000): \$ \_\_\_\_\_
- (5) 50 percent DTSC Fee: \$ \_\_\_\_\_
- e. 50 percent hazardous waste removal: \$ \_\_\_\_\_
- ☐ Response Action (RA)
- f. Site Development
- ☐ 50 percent Service-Site: \$ \_\_\_\_\_
- ☐ 50 percent Off-Site: \$ \_\_\_\_\_
- ☐ 50 percent Utilities: \$ \_\_\_\_\_
- ☐ General Site
- g. ☐ Energy Efficiency: \_\_\_\_\_ %
- h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- i. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**6. Modernization Additional Grant Request**

- a. ☐ Project Assistance
- b. ☐ Energy Efficiency: \_\_\_\_\_ %
- c. ☐ Site Development—60 percent utilities: \$ \_\_\_\_\_
- d. ☐ Automatic Fire Detection/Alarm System
- e. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**7. Excessive Cost Hardship Request****New Construction Only**

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

**Modernization Only**

- ☐ Geographic Percent Factor: \_\_\_\_\_ %
- ☐ Small Size Project
- ☐ Urban/Security/Impacted site
- ☐ Accessibility/Fire Code
- ☐ 3 percent of base grant; or,
- ☐ 60 percent of minimum work \$ \_\_\_\_\_
- ☐ Number of 2-Stop Elevators: \_\_\_\_\_
- ☐ Number of Additional Stops: \_\_\_\_\_

**8. Charter School Facilities Program Rehabilitation Additional Grant  
and Excessive Cost Hardship Request****Additional Grant Request**

- a. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**Excessive Cost Hardship Request**

- b. ☐ Geographic Percent Factor: \_\_\_\_\_ %
- c. ☐ Small Size Project
- d. ☐ Urban/Security/Impacted site
- e. ☐ Accessibility/Fire Code
- ☐ 3 percent of base grant; or,
- ☐ 50 percent of minimum work \$ \_\_\_\_\_
- ☐ Number of 2-Stop Elevators: \_\_\_\_\_
- ☐ Number of Additional Stops: \_\_\_\_\_

**9. Project Priority Funding Order—New Construction Only**

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

Project meets:

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

**10. Prior Approval Under the LPP**

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

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

**11. Prior Apportionment Under the SFP**

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

Design—Modernization: 57/ \_\_\_\_\_

**12. Preliminary Apportionment to Final Apportionment**

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

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

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



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**ATTACHMENT B1d****14. Adjustment to New Construction Baseline Eligibility**

a. Classroom(s) provided:

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

Construction Contract(s) for the project signed on: \_\_\_\_\_

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

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

**17. Project Progress Dates**

- a. Construction Contract(s) awarded on: \_\_\_\_\_  
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Notice(s) to Proceed issued on: \_\_\_\_\_
- c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

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

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

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

**19. Construction Delivery Method**

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

**20. Career Technical Education Funds Request**

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

Number of CTE classroom(s): \_\_\_\_\_

**21. Overcrowding Relief Grant Narrative**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

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

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

**APPLICATION FOR FUNDING  
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**ATTACHMENT B1d****24. Certification**

I certify, as the District Representative, that the information reported on this form, with the exception of items 22 and 23, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

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**ATTACHMENT B1d**

- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.
- For modernization projects for school facilities constructed before January 1, 2012, the district certifies that it has complied with Education Code Section 17584 requiring the inclusion of faucet aerators and water-conserving plumbing fixtures, as defined in Section 1101.3 of the Civil Code, in all bathrooms.
- The district understands that the total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. The district certifies that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.
- The district certifies that any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.
- The district certifies that any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 06/17/xx/25)

**ATTACHMENT B1e****GENERAL INFORMATION****(Refer to title 2, California Code of Regulations, sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds apportioned pursuant to Section 1859.81(e) will automatically be released to the district within 30 days of the following, whichever occurs last: an Apportionment or submittal by the district of a Grant Agreement pursuant to Section 1859.90.4, with the exception of Preliminary Apportionments.

