

ATTACHMENT A8

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING January 29, 2026

PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR THE CREATION OF A SMALL SCHOOL DISTRICT PROGRAM

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new Program was authorized by 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.

AUTHORITY

See Attachment A8a.

DESCRIPTION

This report continues discussion of the implementation plans for the new Program. Prior stakeholder meetings for this topic were held on February 13, April 17, June 26, September 18, and December 10, 2025. This report provides revisions to the proposed regulations, provides revisions to the proposed *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12), and includes newly proposed amendments to the *Fund Release Authorization* (Form SAB 50-05) and the Grant Agreement [Proposition 2].

Attachment A8b includes the revised proposed regulations.

Attachment A8c includes the revised proposed Form SAB 50-12.

Attachment A8d includes the proposed amendments to the Form SAB 50-05.

Attachment A8e includes the proposed amendments to the Grant Agreement [Proposition 2].

BACKGROUND

Education Code (EC) Sections 101412(a)(1)(A) and (a)(2)(A) authorized up to ten percent of the amounts allocated in Proposition 2 for New Construction and Modernization to be available to Small School District Program projects. At its January 22, 2025 meeting, the State Allocation Board (Board) set aside the full ten percent of New Construction and Modernization bond authority for the Program – \$330 million for New Construction projects and \$400 million for Modernization projects.

BACKGROUND (cont.)

Stakeholder Feedback

On February 13, April 17, June 26, September 18, and December 10, 2025, the Office of Public School Construction (OPSC) held public meetings to discuss proposed criteria for the new Program. OPSC seeks stakeholder input on any topics presented in this item.

The full text of the prior stakeholder meeting items can be found at the links below:

[February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item](#)

[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item](#)

[June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Item](#)

[September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Item](#)

[December 10, 2025 OPSC Proposition 2 Stakeholder Meeting #19 - Item](#)

The recordings from the stakeholder meetings are available at the links below:

[February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording](#)

[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording](#)

[June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Recording](#)

[September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Recording](#)

[December 10, 2025 OPSC Proposition 2 Stakeholder Meeting #19 - Recording](#)

STAFF ANALYSIS/DISCUSSION

This report provides revisions to the proposed regulations and the proposed Form SAB 50-12 and introduces newly proposed amendments to the Form SAB 50-05 and the Grant Agreement [Proposition 2]. Staff would like to thank stakeholders who were able to view, attend, or participate in these meetings and provide valuable feedback either during the meetings or through written correspondence to OPSC. OPSC did not receive stakeholder feedback following the December 10, 2025 meeting.

Summary of Updates to Proposed SFP Regulatory Amendments

The updated proposed regulations are included as Attachment A8b. In addition to various non-substantive, clarifying updates, OPSC made updates to the proposed regulatory amendments described below.

Section 1859.2 has two newly proposed amendments, specifically for the following definitions:

- “General Location” is amended to add a reference to Section 1859.157.1.
- “Median Cost” is amended to include reference to EC Section 17078.24 and the Preliminary Program Apportionment pursuant to EC Section 17078.37, which indicates that preliminary applications shall be accepted and apportionments made for new construction and modernization grants “in a

STAFF ANALYSIS/DISCUSSION (cont.)

manner substantially identical to the preliminary apportionment requirements established in EC Section 17078.24...”

Proposed Section 1859.18.1 has been added to the updated proposed regulations. This proposed regulatory section, which establishes timeframes for submittal of the required five-year school facilities master plan (Master Plan) required by Proposition 2 for applications submitted on or after October 31, 2024, will be considered by the Board on January 28, 2026. If proposed regulations related to the Master Plan become effective prior to the effective date of regulations for the Program, the regulations proposed for the Program will include an amendment to Section 1859.18.1 to specify when Program applicants must submit the Master Plan and an associated local governing board resolution. OPSC has included the following table for reference.

Small School District Program Applications		
Date of Application Submittal	When is a local governing board resolution required?	When is Master Plan required?
On or after October 31, 2024	At the time of application submittal for a Preliminary Apportionment	By the time the application request for Final Apportionment is submitted to OPSC using the <i>Application for Funding</i> (Form SAB 50-04)

OPSC has newly proposed amendments to Section 1859.74.1, which requires applicants requesting site acquisition funding authorized by Section 1859.74 to certify to specified criteria, to add reference to the Form SAB 50-12. This proposed amendments aligns with language previously presented on the Form SAB 50-12 certifications.

Proposed amendments to Section 1859.106(e) are revised to improve clarity and to align better with (a), (b), and (c).

Proposed Section 1859.157.1 is amended, as follows:

- Subsection (a) is updated to explicitly address the additional grants for New Construction projects and specify regulatory references and requirements.
- Subsection (a)(6)(A) has been added to specify criteria for requesting site acquisition at the Preliminary Program Application stage, which is substantially identical to the regulations created for the Critically Overcrowded Schools (COS) program, thereby aligning with the statutory intent of EC Sections 17078.24 and 17078.37. As seen above, OPSC has

STAFF ANALYSIS/DISCUSSION (cont.)

also proposed amendments to the definitions for General Location and Median Cost to be inclusive of the Program.

- Subsection (a)(7) has been expanded to include specificity for purposes of determining site development costs in alignment with the COS regulatory framework.

Proposed Section 1859.157.2 is amended, as follows:

- Subsection (a) is updated to explicitly address the additional grants for Modernization projects and specify regulatory references and requirements.
- Subsection (a)(7) is updated to specify that for purposes of site development for 50 years or older permanent buildings, Districts may request 20 percent of the funding authorized by Section 1859.78.6. At the time of conversion, the district shall amend its request pursuant to Section 1859.78.7, wherein the funding provided shall be equal to the lesser of either 60 percent of the costs or 20 percent of the funding authorized by Section 1859.78.6, the lesser of either.

Proposed Section 1859.157.3 is amended to provide clarifying language for purposes of requests for site acquisition pursuant to Section 1859.75.1, wherein a District is eligible for an amount not to exceed the Preliminary Program Apportionment.

Proposed Section 1859.157.4(c) is added to clarify qualifying enrollment criteria for purposes of converting a Preliminary Program Apportionment to a Final Program Apportionment. This section clarifies that any applicant with a qualifying Small School District enrollment of 2,500 students or fewer at the time the applicant received a Preliminary Program Apportionment may convert to a Final Program Apportionment even in the event that the applicant's current enrollment exceeds 2,501 students at the time the applicant submits a Form SAB 50-04.

Subsequently, proposed Section 1859.157.4(d) has been added to clarify how the qualifying enrollment in (c) impacts various supplemental grants, as follows:

- Section (d) states funding for Modernization supplemental grants shall be calculated using the enrollment demonstrated within the Preliminary Program Apportionment for purposes of the Minimum Essential Facility and Transitional Kindergarten Classroom supplemental grants.

Proposed Section 1859.157.7 is updated to simplify the section and delete duplicative information.

STAFF ANALYSIS/DISCUSSION (cont.)

Occupancy Requirement

A stakeholder posed the following scenario after the last stakeholder meeting:

A small school district has a New Construction application currently on the SFP Workload List, and the district is thinking about submitting a Form SAB 50-12 for the Small School District Program for the same project. The application on the SFP Workload List was submitted to OPSC prior to the date of occupancy for the classrooms, pursuant to SFP requirements for New Construction applications. However, since the application was submitted, those classrooms are now occupied. Is this district still able to participate in the Program and receive New Construction funding for its project?

The Program set asides are intended to provide a Preliminary Apportionment and respective reservation of funding to assist eligible small school districts in obtaining plans for a project and having the funding available to then complete it. Withdrawing an application from the current SFP list and subsequently applying for the Program as a new application with a new received date would mean that the school district would no longer be able to meet the occupancy requirement at the time the Form SAB 50-04 is submitted, and therefore, would not be able to participate in the program for this particular project, as in accordance with Section 1859.70(a), "...The Board shall only provide New Construction funding if the Approved Application was received by the OPSC prior to the date of Occupancy for any classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a School District will be ineligible to seek New Construction funding...". Therefore, it is appropriate that a school district would not be able to apply for a preliminary apportionment or receive funding due to the classrooms being occupied prior to the submittal date of the Form SAB 50-12, as the school district would not be able to successfully convert the project.

Not included in the proposed regulation at this time, but to be included in the next iteration planned for the Board agenda item, OPSC will amend Section 1859.156 to clarify this process as it relates to the existing occupancy requirement for New Construction funding pursuant to Section 1859.70. This will ensure that bond authority is not reserved for a project that is unable to move forward with a conversion to a Final Small School District Program Apportionment.

Additional Related Proposed Changes

Summary of Updates to the Proposed Form SAB 50-12

The updated proposed Form SAB 50-12 is included as Attachment A8c. In addition to various non-substantive, clarifying updates, OPSC made updates to the proposed Form SAB 50-12 as follows:

STAFF ANALYSIS/DISCUSSION (cont.)

- Section 1 has been updated to clarify the type of application, either a Preliminary Program Apportionment for New Construction or for Modernization.
- Section 5, both within the instructions and body of the form, is updated to align with the updates to proposed regulation Section 1859.157.1, for purposes of calculating Site Acquisition costs.
- Section 6d., both within the instructions and body of the form, is amended to align with the proposed regulatory amendments to Section 1859.157.2(a)(6) and (7) related to site development for 50 and 75 years or older buildings.

Summary of Proposed Amendments to the Form SAB 50-05

In addition to non-substantive updates, the Form SAB 50-05 is proposed to be amended to include a new Part III for purposes of requesting a Preliminary Program Apportionment for design only or site acquisition, pursuant to the proposed updates to Section 1859.157.3.

Summary of Proposed Amendments to the Grant Agreement [Proposition 2]

Proposed additions to the Grant Agreement [Proposition 2] include the following:

- Definitions for “Form SAB 50-12”, “Preliminary Small School District Program Apportionment”, and “Project and Construction Management Grant” are added.
- Section C (Project Execution) is updated to cite the Program authority.
- A Preliminary Small School District Program Apportionment section has been added to the Grant Agreement, wherein the Grantee agrees to comply with the requirements of Sections 1859.157.4 and 1859.157.7
- Section 1 is updated to include the Small School District Program – New Construction Separate Apportionment for Design Costs or Adjusted Grant.
- Section 2 is updated to include the Small School District Program – New Construction Separate Apportionment for Site Acquisition Costs.
- Section 4 is updated to include the Small School District Program – Modernization Separate Apportionment for Design Costs.
- Sections 1, 3, 4, 5 under the Common Eligible Project Expenditures (G) are updated to clarify eligible expenditures related to the Project and Construction Management Grant. Sections 3 and 5 under the Ineligible Project Expenditures (H) are updated to clarify ineligible expenditures related to the Project and Construction Management Grant.

NEXT STEPS

OPSC welcomes any feedback from our stakeholders regarding the updates to the proposed regulations, Form SAB 50-12, Form SAB 50-05, and Grant Agreement [Proposition 2].

Staff will review any feedback obtained in today's meeting and anything received through close of business on Friday, February 6, 2026, 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.

AUTHORITY**Education Code (EC) Section 17078.35 – Assistance to Small School Districts**

For purposes of this article, the following definitions apply:

- (a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.
- (b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.
- (c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.
- (d) “Project and construction management grant” means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.
- (e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

- (a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.
- (b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:
 - (1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.
 - (2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

AUTHORITY (cont.)

EC Section 17078.37 – Assistance to Small School Districts

Notwithstanding subdivision (a) of Section 17072.30 and subdivision (a) of Section 17074.16, as applicable:

(a) Applicants for funding pursuant to this article shall do both of the following:

(1) Submit preliminary applications to the board.

(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.

(b) The board shall do both of the following:

(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).

(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:

(a) The preliminary application and preliminary apportionment.

(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.

(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.

(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

Section 1859.2. Definitions.

[...]

“Final Small School District Program Apportionment” shall mean a Preliminary Small School District Program Apportionment that has been converted to a Final Small School District Program Apportionment in accordance with Sections 1859.157.4 through 1859.157.7.

[...]

“Form SAB 50-12” means the *Application For Small School District Program Preliminary Apportionment*, Form SAB 50-12 (New [XX/26]), which is incorporated by reference.

[...]

“General Location” means the proposed location of a new school as set forth in Education Code Section 17078.22 and Sections 1859.142 and 1859.157.1.

[...]

“Median Cost” means, for purposes of a Preliminary Apportionment pursuant to Education Code Section 17078.24 and a Preliminary Small School District Program Apportionment pursuant to Education Code Section 17078.37, the middle number in a given sequence of property value numbers, or the average of the middle two property value numbers when the given sequence of property value numbers has an even number of numbers.

[...]

“Preliminary Small School District Program Apportionment” means a reservation of bond authority for eligible applicants under Article 11.5 of Chapter 12.5 of the Education Code. The reservation of bond authority is in advance of full compliance with all of the application requirements otherwise required for a Final Small School District Program Apportionment pursuant to Chapter 12.5 of the Education Code.

[...]

“Project and Construction Management Grant” means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Education Code Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.

[...]

Note: Authority cited: Sections 17070.35, 17075.20 and 17078.64, Education Code.

Reference: Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.59, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.30, 17072.33, 17073.16, 17073.25, 17074.10, 17074.16, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.24, 17078.35, 17078.36, 17078.37, 17078.38, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.18.1 Master Plan Submittal Time Frames

When submittal of a Master Plan or updated Master Plan is required pursuant to subsections (a) through (c) of Section 1859.18, inclusive, School Districts shall submit a complete and valid Master Plan and a local governing board resolution, as applicable, to OPSC within the time frames stated below. If a complete and valid Master Plan or a local governing board resolution is not submitted within the specified time frame, the application for funding shall be returned or the Apportionment may be rescinded.

...

(e) Applicants to the Small School District Program beginning with Section 1859.156 must submit a Master Plan as follows:

- (1) If the School District receives a Preliminary Small School District Apportionment on or after October 31, 2024, the Master Plan must be submitted with the Form SAB 50-04 request for Final Small School District Apportionment.
- (2) A local governing board resolution acknowledging the requirement in (e)(1) must be submitted with the Form SAB 50-12 requesting a Preliminary Small School District Apportionment.

...

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17070.54, 17070.75, 17071.10, 17071.25, 17071.75, 17071.76 and 41024, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

...

(e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all School Districts using a fifth-year projection or a tenth-year projection, except decreases as provided in (j) below.

For all funding requests received by OPSC on or after June 6, 2017, OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04 and that the School District shall submit ~~the~~ a complete and valid Form SAB 50-01 based on School District enrollment data, as shown in the table below:

OPSC Received Date of Form SAB 50-01	Enrollment Reporting Year
July 1 through October 31	Submit Prior Fiscal Year Enrollment Data
November 1 through June 30	Submit Current Fiscal Year Enrollment Data

OPSC may return the Form SAB 50-04 to the School District for failure to submit the Form SAB 50-01 within 90 calendar days of OPSC's notification.

...

(j) For Small School Districts:

- (1) Decreased by any reduction in projected enrollment that follows a five-year period after the Small School District's eligibility was approved by the Board, and either (A) or (B), as applicable:
 - (A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.
 - (B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.
- (2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

...

Section 1859.74.1. Site Acquisition Guidelines.

To receive the funding authorized by Section 1859.74, the School District must certify on the Form SAB 50-04 or Form SAB 50-12, as applicable, that the appraisal of the property was made utilizing the following criteria:

The land improvements and appurtenances, excluding fixtures, equipment and personal property, were appraised in an as is condition with the following exceptions:(1) The site

shall be appraised as if it were a clean site, safe of all toxic contaminants in accordance with CDE guidelines and pursuant to Title 5, California Code of Regulations commencing with Section 14001.

(2) The site valuation included only proposed site improvements associated with grading the site to a mass graded or super pad condition, defined as a site graded to construction readiness without foundation or paving and proposed utilities stubbed to the site. Any proposed site improvements or utilities not covered by a performance bond equal to 100 percent of the estimated cost of the site improvements and utilities must be completed prior to the close of escrow and detailed separately in the report.

Consideration in the appraisal was made for net useable acreage and severance damages.

The School District or its legal counsel has contracted for appraisal services.

The appraiser has certified to the School District that the appraisal complies with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

The amount of a court award for a site acquired in condemnation may be used in lieu of the appraised value determined in (a) through (d) above, when specifically approved by the Board.

The School District shall be required to submit one appraisal. If the application includes a request for ~~f~~Financial ~~h~~Hardship as provided in Section 1859.81, the OPSC will review the appraisal for conformance with (a), (b), (c) and (d) prior to a recommendation for SFP funding to the Board.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35 and 17072.12, Education Code.

Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to School 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, Preliminary Small School District Program 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 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, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program 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 School ~~D~~istrict 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 complete and 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

(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 School ~~D~~istrict 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 School ~~D~~istrict 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

(B) Acknowledgement that a complete and 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 District Representative within the 30-calendar day filing period, which 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 complete and 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) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Small School District Program Apportionment, the School District shall provide a priority funding request in the form of a written statement signed by an authorized District Representative within the 30-calendar day filing period, which 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 complete and valid Form SAB 50-05 shall be submitted and received by OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so shall result in the rescission of the approved advance release of funds request without further Board action; and

(3) Acknowledgement that a Grant Agreement shall be submitted pursuant to Section 1859.90.4 and received by OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (c)(2).

(ed) If a School dDistrict 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.

(de) 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 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 School dDistrict or kept by ~~the~~ OPSC.

(ef) 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 ~~s~~School dDistricts to provide funds more rapidly.

[...]

(fg) 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 School 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, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

This section applies to Applications for funding for new construction, modernization, Overcrowding Relief Grant, Career Technical Education Facilities Program, Facility Hardship pursuant to Section 1859.82 and rehabilitation pursuant to Section 1859.83(e), ~~and Charter School Facilities Program, and Small School District Program~~, excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment, and excluding advance release of design, project assistance, the Project and Construction Management Grant, and any site acquisition funds from a Preliminary Small School District Program Apportionment.

(a) For each Application on the Unfunded List (Lack of AB 55 Loans) for new construction, modernization, Facility Hardship pursuant to Section 1859.82 or rehabilitation pursuant to Section 1859.83(e), the occurrences of (1) or (2) below shall be limited after the effective date of this regulation section [March 25, 2013]. For each Application on the Unfunded List (Lack of AB 55 Loans) for Overcrowding Relief Grant, Career Technical Education Facilities Program, Small School District Program, and Charter School Facilities Program, excluding advance release of design, project assistance, the Project and Construction Management Grant, and any site acquisition funds from a Preliminary Small School District Program Apportionment; or an advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment, the occurrences of (1) or (2) below shall be limited after the effective date of this regulation section [October 1, 2014]:

[...]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, ~~and~~ 17076.10, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.106. Program Accountability Expenditure Audit.

[...]

An adjustment in the SFP grant will be made for the following:

(a) The difference in the value of the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs that were used to determine the New Construction Additional Grant and the actual amount paid by the School District for the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs. For applications received on or after January 1, 2004, the adjustment may be made regardless of whether the hazardous waste/materials removal costs were requested on the application for funding.

(b) For any insurance proceeds collectable by the School District for displaced facilities and net proceeds available from the disposition of displaced facilities pursuant to Sections 1859.82.1(d) and 1859.82.2(d).

(c) For any project that received funding pursuant to 1859.71.4(c) or 1859.78.1(b), 50 percent of one-fourth of one percent of the difference between the original Total Projected Bond Apportionment and the newly calculated amount.

(d) Any adjustments made pursuant to this Section will be made only if sufficient bond authority is available for the adjustment. If an Unfunded List has been created by the Board, then any adjustments made pursuant to this Section will be placed on the Unfunded List.

(e) The value of the Project and Construction Management Grant, and associated required matching share, provided pursuant to 1859.157.1 or 1859.157.2 if the Small School District does not obtain project and/or construction management services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity or does not expend any funds on these services.

[...]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.50, 17071.75, 17072.13, 17072.14, 17072.18, 17072.35, 17074.25, 17075.20, 17076.10, 17077.40, 17078.35, 17078.36, 17078.37, 17078.38, 17078.52, and 17251, Education Code; and Section 1771.3, Labor Code.

Section 1859.107. Amending and Withdrawal of Applications.

(e) [...]

Any application for modernization eligibility determination that has not received an approval must be amended to conform to Form SAB 50-03 prior to submittal of an Form SAB 50-04.

School Districts that have received an approval of eligibility on a HSAA or Super HSAA are not required to re-establish eligibility under the provisions of Section 1859.41(a).

School Districts that have requested eligibility determination on a HSAA or Super HSAA that have not received an approval must comply with the provisions of Section 1859.41(a) prior to submittal of Form SAB 50-04. The amended eligibility application shall retain its original OPSC processing date.

A School dDistrict that has received an approval of its eligibility determination on a district-wide, HSAA or Super HSAA basis, but received no New Construction Grant(s), may re-file on another eligibility determination basis provided it withdraws all previously submitted Form SAB 50-04 requests for New Construction Grant(s), including those on the Unfunded List.

If a School District submits more than one application for the same scope of work under one or more Board-administered program(s), OPSC will return all other Approved Application(s) containing the common scope of work immediately following the first Board action on an Approved Application with the common scope of work. Prior to the first Board action on an Approved Application with the common scope of work, the School District may request other Approved Application(s) not be returned by requesting to OPSC, in writing, that the scope of work be modified in other Approved Application(s) by clearly delineating the remaining eligible scope of work. The School District may not add additional scope of work to other Approved Application(s).

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

Reference: Sections 17070.35, 17070.63, 17070.965, 17074.15, 17074.16, 17074.56, 17078.35, 17078.36, 17078.37, and 17078.38, and 17078.73, Education Code.

Article 13.5. Small School District ProgramSection 1859.156. General.

Eligible applicants to the Small School District Program must meet the definition of a Small School District stated in Section 1859.2. A Small School District seeking a Preliminary Small School District Program Apportionment pursuant to the provisions of Education Code Sections 17078.35 through 17078.38 for New Construction or Modernization funding shall complete and file a Form SAB 50-12. Applications will be processed in order of receipt of an Approved Application.

Applicants must meet the following requirements:

(a) New Construction Eligibility shall be established pursuant to Section 1859.20 or updated pursuant to Section 1859.51, as applicable, prior to or concurrent with submittal of a complete and valid Form SAB 50-12. An applicant's New Construction Eligibility pursuant to Section 1859.51 must be valid at the time of OPSC's receipt of a Form SAB 50-04 requesting a Final Small School District Program Apportionment. If New Construction Eligibility is not valid, the applicant must submit a complete and valid Form SAB 50-01 pursuant to Section 1859.51(e).

(b) Modernization Eligibility shall be established pursuant to Section 1859.60 prior to or concurrent with the submittal of a complete and valid Form SAB 50-12.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157. Application Process.

The Board shall accept valid and complete Forms SAB 50-12 for a Preliminary Small School District Program Apportionment for Modernization applications beginning on November 2, 2026.

The Board shall accept valid and complete Forms SAB 50-12 for a Preliminary Small School District Program Apportionment for New Construction applications beginning on January 15, 2027.

Valid and complete applications will be processed and funded in date order received by OPSC. In the event there are more applications submitted on the same date than can be funded with available program authority, a lottery system will be used to select the project(s) that is/are funded from the applications submitted on that same date.

When the Small School District Program funds set aside pursuant to Education Code Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, the Board shall cease

accepting Forms SAB 50-12. Any Form(s) SAB 50-12 not apportioned because insufficient funding is available shall be returned to the applicant.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code
Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38,
Education Code.

Section 1859.157.1. Preliminary Apportionment Grant Determination for New Construction Applications.

A Preliminary Small School District Program Apportionment for New Construction funding shall be equal to the sum of (a) through (c)(2) below:

(a) A New Construction Grant for all eligible pupils included on the Form SAB 50-12 at the per-pupil grant amounts in effect at the time the Preliminary Small School District Program Apportionment is approved by the Board, and eligible New Construction additional grants as follows:

(1) Fire code requirements pursuant to Section 1859.71.2,

(2) Energy efficiency pursuant to Section 1859.71.3,

(3) Individuals with exceptional needs pursuant to Section 1859.72,

(4) An amount equal to 12 percent of the amount determined in (a) for multilevel construction pursuant to Section 1859.73,

(5) Project assistance pursuant to Section 1859.73.1,

(6) An amount equal to one-half of the site acquisition value pursuant to Sections 1859.74, 1859.74.5, and 1859.75.1, which shall be the sum of one of the following:

(A) The value of the property, determined by one of the following:

1. An appraisal or preliminary appraisal of the property made no more than six months prior to the date the valid and complete Form SAB 50-12 is accepted by OPSC, pursuant to Section 1859.74.1. The preliminary appraisal may be made without access to the property. The acreage identified in the appraisal or the preliminary appraisal may not exceed the proposed useable acreage requested on the Form SAB 50-12.

2. The Median Cost of an acre of land in the General Location of the proposed project using historical information in the General Location multiplied by the number of proposed useable acres requested on Form SAB 50-12. Historical information that may be considered to determine land cost may include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information, include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Form SAB 50-12 is accepted by OPSC.

(B) An amount for the estimated relocation cost and estimated DTSC costs for review, approval and oversight of the POESA and the PEA as determined by one of the following:

1. 15 percent of the value determined in (a)(6)(A)(1.).
2. The sum of the following:
 - a. The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. Seq.
 - b. The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.
3. The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the School District or other School Districts in the General Location.
4. Four percent of the amount determined in (a)(6)(A), but not less than \$50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.
5. For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(6)(A)(1.) or (a)(6)(A)(2.), pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4.
- (7) An amount for site development cost determined, at the option of the School District, by one of the following:
 - (A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
 - (B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the General Location.
 - (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-12.
 - (D) 35 percent of the New Construction base grant.
- (8) An amount due to urban location, security requirements, and impacted site equal to 15 percent of the amount determined in (a) for 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 when the following criteria are met:
 - (A) The School District has requested an increase for multilevel construction pursuant to (a)(4) above.
 - (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size determined by multiplying the sum of the pupil grants requested on the Form SAB 50-12, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on the Form SAB 50-12 as either elementary, middle or high school pupils based on the type of project selected by the School District on the Form SAB 50-12.

(C) The value of the property as determined in (a)(6)(A) is at least \$750,000 per Usable Acre. This criterion does not apply to an application for an addition to an existing school site.

(9) An amount for the geographic location of the proposed project pursuant to Section 1859.83(a).