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

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

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

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

**SPECIFIC INSTRUCTIONS****Part I. Preliminary Apportionment—Design Only**

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

**Part II. Preliminary Charter School Apportionment**

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

**Part III. Separate Site Apportionment**

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

**Part IV. Overcrowding Relief Grant - Advance Site Funds**

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

**Part V. New Construction/Modernization/Charter School Rehabilitation**

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

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

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

**Part VI. New Construction—Site Acquisition Only**

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

**Part VII. Joint-Use Projects**

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

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

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

**Part IX. Career Technical Education Facilities Projects**

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

**Part X. Identify District's Construction Delivery Method**

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

**Part XI. Submittal of Project Grant Agreement**

Check the appropriate box that identifies the timing of the submittal of the signed Grant Agreement for the project.

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 06/17xx/25)

**ATTACHMENT B1e**

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

**Part I. Preliminary Apportionment—Design Only**

- ☐ The district certifies it has complied with Section 1859.149(a).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

**Part II. Preliminary Charter School Apportionment****A. Design Only**

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

- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- ☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

**B. Separate Site Apportionment**

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

- ☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- ☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

**Part III. Separate Site Apportionment**

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

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

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund

- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

**Part IV. Overcrowding Relief Grant - Advance Site Funds**

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

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

**Part V. New Construction/Modernization/Charter School Rehabilitation**

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

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for \_\_\_\_\_ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), which received written DSA approval on \_\_\_\_\_, and has issued the Notice(s) to Proceed on \_\_\_\_\_ for that contract(s) awarded on \_\_\_\_\_.
- (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- ☐ If the district certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

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

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

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

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

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

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**ATTACHMENT B1e****Part VI. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- ☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

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

**Part VII. Joint-Use Projects**

- ☐ The district certifies that the Joint-Use Partners' financial contribution has either:
- been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for \_\_\_\_\_ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.

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

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

- ☐ Available bond funds such as general obligation, or Mello-Roos.
- ☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.
- ☐ Other funds available (identify)
- ☐ Funds already expended by the district for the project.
- ☐ Funds already expended by the Joint-Use Partners for the project.
- ☐ Future revenue sources to be used for the project (identify)

**Part IX. Career Technical Education Facilities Projects**

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.

**Part X. Identify District's Construction Delivery Method**

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

**Part XI. Signed Grant agreement**

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

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

**INSTRUCTIONS (Refer to Title 2, California Code of Regulations Sections 1859.104 and 1859.106)**

For purposes of completing this form enter the total amount spent for the project, including expenditures that may exceed the State and district shares authorized by the State Allocation Board.

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the earliest issue date of the notice to proceed to the construction contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "\$0" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current report period.
6. Enter the sum of the corresponding line items in columns 4 and 5.

Provide a detailed listing of each expenditure listing items by:

- Warrant, date of warrant, payee, warrant number, and description/purpose of the expenditure.
- Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately.
- The use of a transaction record, in lieu of warrant number, is acceptable for force account expenditures.
- Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79.

Go to the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc) for the Project Information and Expenditure Worksheet (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: SFP Audit  
707 Third Street  
West Sacramento, CA 95605



SCHOOL DISTRICT		COUNTY	APPLICATION NUMBER
BUSINESS ADDRESS/CITY			REPORT NUMBER
SCHOOL NAME		DSA NUMBER	CDS NUMBER
PERIOD ENDING			
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. **Percent of Project Complete:** \_\_\_\_\_
2. **Notice to Proceed Issue Date:** \_\_\_\_\_
3. **Notice of Completion Date:** \_\_\_\_\_

	4. Previous Report	5. Report Period	6. Total to Date
District Funds or Joint-Use Partner(s) Contribution			
State Funds			
Interest Earned			
Project Expenditures			

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

- I am designated as an authorized district representative by the governing board of the district; and,
- under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the construction of this project; and,
- this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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**APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING  
SCHOOL FACILITY PROGRAM**

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 50-10 (REV 10/14)

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**GENERAL INFORMATION**

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

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

- California Department of Education's (CDE) Career Technical Education (CTE) score letter.
- A copy of the submitted CTEFP application that complies with the requirements of Education Code Section 17078.72.
- If applicable, Plan Approval letter from the CDE School Facilities Planning Division.
- If applicable, Plans and Specifications (P&S) for the project that were approved by the Division of the State Architect (DSA) and the DSA Approval letter. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Detailed cost estimate of proposed site development, if requesting site development funding.
- Detailed construction cost estimate, if requesting construction funding.
- Itemized list of equipment including cost, if requesting equipment funding.
- If requesting a loan, the applicant must attach the completed CTEFP Funding Availability Worksheet.