(10) Small size projects pursuant to Section 1859.83(b), and

(11) If the Form SAB 50-12 request is for a new school on a site with no existing school facilities, an amount equal to the difference in the amount determined in (a) and the amount shown in the chart in Section 1859.83(c). To determine the number of classrooms in the proposed project, divide the number of pupils requested on the Form SAB 50-12, by 25 for elementary school pupils, 27 for middle and high school pupils, 13 for Non-Severely Disabled Individuals with Exceptional Needs and 9 for Severely Disabled Individuals with Exceptional Needs. Round up.

(b) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amount determined in (a) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

(c) The Project and Construction Management Grant shall be equal to five percent of the sum of the amounts determined in (a) and (b).

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

Reference: Sections 17070.15, 17078.24, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

The Preliminary Small School District Program Apportionment for Modernization funding shall be equal to the sum of (a) through (c)(2) below:

(a) A Modernization Grant for all eligible pupils included on the Form SAB 50-12 at the per-pupil grant amounts in effect at the time the Preliminary Small School District Program Apportionment is approved by the Board, and eligible Modernization additional grants as follows:

(1) Labor compliance program or prevailing wage monitoring and enforcement costs pursuant to Section 1859.78.1,

- (2) Project assistance pursuant to Section 1859.78.2,
- (3) Individuals with exceptional needs pursuant to Section 1859.78.3,
- (4) Fire code requirements pursuant to Section 1859.78.4,
- (5) Energy efficiency pursuant to Section 1859.78.5,
- (6) Site development necessary for 50 years or older permanent buildings pursuant to Section 1859.78.7(b),
- (7) Replacement of 75 years or older buildings and necessary site development pursuant to Section 1859.78.7.1,
- (8) Minimum Essential Facilities pursuant to Section 1859.78.9.1,
- (9) Transitional Kindergarten Classroom(s) pursuant to Section 1859.78.9.2,
- (10) Geographic location pursuant to Section 1859.83(a)
- (11) Small size projects pursuant to Section 1859.83(b)
- (12) Urban location and security requirements and impacted site pursuant to Section 1859.83(d), and
- (13) Accessibility and fire code pursuant to Section 1859.83(e).

(b) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amount determined in (a) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

(c) The Project and Construction Management Grant shall be equal to five percent of the sum of the amounts determined in (a) and (b).

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.3. Preliminary Small School District Program Apportionment Fund Release.

Once the provisions in Section 1859.157.5 have been met, an applicant that meets the following may request an advance release of funds from a Preliminary Small School District Apportionment:

(a) An applicant that meets the Financial Hardship criteria in Section 1859.81 is eligible for an amount not to exceed the following:

(1) 40 percent of the New Construction Grant and the amounts determined in Sections 1859.157.1(a), (a)(5), and (c).

(2) 25 percent of the Modernization Grant and the amount determined in Sections 1859.157.2(a), (a)(2), and (c).

(b) An applicant that meets the Financial Hardship criteria in Section 1859.81 is eligible for an amount, not to exceed the Preliminary Small School District Program Apportionment, for site acquisition pursuant to Section 1859.81.1(a), (b) or (c) after submittal of a Form SAB 50-12 pursuant to Section 1859.157.

(c) An applicant is eligible for an amount, not to exceed the Preliminary Small School District Program Apportionment, for environmental hardship site acquisition pursuant to Section 1859.75.1 after submittal of a Form SAB 50-12 pursuant to Section 1859.157.

Qualified applicants may request a separate advance release of funds for the design and for the site acquisition for the same project. An applicant seeking an advance release of funds pursuant to Section 1859.157.3(a) and/or (b) must have been approved and maintained Financial Hardship status pursuant to Section 1859.81. OPSC will release State funds included in a Preliminary Small School District Program Apportionment pursuant to (a), (b), or (c) to the School District after submittal of the Form SAB 50-05.

Subject to the availability of funding to the Board for bond-funded projects, OPSC will release State funds included in a Preliminary Small School District Program Apportionment, pursuant to (a) or (b). State funds released from a Preliminary Small School District Program Apportionment pursuant to this Section shall be subject to the provisions in Sections 1859.90 and 1859.90.2.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code
Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38,
Education Code.

Section 1859.157.4. Conversion of Preliminary Small School District Program Apportionment.

To request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, an applicant must submit a valid and complete Form SAB 50-04 and meet all the following criteria:

(a) The total number of pupil grants requested on the Form SAB 50-04 cannot exceed the number approved on the Preliminary Small School District Program Apportionment. The number of pupil grants on the Form SAB 50-04 shall be for at least 50 percent of

the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for Modernization funding.

(b) An applicant seeking Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, must request Financial Hardship on the Form SAB 50-04.

(c) Any applicant that qualified to participate in the program and received a Preliminary Small School District Program Apportionment as a Small School District based on the applicant's total enrollment at the time of the Preliminary Small School District Program Apportionment, may submit a complete and valid form SAB 50-04 to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment.

(d) At the time of converting the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, additional funding for Modernization supplemental grants shall be calculated using the qualifying enrollment demonstrated at the time of the Preliminary Small School District Program Apportionment for the following additional grants:

(1) Minimum Essential Facility pursuant to Section 1859.78.9.1.

(2) Transitional Kindergarten Classroom pursuant to Section 1859.78.9.2.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.5. Time Limit on Preliminary Small School District Program Apportionment.

(a) A complete and valid request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, pursuant to Section 1859.157.4, shall be made within four years of the date of the Preliminary Small School District Program Apportionment, unless the applicant receives approval for an extension pursuant to Section 1859.157.6.

(b) If (a) is not met, the Preliminary Small School District Program Apportionment shall be rescinded without further Board action and returned to the fund source.

(c) If (a) is not met, and the applicant has received an advance release of funds as provided in Section 1859.157.3, the following shall occur:

(1) The Preliminary Small School District Program Apportionment shall be rescinded without further Board action and any remaining Preliminary Small School District

Program Apportionment not released to the applicant, shall be returned to the fund source.

(2) The New Construction Eligibility or Modernization Eligibility shall be adjusted by the number of pupil grants not used. The number of pupil grants returned shall be equal to the number of pupil grants requested on the Form SAB 50-12, less the pupil grants equivalent to the total amount of state funding retained by the applicant.

(3) Funds released pursuant to Section 1859.157.3(a) or (b) shall be reduced to cost incurred and closed-out, pursuant to Section 1859.106, with a corresponding New Construction or Modernization baseline eligibility adjustment for the pupil grants assigned to the Preliminary Small School District Program Application. Funds returned pursuant to Section 1859.106 shall be returned to the fund source.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.6. Preliminary Small School District Program Apportionment Time Limit Extension.

An applicant that has received a Preliminary Small School District Program Apportionment pursuant to Section 1859.157.1 or 1859.157.2 may request a single one-year extension of the time limit prescribed in Section 1859.157.5. The Board may approve the request provided the criteria in (a) or (b) are met:

(a) The applicant has provided evidence of both of the following:

(1) CDE has made a contingent or final approval for the project or of the proposed site; and,

(2) DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.

(b) Other evidence satisfactory to the Board justifying the extension.

A single one-year extension request from an applicant may be approved by the Board after the time limit prescribed in Section 1859.157.5 has elapsed. OPSC must receive the single one-year extension request from the applicant on or prior to the deadline for which the applicant's time limit would elapse.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.7. Final Small School District Program Apportionment Grant Determination.

The amount of the Final Small School District Program Apportionment shall be based on the provisions of any amended or new regulations that are effective at the time the complete and valid Form SAB 50-04, for the Final Small School District Program Apportionment, is accepted by OPSC for processing. The Board shall approve conversions from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment as follows:

(a) If the Final Small School District Program Apportionment is equal to or less than the Preliminary Small School District Program Apportionment, the Final Small School District Program Apportionment shall be funded entirely. The difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment shall be returned to the fund source. The Final Small School District Program Apportionment shall be the full and final Apportionment for the project.

(b) If the Final Small School District Program Apportionment is greater than the Preliminary Small School District Program Apportionment, the applicant shall receive an increase using any remaining balance in the fund source.

(1) Availability of any remaining balance in the fund source shall be prioritized in date order that OPSC receives a complete and valid Form SAB 50-04.

(2) In the event there are more applications submitted on the same date than can be funded with the balance in the fund source, a lottery system will be used to determine the funding order.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.8. Final Small School District Program Apportionment Fund Release.

Once the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment pursuant to Sections 1859.157.4 through 1859.157.7, the applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

A Small School District receiving funds in accordance with the Act shall submit the following:

(a) An expenditure report from the Small School District on the Form SAB 50-06. The program reporting requirements are as follows:

(1) The first expenditure report shall be due one year from the date that any funds were released to the Small School District for the project pursuant to Section 1859.90 or 1859.90.2, or upon notice of completion of the project to OPSC, whichever occurs first. A project shall be deemed complete when either of the following occur:

(A) When the notice of completion for the project has been filed with OPSC, all outstanding invoices, claims, and change orders have been satisfied, and the facility is currently in use by the Small School District.

(B) Three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(2) The second and subsequent expenditure reports, if necessary, shall be due annually beginning one year from the first report, or upon notice of completion of the project to OPSC, whichever occurs first. The final expenditure report must be made no later than three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(b) A progress report, in the form of a narrative from the Small School District, shall be due 18 months from the date any funds were released to the Small School District for the project, pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the Small School District has made towards substantial completion of the project. If the notice of completion to OPSC has been filed within 18 months of the release of funds, pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

(c) A progress report, in the form of a narrative from the Small School District, shall be due 12 months from the date the site acquisition funds were apportioned to the Small School District for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the Small School District has made towards acquiring the site as outlined in Section 1859.105.1, and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).

(d) If an Apportionment was made for a Small School District owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the Small School District owned site has been discontinued or relocated is required. The certification must be submitted to OPSC no later than the following dates:

(1) If the project is for an elementary school, 66 months from the date of the site Apportionment.

(2) For all other projects, 78 months from the date of the site Apportionment.

Note: Authority cited: Sections 17070.35, 17072.13, 17075.15 and 17079.30, Education Code.

Reference: Sections 17070.15, 17070.35, 17070.99, 17072.12, 17072.13, 17076.10, 17078.35, 17078.36, 17078.37, 17078.38, and 17079.30, Education Code.

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY**APPORTIONMENT****SCHOOL FACILITY PROGRAM**

SAB 50-12 (New XX/26)

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GENERAL INSTRUCTIONS

This form is used to request a preliminary Apportionment for new construction or Modernization of school facilities for Small School Districts. This Apportionment is available only to School Districts that meet the definition of a Small School District in Section 1859.2 for new construction projects. For Modernization projects, this Apportionment is available only to School Districts that have 2,500 or less Pupils in their District on their latest California Basic Education Data System (CBEDS) enrollment reporting. The Apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Small School District Program Apportionment based on Sections 1859.157.4 through 1859.157.8.

If not previously submitted, a School District may file an application for Modernization funding by use of this form concurrently with a determination of or an adjustment to the School District's Modernization Eligibility in accordance with Section 1859.60. The School District must submit a determination of or an adjustment to the School District's new construction baseline eligibility upon request, in accordance with Regulation Sections 1859.20 or 1859.51, 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 School District has a pending reorganization election that will result in the loss of eligibility for the proposed project, the School District must submit an adjustment to the School 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 the Office of Public School Construction (OPSC) returning the funding application to the School 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 Preliminary Small School District Program Apportionment for new construction pursuant to Section 1859.157.1. School Districts may apply for a Preliminary Small School District Program Apportionment for the design and/or 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 or a final site approval letter from the CDE (site Apportionment only).
 - Real estate appraisal of property with valuation date within six months of the Form SAB 50-12 submittal, may be preliminary (site Apportionment only).
 - Relocation cost estimate (if requested).
 - Department of Toxic Substances Control (DTSC) cost estimate (if requested).
 - Hazardous waste removal cost estimate (if requested).
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board

findings that the non-school function on the district-owned site must be relocated (if applicable).

If the School District is requesting a Preliminary Small School District Program Apportionment for new construction funding after the initial baseline eligibility was approved by the Board and the School District's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the School District's baseline eligibility or adjusted eligibility, the School District must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to OPSC with this form. The School District must also update its eligibility by separation of Special Day Class from regular TK-12 grade level Pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. In addition, if the School District's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the School District must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of five years from the date the School District's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

2. A Preliminary Small School District Program Apportionment for Modernization pursuant to Section 1859.157.2. For purposes of this Apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

A complete list of the application submittal guidelines can be found on OPSC's website.

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SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the School District has already assigned a PTN to this project by prior submittal of an application to either DSA or CDE for approval, the School District must use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained through OPSC Online.

1. Type of Application

Check the appropriate box that indicates the type of request the School District is requesting with this form.

- a. If the School District is requesting upfront funding for either site and/or design in a new construction project or requesting upfront funding for design in a Modernization project, check the appropriate box in addition to the box for the Preliminary Small School District Program Apportionment above.

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.
- 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 School District:
- : The total number of eligible classrooms or the total eligible Square Footage of building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A). Or,
 - : The total number of permanent Classrooms or the total permanent Square Footage of 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. Check the box if the project may be eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
- : The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being demolished. Refer to Section 1859.78.7.1.
 - : The estimated total number of eligible Classrooms and/or the

estimated total eligible Square Footage of building area being constructed. Refer to Section 1859.78.7.1.

- : Enter the appropriate number of Pupils assigned to the project for each grade group. The estimated number of Pupils entered cannot exceed the cumulative number of Pupil grants requested in Section 2a, and determined by using the percentage factor above.
- e. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- f. Indicate the site scenario that best represents the project request.

3. Number of Classrooms/Useable Acres

Enter the:

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

4. Type of Financial Hardship Request

If the School District is requesting Financial Hardship assistance because it is unable to meet its matching share requirement on this application, the School District must check the box and comply with the requirements of Section 1859.81.

5. Preliminary Small School District Program Apportionment – New Construction Only

Check the appropriate box(es) if the School District is planning to request the item listed as part of the Final Small School District Program Apportionment. All remaining item requests that are not released as part of the Preliminary Small School District Program Apportionment, but are made on this form, will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.157.1 for eligibility criteria and further details. The School District may be required to submit supporting documentation to substantiate any of the requests being made. Enter the:

- a. Estimated amount of therapy area in square feet as provided in Section 1859.72.
- b. Check the box if the applicant is requesting additional funding due to multilevel construction. See Section 1859.157.1(a)(4).
- c. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.73.1.
- d. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.1(b).
- e. Site Acquisition
Enter either:
1) Enter the estimated 50 percent amount of the actual cost, or
2) Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.157.1(a). If the purchase price of the site is being determined using the Median Cost of the General Location enter the nearest street intersection to the school site.
Enter the following:

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3) To determine an allowance for relocation cost and DTSC cost, the applicant may request 15 percent of the property value determined above or specific historic values of these costs. See Section 1859.157.1(a). If specific or historic values are reported, the applicant must submit appropriate documentation to support the amount reported.

4) Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.157.1(a).

If the project the School District is planning to request SFP funding for does not require an Response Action (RA), refer to Section 1859.74. If the project the School District is planning to request SFP funding for may require an RA on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If the project the School District is planning to request SFP funding for may require an RA 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. CDE determines that the site is the best available site, and the School District must submit substantiation that the costs are the minimum required to complete the evaluation and RA.

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 School District-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Section 1859.74.5.

4) Enter the estimated 50 percent amount of the allowable amount 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.

- f. To determine an allowance for site development, the applicant may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.157.1(a). If specific or historic estimated costs are used, the applicant must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

In addition, check the box if the applicant is requesting General Site Development pursuant to Section 1859.157.1.

- g. If the School District is planning to request an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the estimated percentage amount of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment.
- h. Check the box(es) if the School District plans to request additional funding for fire code requirements authorized in Section 1859.71.2.

Check the appropriate box(es) if the School District is planning to request the item listed as part of the Final Small School District Program Apportionment. All remaining item requests that are not released as part of the Preliminary Small School District Program Apportionment, but are made on this form, will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.157.2 for eligibility criteria and further details.

- a. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.78.2.
- b. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.2(b).
- c. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the estimated percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment. If the School District does not have an estimate available, the School District can enter five percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.
- d. Check the box if the School District plans to request an additional grant for site development utility costs necessary for the Modernization of 50 years or older permanent building(s) pursuant to Section 1859.78.7(b).
- e. Check the box if the School District requests an additional grant for site development costs necessary for the replacement of a 75 Years or Older Building for either 35 percent of the grant determined by Section 1859.78.7.1 (b) and (d) or enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7.1(e), if not already provided under the provisions pursuant to Section 1859.78.7(a).
- f. Check the box(es) if the School District plans to request additional funding for fire code requirements pursuant to Section 1859.78.4.
- g. Check the box if the School District is planning to request an Additional Grant for a Minimum Essential Facility pursuant to Section 1859.78.9.1. Check the box for the type of facility the School District is anticipating requesting (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the estimated amount of eligible Toilet and Other Square Footage to be constructed in the project. Check the appropriate box depending on whether the anticipated Minimum Essential Facility in the project is permanent or portable construction. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Section 1859.78.9.1. The School District may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).
- h. 1) Check the box if the School District is planning to request an Additional Grant for the construction of a new Transitional Kindergarten classroom(s) and/or retrofit of an existing school facility to be a Transitional Kindergarten classroom(s). Check the appropriate boxes if the School District is planning to

**6. Preliminary Small School District Program Apportionment –
Modernization Only**

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augment the grant with additional supplemental grants respective of the Transitional Kindergarten Classroom project scope. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The School District may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).

2) The information needed to complete this section is based on the latest CBEDS enrollment data. Applications filed on or after November 1st must include the current school year enrollment data. Enter the CBEDS enrollment for grades TK-3 at the school site the current year and the three prior years' TK-3 enrollment, as appropriate.

Requests for funding shall include the following:

- i. Site map that includes labelling of all facilities and their current use, and identifies all Classrooms constructed or previously retrofitted to house kindergarten students.
- i. Narrative that explains the current Classroom and facility usage at the site, what the Small School District plans to do with the project, and the resulting usage at the completion of the project.
- i. If the School District is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 60 percent of the estimated costs for the eligible CTE component(s) in the entire Modernization application.

7. Additional Project Information – Excessive Cost Hardship Request

Check the appropriate box(es) if the School District is planning to request an excessive cost hardship for the item listed as part of the Final Small School District Program Apportionment. The requests will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.83 for eligibility criteria.

Requests for excessive cost grants for accessibility requirements are allowed only if required by the DSA. At the School District's option, the School 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 School District elects to request less than the maximum allowance, the School District must submit a letter along with application indicating the requested amount.

8. Priority Order

Enter the School District priority order of this application in relation to other applications for Preliminary Small School District Program Apportionment that were submitted by the School District on the same date.

9. Prior Apportionment

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

10. Alternative Developer Fee

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

11. 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 School District submits an application for funding, to the OPSC for SFP New Construction or Modernization Grants. These adjustments are made by the OPSC based on information reported by the School District on this form.

- Report all Classroom(s) provided after the School 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 School District's New Construction Eligibility pursuant to Education Code Section 17071.75 and replaced in a locally funded project.
- Enter the date the initial construction contract was signed for additional or replacement Classrooms.

12. Pending Reorganization Election – New Construction Only

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 School District must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the School District's New Construction Eligibility as a result of the reorganization and submit them with this form.

13. Joint-Use Facility/Leased Property

Check the box if:

- a. The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- b. The New Construction or Modernization Grants will be used for facilities located or to be located on leased property.

14. Local Funding Adjustment Grant

Enter estimated amounts for each of the following:

- a. The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.
- b. The School District's gross bonding capacity, rounded to the nearest whole

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dollar. To calculate this, take the total assessed valuation and multiply that by 1.25 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.

- c. The School 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.
- d. The School District's Pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest CBEDS enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.
- e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the School 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.

15. Certification

The District Representative must complete this section. For additional information regarding School District certifications, refer to the SFP handbook located on the OPSC website at www.dgs.ca.gov/opsc.

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The School District named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		PRELIMINARY APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Application – Check Only One

- ☐ Preliminary Small School District Program Apportionment (New Construction)
☐ Preliminary Small School District Program Apportionment (Modernization)

e. Is this a 6–8 school? ☐ Yes ☐ No

If you answered yes, how many TK–6 Pupils reported
above are sixth graders? _____

Is this an Alternative Education School? ☐ Yes ☐ No

2. Type of Project

- a. ☐ Elementary School Total Pupils Assigned:
☐ Middle School TK–6 _____
☐ High School 7–8 _____
 9–12 _____
 Non-Severe _____
 Severe _____

- b. ☐ 50 Years or Older Building Funding (Modernization Only)
 Total Eligible Classrooms/Square Footage: _____
 Classroom/Square Footage at Least 50 Years Old: _____
 Ratio of 50 Years Old Classrooms/Square Footage: _____ %

From 2a above, how many are 50 Year or Older Pupil Grants?

TK–6: _____ Non-Severe: _____
 7–8: _____ Severe: _____
 9–12: _____

- c. Included in 2a above, how many Pupils are generated by the
Alternative Enrollment Projection? (New Construction Only)

TK–6: _____ Non-Severe: _____
 7–8: _____ Severe: _____
 9–12: _____

- d. If the request is to replace 75 Years or Older Facilities (Modernization Only)
 Number of existing Classrooms being demolished _____
 The total Square Footage of non-classroom space being demolished _____
 The number of Classrooms being constructed _____
 The total Square Footage of non-classroom space being constructed _____

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

3. Number of Classrooms/Useable Acres

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

4. Type of Financial Hardship Request

☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)

**5. Preliminary Small School District Program Apportionment –
New Construction Only**

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

b. ☐ Multilevel Construction

c. ☐ Project Assistance

d. ☐ Project and Construction Management

e. Site Acquisition

(1) 50 percent Actual Cost: \$ _____

(2) 50 percent Appraised Value
or Median Cost: \$ _____

(3) Relocation/DTSC Cost:
☐ 15 percent

☐ 50 percent of specific or historical cost: \$ _____

(4) Hazardous material clean-up: \$ _____

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f. Site Development☐ 50 percent of specific or historical cost: \$ _____☐ \$70,000 per proposed usable acre☐ 35 percent of New Construction base grant☐ General Site**g. ☐ Percentage Above Energy Efficiency for each building: _____****Energy Code Compliance Approach Used (select one):**☐ Prescriptive Only☐ Prescriptive/Performance☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

h. ☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System☐ Automatic Fire Detection/Alarm System☐ 50-year-old utilities☐ Site Development pursuant to Section 1859.78.9.2☐ 35 percent of supplemental grant; or☐ 60 percent of minimum work \$ _____**h. 2) Enrollment Data for Site**

	3rd Prev.	2nd Prev.	Previous	Current
Grade	L	L	L	L
TK				
K				
1				
2				
3				
TOTAL	0	0	0	0

i. ☐ Career Technical Education Components – 60 percent: \$ _____**Z. Additional Project Information – 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. Priority Order:** # _____**9. Prior Apportionment**

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

10. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to

Regulation Section 1859.77: \$ _____

11. Adjustment to New Construction Baseline Eligibility

Classroom(s) provided:

Additional Replacement

TK-6: _____ TK-6: _____

7-8: _____ 7-8: _____

9-12: _____ 9-12: _____

Non-Severe: _____ Non-Severe: _____

Severe: _____ Severe: _____

6. Preliminary Small School District Program Apportionment - Modernization Only**a. ☐ Project Assistance****b. ☐ Project and Construction Management****c. ☐ Percentage Above Energy Efficiency for each building: _____****Energy Code Compliance Approach Used (select one):**☐ Prescriptive Only☐ Prescriptive/Performance☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

d. ☐ Site Development (utilities) – 50 Years or Older Buildings**e. ☐ Site Development—75 Years or Older pursuant to 1859.78.7.1:**☐ 35 percent of base grant pursuant to 1859.78.7.1(b) and (d);

or

☐ 60 percent of minimum work \$ _____**f. ☐ Automatic Fire Detection/Alarm System****g. ☐ Minimum Essential Facility**☐ Multipurpose☐ Gymnasium☐ Library☐ Kitchen☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____

Construction Type

☐ Permanent☐ Portable☐ Site Development pursuant to Section 1859.78.9.1☐ 35 percent of supplemental grant; or☐ 60 percent of minimum work \$ _____**h. 1) Transitional Kindergarten Classroom(s)**☐ New Construction

Number of Classroom(s): _____

☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System☐ Multilevel Classrooms(s) Construction: _____☐ Retrofit

Number of Classroom(s): _____

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Construction Contract(s) for the project signed on:

12. Pending Reorganization Election – New Construction Only☐ Yes ☐ No**13. Joint-Use Facility/Leased Property**a. ☐ Joint-Use Facilityb. ☐ Leased Property**14. Local Funding Adjustment Grant**

a. Total Assessed Valuation: _____

b. School District's gross bonding capacity, (rounded to the nearest whole dollar): _____

c. School District's unduplicated Pupil percentage, rounded to two decimal places: _____ %

d. School District's enrollment: _____

e. Does this project include the use of a Project Labor Agreement?

☐ Yes ☐ No**15. Certification**

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

- I am an authorized representative of the School District as authorized by the governing board of the School District; and.
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, Article 11, 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 School District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and.
- The School District has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and.
- If this funding request is for the Modernization of a Portable Classroom(s) eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School District certifies that (check the applicable box below):
 - ☐ 1. The state Modernization funds will be used to replace the Portable Classroom(s) 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 Classroom(s) eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.
- 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 School 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.
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and.
- This School 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 School District matching funds are required or will be required to be met pursuant to Sections 1859.77.1 or 1859.79 and either need to be expended by the School District, deposited in the County School Facility Fund, or will need to be expended by the School District prior to the notice of completion for the project
- The School District acknowledges this request has or will be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by Pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other Pupils as appropriate to the needs of both; and.
- 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 School District understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.157.5; and.
- The School District has or will comply 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 Preliminary Small School District Program Apportionment is requested for the construction of school facilities on leased land, the School District has or will enter 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 School 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 School District's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The School District will construct or acquire facilities for housing the Pupils with funding not otherwise available to the SFP as a School District match within five years of project approval by the SAB and the School 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 School District will utilize higher School District loading standards providing the loading standards are within the approved School District's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)].
 - ☐ 3. The Pupils requested from a different grade level will be housed in Classrooms at an existing school in the School District which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)].
- If the School District requests a reservation now and is planning to request additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4 at the time of conversion, the School District understands that they will need to include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project and on the conversion Form SAB 50-04 application; and.
- The School District has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and.
- If the School District is requesting site acquisition funds as part of this application, the School District has or will comply with Sections 1859.74 through 1859.75.1 as appropriate; and.