**SPECIFIC INSTRUCTIONS**

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

**1. Type of Application**

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

**2.****CTE Industry Sector and Pathway(s)**

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

**3. Reservation of Funds**

Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d).

Otherwise, check the box "No."

**4. Loan Request**

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

**5. Number of CTE Classrooms**

Enter the number of CTE classrooms specified in the CDE CTE Application.

**6. Qualifying SFP Project Application Number**

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

**7. CDE Application Overall Score**

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

**8. CTE Facility Square Footage**

Enter the total eligible square footage of the CTE Facility in the project.

**9. Eligible Costs**

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

**APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING  
SCHOOL FACILITY PROGRAM**

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 50-10 (REV 10/14)

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**10. Cost Per Square Footage**

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

**11. Project Assistance**

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

**12. Project Progress Dates**

Complete this section for new construction/modernization projects:

- a. Enter the date(s) the construction contract(s) was awarded for this project(s).  
If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

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

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

monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

Department of Industrial Relations (DIR) Public Works administration and enforcement

A DIR-approved internal LCP

A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

**14. Additional Grant for High Performance Incentive**

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

**15. Certification**

The district representative must complete this section.

**APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING**

CONSTRUCTION

**SCHOOL FACILITY PROGRAM**

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

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

**1. Type of Application—Check Only One**

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

- ☐
- ☐ Modernization Project—reconfigure existing school buildings and/or equipment Separate HPI grant request [Section 1859.107]
- ☐ Add the HPI Grant
- ☐ Remove the HPI Grant

**2. CTE Industry:**

Sector: \_\_\_\_\_

Pathway(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. Reservation of Funds:** Yes No☐ ☐**4. Loan Request:** Yes No☐ ☐**5. Number of CTE Classrooms in the CTEFP application** \_\_\_\_\_**6. Qualifying SFP Project Application Number**

Application Number: # \_\_\_\_\_

Project Tracking Number: # \_\_\_\_\_

**7. CDE Application Overall Score:** \_\_\_\_\_Minimum Score: 105**8. CTE Facility Square Footage:** \_\_\_\_\_**9. Eligible Costs**

- a. 50 Percent Construction: \$ \_\_\_\_\_
- b. 50 Percent Equipment: \$ \_\_\_\_\_
- c. 50 Percent Site Development: \$ \_\_\_\_\_
- d. 50 Percent SFP Allowance (New Construction Only) \$ \_\_\_\_\_
- e. Total (a+b+c-d): \$ \_\_\_\_\_

**10. Cost Per Square Foot:** \$ \_\_\_\_\_**11. Project Assistance**☐ CTE Project Only—not part of a qualifying SFP project**12. Project Progress Dates**

- a. Construction Contract signed on: \_\_\_\_\_
- b. Notice to Proceed issued on: \_\_\_\_\_
- (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

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

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

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

**14. High Performance Incentive Additional Grant Request**

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

**15. Certification**

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

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

# APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING SCHOOL FACILITY PROGRAM

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- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,
- The participant has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.197); and,
- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action (refer to Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.198); and,
- The participant understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105 and 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction were executed on or after May 20, 2006; and,
- All equipment was purchased on or after May 20, 2006, unless the project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement will be executed pursuant to the requirements in Section 1859.194; and,
- The district has contracted with the DIR for Prevailing Wage Monitoring and Enforcement, pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- Funds reserved pursuant to Subdivision (l) of Education Code Section 17078.72 shall be rescinded if, when the necessary Plans and Specifications are submitted, the district has not attained the necessary points pursuant to Section 1859.71.6 or 1859.77.4, as applicable; and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.
- The district understands that the total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. The district certifies that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.
- The district certifies that any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.
- The district certifies that any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE

DATE

NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)

TITLE

TELEPHONE

E-MAIL  
ADDRESS