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY**APPORTIONMENT****SCHOOL FACILITY PROGRAM**

SAB 50-12. (New XX/26)

Page 9 of 10

- The School 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,
- The School District has or will utilize the Preliminary Small School District Program Apportionment for new construction or Modernization purposes; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- The School 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 School District is requesting a reservation now and is planning to request an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5 at the time of conversion, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project must exceed the amount of funding otherwise available to the School District at the time the conversion Form SAB 50-04 application is reviewed; and,
- If this application is submitted after January 1, 2004 for Modernization funding, the School District has or will consider 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 School 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 School 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 School 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 School 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 School District has or will comply 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,
- The School District has or will consider 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,
- The School District has or will comply with all laws pertaining to the construction or Modernization of its school building,
- If the School District marked the box for 'Yes' in Section 14e, of this application that it has or will include a project labor agreement, 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 at the time of conversion, any additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage would 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) until funds are returned.

- If the School District is requesting a reservation now and is planning to

- request the Modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this Application, the School District certifies that any Classrooms displaced or that will be displaced as a result of reconfiguration will be replaced in the same plan set, or the School District certifies that the Classrooms will not be replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School District's New Construction Eligibility would be made for the removal of these Classrooms; and,
- If this funding request is requesting a reservation now and is planning to request for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not or will not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If this funding request is requesting a reservation now and is planning to request for new or retrofitted Transitional Kindergarten classrooms, the School District certifies that _____ classrooms were or will be constructed or previously altered to meet the requirements for a kindergarten classroom; and,
- With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site; and,
- The School District understands that if the submittal of this Application for a Preliminary Small School District Program Apportionment will result in the need for a return of an Application with the same scope of work that was previously submitted to OPSC prior to the effective date for the Small School District Program, the School District is responsible for ensuring that they comply with Section 1859.107 for the return of the Application with the same scope of work. Failure to report this information may result in a delay for the processing of this Application by OPSC and/or the return of this Application unprocessed by OPSC; and,
- The School District understands that an offset for prior funding received on a previously funded new construction site and/or design or Modernization design application that is indicated in this application will occur on either the Preliminary Small School District Program Apportionment or the Final Small School District Program Apportionment to adjust for prior funding that was previously received by the School District for the same scope of work being completed,
- The School District understands that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small School District Program Apportionment will be subject to the provisions of Sections 1859.157.7 and 1859.157.8; and,
- The School District has or will comply with the reporting requirements in Section 1859.158 and shall annually hold, at a regularly scheduled meeting of the School District's governing board, a public hearing to discuss, and receive public comment regarding the report(s); and,
- The School District understands that if the Project and Construction Management Grant is requested pursuant to 1859.157.1 or 1859.157.2, and the School District does not obtain project and/or construction management services from a County Office of Education, other Local Educational Agency with applicable school facilities construction expertise, applicable State Department, or a certified private construction consulting entity, or expend funds on these services, the total approved project costs will be reduced by the Project and Construction Management Grant and associated required matching share.

STATE OF CALIFORNIA

ATTACHMENT A8c

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

STATE ALLOCATION BOARD

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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/26~~)**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 School 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 School 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 School 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 School 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 School 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. Preliminary Small School District Program Apportionment

Check the boxes if the School District is requesting a release of a Preliminary Small School District Program Apportionment for a design and/or separate site apportionment pursuant to Section 1859.157.3.

Part IV. 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 School District is requesting an advance release of funds pursuant to Section 1859.184.1.

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

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

Part VII. New Construction—Site Acquisition Only

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

Part VIII. Joint-Use Projects

Check the boxes if the School 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 School 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 School District is requesting a release of Career Technical Education Facilities funds.

Part X. Natural Disaster Assistance Projects

Check the appropriate box(es) in Part X if the School District is requesting a release of Natural Disaster Assistance funds.

Part XII. Identify District's Construction Delivery Method

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

Part XIII. 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 06/17 ~~xx/26~~)

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

Part I. Preliminary Apportionment—Design Only

- ☐ The School District certifies it has complied with Section 1859.149(a).
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project
- ☐ The School 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. Preliminary Small School District Program Apportionment**A. Design Only**

Pursuant to Section 1859.157.3(a), must be able to check the following boxes:

- ☐ The School District certifies it has complied with Section 1859.157.5.
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project
- ☐ The School District certifies that it currently has Financial Hardship

status under the provisions of Section 1859.81.

B. Separate Site Apportionment

Pursuant to Section 1859.157.3(b), must be able to check all boxes:

- ☐ Release site acquisition funds. The School District certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project

Part III V. 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, School District must be able to check both boxes:

- ☐ Release site acquisition funds. The School District certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project

Part IV V. Overcrowding Relief Grant - Advance Site FundsPursuant to Section 1859.184.1, School 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 School District certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project
- ☐ The School 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 VI. New Construction/Modernization/Charter School RehabilitationSchool District/Charter School must be able to check all boxes:

- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project
- ☐ The School District certifies it has entered into a binding contract(s) for _____ percent of the

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 10/25 XX/26)

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 School 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 School District's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the School 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.

Part VII. New Construction—Site Acquisition only

The School District must be able to check both boxes:

- ☐ The School District certifies it has entered escrow for the site (attach copy of escrow instructions).
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School 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 VIII. Joint-Use Projects

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

Part XI. Natural Disaster Assistance Projects

- ☐ The School District certifies it has complied with Section 1859.81.1.
- ☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the School District for the project
 - will be expended by the School District prior to the Notice of Completion for the project

Part XII. Identify School 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 XIII. Signed Grant Agreement

- ☐ The School District has already submitted the signed Grant Agreement for this project.
- ☐ The signed Grant Agreement for this project accompanies this Form.

ATTACHMENT A8d

STATE OF CALIFORNIA

FUND RELEASE AUTHORIZATION SCHOOL FACILITY PROGRAM

SAB 50-05 (REV 10/25 XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

- I am an authorized representative of the School District as authorized by the governing board of the School 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 School 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 School 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 School 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 School District understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest.

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

ATTACHMENT A8e

STATE OF CALIFORNIA
GRANT AGREEMENT
[Proposition 2]
SCHOOL FACILITY PROGRAM
(New 03/25 REV xx/xx)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
Page 1 of 98106

Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

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

Authority: _____ [relevant Bond Act(s)]

SFP Program Funding Source: _____
(e.g., New Construction, Modernization, Charter Schools Facilities Program, Small School
District Program, or Career Technical Education Facilities Program)

Future Priority Funding Rounds: _____ (first
priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____ (e.g., New
Construction, Modernization, Career Technical Education Facilities Program New Construction,
Facility Hardship rehabilitation work funded with New Construction grants, Facility Hardship
replacement work funded with Modernization grants, etc.)

New School or Addition to an Existing Site: _____

Number of Classrooms: _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

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

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

Other Facilities being newly constructed, modernized, replaced, or rehabilitated: _____

Office of Public School Construction Application Number: _____

Square Footage being replaced: _____ Toilet Area sq. ft.
_____ Other Area sq. ft. (all non-toilet area)
(include for Facility Hardship replacement or Seismic Mitigation Program replacement projects)
For purposes of Facility Hardship and Seismic Mitigation Program projects, shower/locker area is considered "toilet area."

Approved rehabilitation cost estimate: _____
(include for Facility Hardship rehabilitation or Seismic Mitigation Program rehabilitation projects)

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

- The Funding Application (Form SAB 50-04), executed by the District Representative on XXXXX
- The Application for Charter School Preliminary Apportionment (Form SAB 50-09), executed by the District Representative on XXXXX
- The Application for Small School District Preliminary Apportionment (Form SAB 50-12), executed by the District Representative on XXXXX
- The Application for Career Technical Education Facilities Funding (Form SAB 50-10), executed by the District Representative on XXXXX
- Site Approval letter from the California Department of Education dated XXXXX
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX
- The industry specialist report prepared by (insert name of specialist or firm), dated XXXXX that details the minimum work necessary to mitigate the (health and safety or seismic) threat in this (rehabilitation or replacement) application
- Written concurrence dated XXXX from (enter name of governmental agency) agreeing with the (health and safety or seismic) threat and the minimum work to mitigate the threat in the industry specialist report

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

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

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

Office of Public School Construction Application Number: _____

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

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

"Application" means a request pursuant to the Act to receive funding for a school project.

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

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

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

"Capital Outlay," for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

"Charter School Agreements" mean a memorandum of understanding, a funding agreement, and a use agreement as established by the California School Finance Authority.

"Classroom" means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).

"Expenditure Report" means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

"Financial Hardship" means State funding for all or a portion of the Grantee's matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

"Funding Application" means the Form SAB 50-04, *Application for Funding*, or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding*, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

"Form SAB 50-12" means the *Application for Small School District Program Preliminary Apportionment*, Form SAB 50-12 (New [XX/26]), which is incorporated by reference.

"Fund Release Application" means the Form SAB 50-05, *Fund Release Authorization*, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

Office of Public School Construction Application Number: _____

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

“Grantee” means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Hazardous Material/Waste Removal Fund” shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).

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

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

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

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

“Material Inaccuracy” means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82.2 and is one of the following building types:

C1 – Concrete Moment Frame

C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms

C2A – Concrete Shear Wall with Flexible Diaphragms

C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms

PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms

PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms

PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms

URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms

RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms

URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms

S1B – Steel Cantilever Columns with Flexible Diaphragms

S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or

M – Mixed construction containing at least one of the above structure types.

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“New Construction” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

“Occupancy” means the point at which pupils occupy a classroom as evident by district documents such as the school board’s adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.

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

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

“Preliminary Funding Application” means the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, and all required supplementary documentation pursuant to the Act and the Regulations.

“Preliminary Small School District Program Apportionment” means a reservation of bond authority for eligible applicants under Article 11.5 of Chapter 12.5 of the Education Code. The reservation of bond authority is in advance of full compliance with all of the application requirements otherwise required for a Final Small School District Program Apportionment, pursuant to Chapter 12.5 of the Education Code.

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

“Project and Construction Management Grant” means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Education Code Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.

“Regulations” means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).

“Relocation/DTSC Fee Fund” shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

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

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the state of California.

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

(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior

to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Funding Application.

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C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants)
\$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement.
Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70; Charter School Facilities Program: Article 14 commencing with Section 1859.160; Career Technical Education Facilities Program: Article 16 commencing with Section 1859.190; Small School District Program: Article 12.5 commencing with Section 1859.157)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Funding Application was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.
- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.
- iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.
- iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: _____

4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:
- i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.
 - ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).
 - iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.
 - iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date _____

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: _____

D. Receiving Board Approval

1. Grantee must have (1) title, (2) leasehold, or (3) other interest to Project lands. Title may include an order for pre-judgement possession issued by a court in an eminent domain proceeding.

(Authority: Education Code Section 17070.70; SFP Regulation Sections 1859.74 and 1859.74.1)

2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.

(Authority: Education Code Section 17070.63(a))

3. The Grantee 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 Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

(Authority: SFP Regulation Section 1859.100 and Form SAB 50-04 certifications)

4. The Grantee has or will comply with Education Code Section 17076.11 regarding at least a three (3) percent expenditure goal for disabled veteran business enterprises.

(Authority: Form SAB 50-04 certifications)

5. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for both New Construction and Charter School Facilities Program projects, and (2) Grants not used by the Grantee that failed to meet substantial progress and (3) unspent Financial Hardship Grants, (4) unspent Charter School Facilities Program Grants, or (5) unspent Career Technical Education Facilities Program Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17076.10 and Education Code Section 41024, as applicable.

6. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the Office of Public School Construction, and if no repayment plan has been approved pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

7. If the Grants will be used for the construction or modernization of school facilities on leased land, the Grantee has entered into a lease agreement for the leased property that meets the requirements of School Facility Program Regulation Section 1859.22.

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8. The Grantee has established a facilities inspection system to ensure that each of its schools is maintained in good repair.

[Authority: Education Code Section 17070.75(f)]

9. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the project.

(Authority: Education Code Sections 17072.30, 17074.16, 17078.72(g)(1), 17078.54(d), and 17075.10(b)(2); Form SAB 50-04 certifications)

10. The Grantee 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.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process

- i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid (Financial Hardship approvals are valid for 180 days) on the date the Approved Funding Application was received by the Office of Public School Construction.

[Authority: SFP Regulation Section 1859.81(e)]

ii.

- a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place, or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.
- b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

- iii. If the Project remained on the Unfunded List (Lack of AB 55 Loans) for more than 180 days, the Grantee understands and agrees that the Office of Public School Construction shall conduct a review to determine if the Grantee has additional funds available to contribute to the Grantee's matching funds.

[Authority: SFP Regulation Section 1859.81(e) and (f)]

- iv. If the additional Office of Public School Construction review, pursuant to Section (iii) above, determined that the amount of the Financial Hardship Grant required an adjustment, pursuant to Financial Hardship rules detailed in SFP Regulation Section 1859.81, the amount of the Grants detailed in this Agreement will be amended.

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[Authority: SFP Regulation Section 1859.81(a)]

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

New Construction:

- i. The Grantee has received approval of the site and the plans from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment.

(Authority: SFP Regulation Section 1859.81.1)

- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Seismic Mitigation Program Replacement or Facility Hardship Replacement:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the

(health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____

(health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____

(health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

Site Acquisition: The Grantee has complied with Sections 1859.74 through 1859.75.1, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (increase or decrease) to the Grant amount based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

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Modernization of Portable Classrooms: If this Agreement includes the modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15(a), the Grantee certifies that either:

- i. The Grants 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,
- ii. 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.

Modernization of Portable Classrooms on Military Installations: If this Agreement includes the modernization of portable classrooms eligible for an Apportionment pursuant to Education Code Section 17073.15(b), the Grantee certifies that the Grants will be used to replace the portable classrooms located on a military installation that is a recipient of a federal grant for facilities modernization that requires a local matching share with a permanent structure.

(Authority: SFP Regulation Section 1859.78.8)

Modernization or Charter School Facilities Program Rehabilitation: If this Agreement includes the modernization or Charter School Facilities Program Rehabilitation funding, the Grantee has received approval of the plans for the project from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment or advance release of funds for design from a Preliminary Charter School Apportionment.

(Authority: Modernization: SFP Regulation Section 1859.81.1; Charter: SFP Regulation Section 1859.163)

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the

(health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____

(health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____

(health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

The Project must have the approval letter from DSA indicating that the work in the

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project plans is the minimum work required to mitigate the _____

(health and safety or seismic) threat, which includes any other work triggered by the _____

(health and safety or seismic) mitigation work and that is required in order to obtain DSA approval.

Charter:

- i. Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.
- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Charter-Preliminary Charter School Apportionment:

- i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
(Authority: SFP Regulation Section 1859.166)
- ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
(Authority: SFP Regulation Section 1859.167)
- iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
(Authority: SFP Regulation Section 1859.163)
- iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
(Authority: SFP Regulation Section 1859.90.2)

Career Technical Education Facilities Program:

The Grantee has complied with the Career Technical Education Facilities Program (CTEFP) eligibility criteria as outlined in Section 1859.192; and,

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):

- i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary

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approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.

ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education

iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.

(Authority: SFP Regulation Section 1859.197)

Preliminary Small School District Program Apportionment:

i. The Grantee agrees that failure to submit a request to convert the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment within the timelines prescribed for a Preliminary Small School District Apportionment (four years with a possible one-year extension subject to Board approval) shall result in the rescission of the Preliminary Small School District Program Apportionment; and,

(Authority: SFP Regulation Section 1859.157.7.)

ii. The Grantee agrees that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small School District Program Apportionment is subject to the provisions of Section 1859.157.4.

(Authority: SFP Regulation Section 1859.157.4)

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E. Receiving an Apportionment and Receiving Funds

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

(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

1. If the project is awarded an Unfunded Approval, the Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
 - i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
 - ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
 - iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
 - iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.
2. Once an Apportionment is awarded, any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a valid Fund Release Authorization, and shall not exceed \$ _____ except for _____
(site-related exceptions)
(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)
3. Supplementary documentation submitted with, or prior to, a Fund Release Authorization must include this Agreement as well as documentation that proves the following:
 - i. The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
 - ii. Notice to Proceed dates.
 - iii. For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.*(Authority: Form SAB 50-05 certifications)*
4. If the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be

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invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Authorization within 90 days of Apportionment. However, if the Grantee does not submit a valid Fund Release Authorization within 90 days of the Apportionment the Grantee will receive a non-participation occurrence as described in (1.)(ii) above. The Grantee will not receive Grants at that time. Furthermore, any penalties imposed on the Grantee by a contractor, or other consequence, because of delays in payment will be paid by the Grantee and is not reimbursable under this Agreement.

(Authority: proposed amendment to School Facility Program Regulations)

5. If the project received an Apportionment and the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Authorization within 180 calendar days of Apportionment for non-Financial Hardship districts or 365 calendar days for districts with Financial Hardship approval. However, if the Grantee does not submit a valid Fund Release Authorization within 180 or 365 calendar days the Apportionment will be rescinded without further Board action.

(Authority: SFP Regulation Section 1859.90)

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F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Reports required pursuant to Education Code Section 17076.10, over the course of the project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.
(Authority: Education Code Section 17076.10)

2. Annual Expenditure Reports
Pursuant to Education Code 17076.10, beginning 12 months from the first fund release, and continuing annually for a period of up to _____ years after the final fund release, as described in SFP Regulation Section 1859.104, the Grantee shall submit an Expenditure Report to the Office of Public School Construction.

3. Substantial Progress Compliance Reviews

- i. Pursuant to Education Code Section 17076.10, the Grantee shall be subject to a substantial progress review by the Office of Public School Construction under this Agreement with respect to all matters connected with this Agreement. The Grantee shall provide substantial progress documentation 18 months from the latest fund release. The Office of Public School Construction will consider the requirements of substantial progress met if the Grantee submits its Expenditure Report for a completed project up to 18 months from the latest fund release. The Office of Public School Construction must notify the Grantee within 60 days of receiving the documentation if a review and analysis of the information will be conducted.
(Authority: SFP Regulation Section 1859.105)

- ii. For Grantees That Have Received Grants for Construction:
The substantial progress documentation required shall include evidence that either 75 percent of the site development work is complete, or 90 percent of the building work is under contract, or 50 percent of all construction activities are complete.
(Authority: School Facility Program Regulation Section 1859.105)

The documentation that the Grantee shall provide shall include, but is not limited to:

- a) The fund source indicated, for each project cost,
- b) Assessor's parcel number, for site acquisition costs,
- c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
- d) Architect/Engineer/Construction Management Agreement(s),
- e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
- f) Construction Contract Agreements to date,
- g) Construction Bid Summaries,
- h) Construction Delivery Method,

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- i) Project expenditures, to date, submitted on Detailed Listing of Project Expenditures (DLOPE) worksheet or in an equivalent format [the Office of Public School Construction will review expenditure totals for purposes of determining compliance with substantial progress requirements but will not review expenditures to determine eligibility under the program (this will be done by the local auditor)],
- j) General ledger report that details project expenditures to date
- k) Submittal of written policy and procedures that documents processes for accounting of School Facility Program project activities.
- l) Construction schedule of values or Continuation Sheet
- m) Project cost estimate

(Authority: Education Code Section 17071.10 and SFP Regulation Section 1859.105)

iii. For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants:

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) The final site appraisal,
- b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
- c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

(Authority: SFP Regulation Section 1859.105 or 1859.105.1, as applicable)

iv. For Grantees That Have Received Advanced Financial Hardship Grants for Design: The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) An Approved New Construction or Modernization Adjusted Grant Application; or,
- b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

v.

- a) Should the Office of Public School Construction determine that the Grantee has not made substantial progress as described in (F)(3)(i), (ii), (iii), and (iv), it will inform the Grantee of its findings and require the Grantee to submit a final expenditure report within 60 days of notification, pursuant to SFP Regulation Section 1859.105. If no Grants have been expended by the Grantee, then the Office of Public School Construction will recommend to the Board that the project be rescinded.
- b) If Grants have been expended by the Grantee, then
 - I. The Project shall be subject to an audit pursuant to Section 41024 of the Education Code and the applicable provisions outlined in Section (F)(4) of this Agreement. The audit shall identify Grants expended in accordance

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with program requirements and the amount of any unspent Grants and the amount of any Ineligible Expenditures.

- II. Once the amount of unspent Grants has been determined in the audit report described in (i) to be repaid and the Grantee repays the Grants, the Office of Public School Construction shall take an item to the State Allocation Board make a corresponding baseline eligibility adjustment, when applicable.

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

- i. Upon Project completion pursuant to SFP Regulation Section 1859.104, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

- ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) Proof of acreage purchased
 - b) Proof of site costs and adjusted site grants, where applicable
 - c) Copy of Form SAB 50-04
 - d) Copy of SAB Board item(s) (Approval of project Apportionment)
 - e) DSA Approval Letter
 - f) Final CDE Approval Letter
 - g) Architect Final Billing
 - h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
 - i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
 - j) Final construction billing and invoices,
 - k) Any and all change orders
 - l) Proof of date of Occupancy
 - m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the fund that the proceeds from the COP were originally deposited

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into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the project is completed, as described complete pursuant to SFP Regulation Section 1859.104. If the Grantee has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.
- iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the Office of Public School Construction of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The Office of Public School Construction will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the Office of Public School Construction related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the Office of Public School Construction will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to SFP Regulation Section 1859.104, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17076.10)

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with the Board-approved project scope, including a final inspection for a Project deemed complete pursuant to SFP Regulation Section 1859.104.

(Authority: Education Code Section 17076.10)

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5. Savings Audit(s)

Grantees may retain Savings for expenditure for other high priority Capital Outlay
(*Authority: Education Code Section 17070.63 and SFP Regulation Section 1859.103*)

The Grantee understands and agrees to the following:

- i. Upon the Grantee declaring Savings pursuant to SFP Regulation Section 1859.103, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

- ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) The Grantee's final expenditure report submitted to the Office of Public School Construction, and
 - b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
 - c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds for high priority Capital Outlay, and
 - d) Construction billing and related invoices.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.
- iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the Office of Public School Construction of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The Office of Public School Construction will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the Office of Public School Construction related to the recovery of Grants described in (c).

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

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17076.10.

vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with eligible uses of Savings.

(Authority: Education Code Section 17076.10)

6. Site Adjustments

Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

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G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the School Facility Program.*

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment
(Authority: Education Code Section 41024)
- The expenditures are expended or encumbered prior to the time a project is deemed complete, pursuant to SFP Regulation Section 1859.104
(Authority: Education Code Section 17076.10)

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

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development work pursuant to SFP Regulation Section 1859.76.

(Authority: SFP Regulation Section 1859.76)

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- 1. New Construction - Separate Apportionment for Design Costs
 Or Adjusted Grant
 Charter Schools Facilities Program - Separate Apportionment for Design Costs
 Or Adjusted Grant
Small School District Program – Separate Apportionment for Design Costs
Or Adjusted Grant
 Common Eligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35
g.	Energy Analysis Fee	Ed. Code Section 17072.35*
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35
j.	Preliminary Site Tests	
k.	Engineering Fees	

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I.	<p>Costs for design of a project that promote energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction, which may include:</p> <ul style="list-style-type: none"> • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating. • The use of ground source temperatures for heating and cooling. <p>Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures</p> <ul style="list-style-type: none"> • Solar water heating technologies. • Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades. • Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces. 	Ed. Code Section 17077.35
m.	<p><u>For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u></p>	<p><u>Ed. Code Section 17078.47</u></p>

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities Program - Separate Apportionment for Site Acquisition Costs
Small School District Program – Separate Apportionment for Site Acquisition Costs
Common Eligible Project Expenditures

	Type of Expenditure	Authority
Site Acquisition		
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual site cost.	Ed. Code Sections 17072.12, 17072.35 & SFP Reg. Section 1859.74
Site (Other) (4 % Allowance)		
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Reg. Sections 1859.74, 1859.74(2) or 1859.74(3), as appropriate
c.	Escrow Fees	
d.	Legal Fees associated with: <ul style="list-style-type: none">• The review of site acquisition documents• Site condemnation or relocation proceedings.• The review of the SFP project-related lease agreements.	
e.	Litigation costs not to exceed the total SFP project funding Apportionment.	
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
g.	Survey Costs	
DTSC Fees		

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	Type of Expenditure	Authority
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35
Hazardous Waste Removal		
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35
j.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: <ul style="list-style-type: none">Expenses for Remedial Action Plan and/or Removal Action Work Plan if acted upon.Expenses for public participation if Remedial Action Plan and/or Removal Action Work Plan acted upon.Expenses for Supplemental Site Investigation with a Remedial Action Plan and/or Removal Action Work PlanExpenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	
Relocation Assistance		
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: <ul style="list-style-type: none">Residential Tenant Occupant Moving expensesRental Assistance – payment not to exceed \$5,250Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> Residential Owner Occupant Moving expenses Replacement Housing – Not to exceed \$25,500 Business Moving expenses – In addition, a displaced business owner may file a claim for the following: The cost directly related to modifying machinery, equipment, or other personal property to adopt it to the new site. The cost of any license, permit, or certification to reestablish a business at a new location The reasonable cost of any professional services necessary for planning the move, moving the property, or installation of property at the replacement site. When an item is not moved but replaced with a comparable item, reimbursement shall be the lesser of replacement cost or estimated cost of moving by professional mover. <ul style="list-style-type: none"> Losses of Tangible Personal Property Searching for a Replacement Site Re-establishment Expenses In Lieu Payments - Any displaced person who moves or discontinues their business may elect to receive a fixed relocation payment “in lieu” of moving, losses of tangible property, searching, and reestablishment costs. 	

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3. New Construction - Adjusted Grant
Charter Schools Facilities Program - Adjusted Grant
Small School District Program – Adjusted Grant
Common Eligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical • Shade Structures • Solar or Alternative Energy Source Components 	
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17072.35*
d.	Construction Tests	Ed. Code Section 17072.35
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2
f.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: <ul style="list-style-type: none"> • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not 	PCC Section 20114

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	<p>exceed 750 hours or when the cost of material does not exceed \$21,000.</p> <ul style="list-style-type: none"> • Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	
g.**	<p>General Site Development within school property lines (Including but not limited to):</p> <ul style="list-style-type: none"> • Finish Grading • Roads and Driveways • Sidewalks, stairs, & Ramps • Parking Area • Curbs and Gutters • Turfed/Paved Play Area • Playground Equipment • Surface Drains & Play Area • V-Gutters at Parking Lot • Landscaping & Irrigation System • Site Lighting • Fencing & Outdoor Walls 	SFP Reg. Section 1859.76(d)
h.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35
i.**	<p>Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including:</p> <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	SFP Reg. Section 1859.76(b)

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	<p>Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including:</p> <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	SFP Reg. Section 1859.76(a)
k.**	<p>Utility Service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site (see SFP Regulation Section 1859.76(c) for more information) as follows:</p> <ul style="list-style-type: none"> • Water • Sewage • Gas • Electric • Communication systems 	SFP Reg. Section 1859.76(c)
l.	<p>Furniture and Equipment that meet all of the criteria as described in Government Code Section 16727 and the California School Accounting Manual (CSAM), Procedure 770 as follows:</p> <ul style="list-style-type: none"> • Lasts more than two years. • It is typically repaired rather than replaced. • It is an independent unit (rather than being incorporated into another unit item). • The cost of tagging and inventory is a small percentage of the item cost. • Not operational or administrative costs. 	Ed. Code Section 17072.35 & CSAM Procedure 770

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	<p>It exceeds the minimum dollar value of capitalization threshold established by the local educational agency, but in no case should the threshold be less than \$5,000. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770:</p> <ul style="list-style-type: none"> • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students 	
m.	<p>Furniture and Equipment:</p> <ul style="list-style-type: none"> • Desks • Chairs • Built-in Storage • Cabinets • Window Coverings • White/Chalk Boards • Library Books 	Ed. Code Section 17072.35
n.	Demolition Costs	Ed. Code Section 17072.35
o.	Interim Housing – only eligible if new construction additions are to an existing site where classrooms temporarily are inaccessible or unsafe to house students during construction.	Ed. Code Section 17072.35*
p.	Costs attributable to school-site based infrastructure to provide access to broadband internet within the schoolsite.	Ed. Code Section 17072.35*
q.	Costs of design, materials, and construction to advance state energy goals pursuant to state law, support outdoor learning environments or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and nature materials.	Ed. Code Section 17072.35*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
r.	Seismic Mitigation Costs – the cost must be attributable to design, study, and testing.	Ed. Code Section 17072.35*
s.	Support for constructing the construction of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed. Code Section 17072.35*
t.	<p>Costs for plan design and inclusion of project components that promote energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction. Components may include:</p> <ul style="list-style-type: none"> • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating. • The use of ground source temperatures for heating and cooling. • Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures. • Solar water heating technologies. • Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades. • Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces. 	Ed. Code Section 17077.35
<u>u.</u>	<u>Services from a county office of education, other local education agency with applicable school facilities construction experience, applicable state department, or a certified private construction consulting entity from the list maintained pursuant</u>	<u>Ed. Code Section 17078.47</u>

	<u>to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	
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*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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

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**4. Modernization - Separate Apportionment for Design Costs
 Or Adjusted Grant
Small School District Program – Separate Apportionment for
 Design Costs
 Common Eligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25
g.	Energy Analysis Fee	Ed Code Section 17074.25*
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	
j.	Preliminary Site Tests	
k.	Engineering Fees	Ed Code Section 17074.25
l.	Costs for design of a project that promote energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction, including: Costs for design of a project that promote energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction, which may include: <ul style="list-style-type: none"> Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating. 	Ed Code Section 17077.35

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DESIGN COSTS		
	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • The use of ground source temperatures for heating and cooling. • Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures. • Solar water heating technologies. • Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades. • Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces. 	
m.	<u>For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	<u>Ed. Code Section 17078.47</u>

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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5. Modernization - Adjusted Grant
Small School District – Adjusted Grant
Common Eligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed Code Section 17074.25
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical • Shade Structures • Solar or Alternative Energy Source Components 	
c.	Construction Security (Campus Security not eligible and administrative overhead not eligible)	Ed Code Section 17074.25*
d.	Construction Tests	Ed Code Section 17074.25
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2
f.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: <ul style="list-style-type: none"> • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. • Must be work that involves a skilled trade. 	PCC Section 20114

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	To be eligible must be supported by time cards or time logs.	
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25
h.**	Utility Services – Only if approved for fifty years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Section 1859.78.7
i.	<p>Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows:</p> <ul style="list-style-type: none"> • Lasts more than one year. • It is typically repaired rather than replaced. • It is an independent unit (rather than being incorporated into another unit item). • The cost of tagging and inventory is a small percentage of the item cost. • Not operational or administrative costs. <p>It exceeds the minimum dollar value of capitalization threshold established by the local educational agency. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770:</p> <ul style="list-style-type: none"> • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students 	Ed Code Section 17074.25 & CSAM Procedure 770
j.	<p>Furniture and Equipment:</p> <ul style="list-style-type: none"> • Desks 	Ed Code Section 17074.25

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	<ul style="list-style-type: none"> Chairs Built-in Storage Cabinets White/Chalk Boards Library Books 	
k.	Demolition Costs – the cost must be attributable to replacement of “like kind” building area (see SFP Regulation Section 1859.79.2(a)).	Ed Code Section 17074.25
l.	Interim Housing	Ed Code Section 17074.25*
m.	Removal of hazardous waste from a modernization project the DTSC has declared unsafe which does not exceed ten percent of the total modernization Apportionment.	SFP Reg. Section 1859.74.2(c)
n.	Expenditures for schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite as an eligible expenditure for modernization grants.	Ed Code Section 17074.25*
o.	Costs of design, materials, and construction to advance state energy goals pursuant to state law, support outdoor learning environments or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and nature materials.	Ed Code Section 17074.25*
p.	Seismic Mitigation Costs – the cost must be attributable to design, study, and testing.	Ed Code Section 17074.25*
q.	Remediation of lead in any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion.	Ed Code Section 17074.25*
r.	The control, management, or abatement of lead, including but not limited to lead based paint and/or soil contamination.	Ed Code Section 17074.25*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
s.	Support for expanding an existing, or constructing a new, gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17074.25*
t.	Costs associated with the modernization of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program, including but not limited to, a California state preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed Code Section 17074.25*
u.	Districts apportioned funds pursuant to Section 17073.16(a) shall use the supplemental grant for expanding an existing, or constructing a new gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17073.16(a)
v.	Districts apportioned funds pursuant to Section 17073.16(b) shall use the supplemental grant for retrofitting an existing facility or constructing new classrooms to house transitional kindergarten pupils.	Ed Code Section 17073.16(b)
w.	<p>Costs for plan design and inclusion of project components that promote energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction. Components may include:</p> <ul style="list-style-type: none"> • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating. • The use of ground source temperatures for heating and cooling. • Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures. • Solar water heating technologies. • Onsite renewable energy and storage, such as 	Ed. Code Section 17077.35

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	photovoltaics and battery storage, microgrid controllers, and service panel upgrades. <ul style="list-style-type: none"> Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces. 	
X.	<u>Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	<u>Ed. Code Section 17078.47</u>

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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

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6. Career Technical Education Facilities Program - New Construction
Common Eligible Project Expenditures

To be considered eligible, a cost must be part of the detailed project cost estimate approved by Office of Public School Construction.

PLANNING COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
g.	Energy Analysis Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
j.	Preliminary Site Tests	

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ENGINEERING COSTS		
Type of Expenditure		Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
l.	Construction Management Fees	Ed Code Section 17078.72 & SFP Reg. Section 1859.193(a)&(b)
m.	Building Construction Costs	
n.	Construction Security (Campus Security not eligible and administrative overhead – not eligible)	
o.	Construction Tests	
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(a)(4) & (b)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a)
r.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114

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s.**	General Site Development (<i>Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant</i>) within school property lines (Including but not limited to): <ul style="list-style-type: none"> • Finish Grading • Roads and Driveways • Sidewalks, stairs, & Ramps • Parking Area • Curbs and Gutters • Turfed/Paved Play Area • Playground Equipment • Surface Drains & Play Area • V-Gutters at Parking Lot • Landscaping & Irrigation System • Site Lighting • Fencing & Outdoor Walls 	Ed Code Section 17078.72 & SFP Reg. Section 1859.193(a)&(b)
t.	Inspections	
u.**	Off-Site Development costs on up to two immediately adjacent sides of the site (<i>Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant</i>) (see SFP Regulation Section 1859.76(b) for detail). Including: <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	
v.**	Service Site Development (<i>Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant</i>) costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines 	SFP Reg. Section 1859.193(a)&(b)(3)

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	<ul style="list-style-type: none"> • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	
w.**	<p>Utility Service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site – Prorated, if necessary for any excess capacity not needed by a Career Technical Education Facilities Program project <i>(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)</i> (see SFP Regulation Section 1859.76(c) for more information) as follows:</p> <ul style="list-style-type: none"> • Water • Sewage • Gas • Electric • Communication systems 	SFP Reg. Section 1859.193(a)&(b)(4)
x.	<p>Equipment expenditures for Career Technical Education Facilities Program projects – as approved by the California Department of Education (CDE). The CDE approved equipment list must be submitted with the application for funding and later approved by the SAB. Equipment must also have an average life expectancy of at least 10 years.</p>	Approved by CDE & Ed Code Section 17078.72(a)

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

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**7. Career Technical Education Facilities Program - Modernization
 Common Eligible Project Expenditures**

To be considered eligible, a cost must be part of the detailed project cost estimate approved by the Office of Public School Construction.

	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
g.	Energy Analysis Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
j.	Preliminary Site Tests	
k.	Engineering Fees	
l.	Construction Management Fees	
m.	Building Construction Costs	
n.	Construction Security (Campus Security not eligible and administrative overhead – not eligible)	Ed Code Section 17078.72(a) &

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	Type of Expenditure	Authority
		SFP Reg. Section 1859.193(c)
o.	Construction Tests	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(c)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
r.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114
s.**	<p>General Site Development within school property lines (Including but not limited to):</p> <ul style="list-style-type: none"> Finish Grading Roads and Driveways Sidewalks, stairs, & Ramps Parking Area Curbs and Gutters 	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Turfed/Paved Play Area • Playground Equipment • Surface Drains & Play Area • V-Gutters at Parking Lot • Landscaping & Irrigation System • Site Lighting • Fencing & Outdoor Walls 	
t.	Inspections	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
u.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	
v.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	
w.**	Utility Service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site – Prorated, if necessary for any excess capacity not needed by	
		SFP Reg. Section 1859.193(c)(4)

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	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: <ul style="list-style-type: none"> • Water • Sewage • Gas • Electric • Communication systems 	
x.	Equipment expenditures for Career Technical Education Facilities Program projects – Equipment must have been approved by the California Department of Education (CDE). The CDE approved equipment list must be submitted with the application for funding and later approved by the SAB. Equipment must also have an average life expectancy of at least 10 years.	Approved by CDE & Ed Code Section 17078.72(a)

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

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**8. Facility Hardship (Non-Seismic) - Replacement
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Sections 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. 	

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DESIGN COSTS		
	Type of Expenditure	Authority
	<ul style="list-style-type: none"> The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

Office of Public School Construction Application Number: _____

**9. Facility Hardship (Non-Seismic) – Replacement
 Separate Apportionment for Site Acquisition Costs
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

	Type of Expenditure	Authority
Site Acquisition		
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual purchase price.	Ed. Code Section 17072.12, 17072.35 & SFP Reg. Sections 1859.74 & 1859.82
Site (Other) (4 % Allowance)		
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Sections 1859.74, 1859.74(2), or 1859.74(3), as appropriate & 1859.82
c.	Escrow Fees	
d.	CDE Site Review Costs	
e.	Legal Fees associated with: <ul style="list-style-type: none"> The review of site acquisition documents. Site condemnation or relocation proceedings. The review of the SFP project-related lease agreements. 	
f.	Litigation costs not to exceed the total SFP project funding apportionment.	

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	Type of Expenditure	Authority
g.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
h.	Survey Costs	
DTSC Fees		
i.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
Hazardous Waste Removal		
j.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
k.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: <ul style="list-style-type: none">Expenses for Remedial Action Plan and/or Removal Action Work Plan if acted upon.Expenses for public participation if Remedial Action Plan and/or Removal Action Work Plan acted upon.Expenses for Supplemental Site Investigation with a Remedial Action Plan and/or Removal Action Work PlanExpenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

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	Type of Expenditure	Authority
Relocation Assistance		
I.	<p>Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following:</p> <ul style="list-style-type: none"> Residential Tenant Occupant <p>Moving expenses</p> <p>Rental Assistance – payment not to exceed \$5,250</p> <p>Last Resort Housing</p> Residential Owner Occupant <p>Moving expenses</p> <p>Replacement Housing – Not to exceed \$25,500</p> Business <p>Moving expenses – In addition, a displaced business owner may file a claim for the following:</p> <p>The cost directly related to modifying machinery, equipment, or other personal property to adopt it to the new site.</p> <p>The cost of any license, permit, or certification to reestablish a business at a new location</p> <p>The reasonable cost of any professional services necessary for planning the move, moving the</p> 	<p>Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82</p>

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

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**10. Facility Hardship (Non-Seismic) - Replacement
 Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical 	
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2 & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
f.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	<p>General Site Development within school property lines (Including but not limited to):</p> <ul style="list-style-type: none"> Finish Grading Roads and Driveways Sidewalks, stairs, & Ramps Parking Area Curbs and Gutters Turfed/Paved Play Area Playground Equipment Surface Drains & Play Area V-Gutters at Parking Lot Landscaping & Irrigation System Site Lighting Fencing & Outdoor Walls 	SFP Reg. Section 1859.76(d) & 1859.82
h.	<p>Inspections – For services provided during construction of project.</p>	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	<p>Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including:</p> <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	SFP Reg. Section 1859.76(b) & 1859.82
j.**	<p>Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including:</p> <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	SFP Reg. Section 1859.76(a) & 1859.82
k.**	<p>Utility Service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site (see SFP Regulation Section 1859.76(c) for more information) as follows:</p> <ul style="list-style-type: none"> • Water • Sewage • Gas 	SFP Reg. Section 1859.76(c) & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Electric • Communication systems 	
l.	<p>Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows:</p> <ul style="list-style-type: none"> • Lasts more than one year. • It is typically repaired rather than replaced. • It is an independent unit (rather than being incorporated into another unit item). • The cost of tagging and inventory is a small percentage of the item cost. • It exceeds the minimum dollar value of capitalization threshold established by the local educational agency. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students 	Ed. Code Section 17072.35 & CSAM Procedure 770 & SFP Reg. Section 1859.82
m.	<p>Furniture and Equipment:</p> <ul style="list-style-type: none"> • Desks • Chairs • Built-in Storage • Cabinets • Window Coverings • White/Chalk Boards • Library Books 	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
n.	Demolition Costs	Ed. Code Section 17072.35 & SFP

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
o.	Interim Housing – only eligible if new construction additions are to an existing site where classrooms temporarily are inaccessible or unsafe to house students during construction.	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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

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**11. Facility Hardship (Non-Seismic) - Rehabilitation
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Regulation Sections 1859.105 &1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, 	

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DESIGN COSTS		
	Type of Expenditure	Authority
	architects, construction managers or engineers. <ul style="list-style-type: none"> The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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**12. Facility Hardship (Non-Seismic) - Rehabilitation
 Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical 	
c.	Construction Security (Campus Security not eligible and administrative overhead not eligible)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2 & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
f.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114 & SFP Reg. Section 1859.82
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.**	Utility Services – Only if approved for 50 years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Sections 1859.78.7 & 1859.82
i.	Demolition Costs	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
j.	Interim Housing	Ed Code Section 17074.25* & SFP Reg. Section 1859.82

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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

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**13. Facility Hardship (Seismic) – Replacement
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, 	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses.	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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**14. Facility Hardship (Seismic) – Replacement
 Separate Apportionment for Site Acquisition Costs
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006

	Type of Expenditure	Authority
Site Acquisition		
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual purchase price.	Ed. Code Section 17072.12, 17072.35 & SFP Reg. Sections 1859.74 & 1859.82
Site (Other) (4 % Allowance)		
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Sections 1859.74, 1859.74(2), or 1859.74(3), as appropriate & 1859.82
c.	Escrow Fees	
d.	Legal Fees associated with: <ul style="list-style-type: none"> The review of site acquisition documents. Site condemnation or relocation proceedings. The review of the SFP project-related lease agreements. 	
e.	Litigation costs not to exceed the total SFP project funding apportionment.	

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	Type of Expenditure	Authority
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
g.	Survey Costs	
DTSC Fees		
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
Hazardous Waste Removal		
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
j.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: <ul style="list-style-type: none">Expenses for Remedial Action Plan and/or Removal Action Work Plan if acted upon.Expenses for public participation if Remedial Action Plan and/or Removal Action Work Plan acted upon.Expenses for Supplemental Site Investigation with a Remedial Action Plan and/or Removal Action Work PlanExpenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

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	Type of Expenditure	Authority
Relocation Assistance		
k.	<p>Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following:</p> <ul style="list-style-type: none"> • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed \$5,250 Last Resort Housing • Residential Owner Occupant Moving expenses Replacement Housing – Not to exceed \$25,500 • Business Moving expenses – In addition, a displaced business owner may file a claim for the following: <p>The cost directly related to modifying machinery, equipment, or other personal property to adopt it to the new site.</p> <p>The cost of any license, permit, or certification to reestablish a business at a new location</p> <p>The reasonable cost of any professional services necessary for planning the move, moving the property, or installation of property at the replacement site</p> <p>When an item is not moved but replaced with a comparable item, reimbursement shall be the lessor of replacement cost or estimated cost of moving by professional mover.</p>	<p>Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82</p>

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	Type of Expenditure	Authority
	<ul style="list-style-type: none">• Losses of Tangible Personal Property• Searching for a Replacement Site• Re-establishment Expenses• In Lieu Payments - Any displaced person who moves or discontinues their business may elect to receive a fixed relocation payment "in lieu" of moving, losses of tangible property, searching, and reestablishment costs.	

Office of Public School Construction Application Number: _____

**15. Facility Hardship (Seismic) – Replacement
 Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical 	
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b); SFP Reg. Sections

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
f.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	<p>General Site Development within school property lines (including, but not limited to):</p> <ul style="list-style-type: none"> Finish Grading Roads and Driveways Sidewalks, stairs, & Ramps Parking Area Curbs and Gutters Turfed/Paved Play Area Playground Equipment Surface Drains & Play Area V-Gutters at Parking Lot Landscaping & Irrigation System Site Lighting Fencing & Outdoor Walls 	SFP Reg. Sections 1859.76(d) & 1859.82
h.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	<p>Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including:</p> <ul style="list-style-type: none"> • Curbs & Gutters • Sidewalks • Street Light, Planting Areas, Street Signs, • Traffic Signals, Etc., Mandated by Local Ordinances • Special District Fees • Storm Drains to Point of Connection • Safety Paths 	SFP Reg. Sections 1859.76(b) & 1859.82
j.**	<p>Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including:</p> <ul style="list-style-type: none"> • Site Clearance • Demolition • Rerouting Utility Lines • Rough Grading • Soil Compaction • Storm Drains • Erosion Control • Outside Stairs & Retaining Walls • Relocation of Existing Portables • Fire Code Requirements • Multi-Level Parking 	SFP Reg. Sections 1859.76(a) & 1859.82
k.**	<p>Utility Service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site (see SFP Regulation Section 1859.76(c) for more information) as follows:</p> <ul style="list-style-type: none"> • Water • Sewage 	SFP Reg. Sections 1859.76(c) & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Gas • Electric • Communication systems 	
l.	<p>Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows:</p> <ul style="list-style-type: none"> • Lasts more than one year. • It is typically repaired rather than replaced. • It is an independent unit (rather than being incorporated into another unit item). • The cost of tagging and inventory is a small percentage of the item cost. • It exceeds the minimum dollar value of capitalization threshold established by the local educational agency. The following types of furniture and equipment are examples that would be eligible if they met the criteria for CSAM Procedure 770: <ul style="list-style-type: none"> • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students 	Ed. Code Section 17072.35 & CSAM Procedure 770 & SFP Reg. Section 1859.82
m.	<p>Furniture and Equipment:</p> <ul style="list-style-type: none"> • Desks • Chairs • Built-in Storage • Cabinets • Window Coverings • White/Chalk Boards • Library Books 	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
n.	Demolition Costs	Ed. Code Section 17072.35 & SFP

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
o.	Interim Housing – only eligible if new construction additions are to an existing site where classrooms temporarily are inaccessible or unsafe to house students during construction.	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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

Office of Public School Construction Application Number: _____

**16. Facility Hardship (Seismic) – Rehabilitation
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Sections 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
g.	Energy Analysis Fee	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: <ul style="list-style-type: none"> The review of the SFP project-related lease agreements. The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

Office of Public School Construction Application Number: _____

**17. Facility Hardship (Seismic) – Rehabilitation
 Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical 	
c.	Construction Security (Campus Security not eligible and administrative overhead not eligible)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2 & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
f.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114 & SFP Reg. Section 1859.82
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.**	Utility Services – Only if approved for 50 years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Sections 1859.78.7 & 1859.82
i.	Demolition Costs	Ed Code Sections 17074.25 & 1859.82
j.	Interim Housing	Ed Code Sections 17074.25* & 1859.82

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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

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H. Advisory Listing Detailing Common Ineligible Project Expenditures

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

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

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

Office of Public School Construction Application Number: _____

- 1. New Construction – Separate Apportionment for Design Costs**
Or Adjusted Grant
Charter Schools Facilities Program – Separate Apportionment for Design Costs
Or Adjusted Grant
Small School District Program – Separate Apportionment for Design Costs
Or Adjusted Grant
Common Ineligible Project Expenditures

DESIGN COSTS		
	Type of Ineligible Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17072.35
b.	For projects that received Design funds only any site and/or construction related expenditures are not eligible	
c.	<u>For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	<u>Ed Code Section 17078.47</u>

- 2. New Construction – Separate Apportionment for Site Acquisition Costs**
Charter Schools Facilities Program – Separate Apportionment for Site Acquisition Costs
Small School District Program – Separate Apportionment for Site Acquisition Costs
Common Ineligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Relocation costs not considered reasonable such as: goodwill not court ordered; the difference between the salvage value and new value of furniture and equipment costs, if the business vendor retains the furniture and equipment.	Ed Code Section 17072.35
b.	For projects that received site funds only (did not receive construction funds) any construction related expenditures are not eligible.	

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3. New Construction – Adjusted Grant
Charter Schools Facilities Program – Adjusted Grant
Small School District Program – Adjusted Grant
Common Ineligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17072.35
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
e.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
f.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
g.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars • Landscape equipment 	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	Mowers, etc. <ul style="list-style-type: none"> School maintenance equipment Floor polisher/scrubber, etc. Cleaning & janitorial supplies Band equipment/Uniforms Mascot Uniforms 	
<u>h.</u>	<u>Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	<u>Ed Code Section 17078.47</u>

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**4. Modernization – Separate Apportionment for Design Costs
 Or Adjusted Grant
Small School District Program – Separate Apportionment
 of Design Costs Or Adjusted Grant
 Common Ineligible Project Expenditures**

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25
b.	For projects that received Design funds only any construction related expenditures are not eligible	
c.	<u>Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	Ed Code Section <u>17078.47</u>

**5. Modernization – Adjusted Grant
Small School District Program – Adjusted Grant
 Common Ineligible Project Expenditures**

	Type of Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17074.25
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
e.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
f.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	

GRANT AGREEMENT**[Proposition 2]**

SCHOOL FACILITY PROGRAM

(New 03/25 xx/xx)

g.	<p>Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including:</p> <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. 	Ed Code Section 17074.25
h.	<p><u>Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u></p>	Ed Code Section <u>17078.47</u>

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	

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**6. Career Technical Education Facilities Program – New Construction
 Common Ineligible Project Expenditures**

	Type of Expenditure	Authority
a.	Acquisition and development of real estate.	Ed Code Section 17078.72 & SFP Reg. Sections 1859.193(a)&(b) & 1859.199
b.	Administrative and overhead costs including indirect costs for general management.	
c.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
d.	Repair of damages incurred during construction are not eligible	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars 	Ed Code Section 17078.72 & SFP Reg. Sections 1859.193(a)&(b) & 1859.199

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	
i.	Career Technical Education Facilities Program expenditures for equipment which does not have an average life expectancy of at least 10 years.	Ed Code Section 17078.72(a) & SFP Reg. Sections 1859.193(a)&(b) & 1859.199

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**7. Career Technical Education Facilities Program – Modernization
 Common Ineligible Project Expenditures**

	Type of Expenditure	Authority
a.	Acquisition and development of real estate.	Ed Code Section 17078.72 & SFP Reg. Sections 1859.193(c) & 1859.199
b.	Administrative and overhead costs including indirect costs for general management.	
c.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
d.	Repair of damages incurred during construction are not eligible	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars 	Ed Code Section 17078.72 & SFP Reg. Sections 1859.193(c) & 1859.199

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	Type of Expenditure	Authority
	<ul style="list-style-type: none"> • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	
i.	Career Technical Education Facilities Program expenditures for equipment which does not have an average life expectancy of at least 10 years.	Ed Code Section 17078.72(a) & SFP Reg. Sections 1859.193(c) & 1859.199

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**8. Facility Hardship (Non-Seismic) – Replacement
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

DESIGN COSTS		
	Type of Ineligible Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
b.	For projects that received Design funds only any site and/or construction related expenditures are not eligible	

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**9. Facility Hardship (Non-Seismic) – Replacement
Separate Apportionment for Site Acquisition Costs
Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Relocation costs not considered reasonable such as: goodwill not court ordered; the difference between the salvage value and new value of furniture and equipment costs, if the business vendor retains the furniture and equipment.	Ed Code Section 17072.35
b.	For projects that received site funds only (did not receive construction funds) any construction related expenditures are not eligible.	

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**10. Facility Hardship (Non-Seismic) – Replacement
 Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures which have been reimbursed from another source such as insurance proceeds.	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
h.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: <ul style="list-style-type: none"> • Computers • Printers 	

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CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	<ul style="list-style-type: none"> • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	

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**11. Facility Hardship (Non-Seismic) – Rehabilitation
Separate Apportionment for Design Costs
Or Adjusted Grant
Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	For projects that received Design funds only any construction related expenditures are not eligible	

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**12. Facility Hardship (Non-Seismic) – Rehabilitation
 Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

	Type of Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Expenditures which have been reimbursed from another source such as insurance proceeds.	
d.	Repair of damages incurred during construction are not eligible	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.	Furniture and Equipment is not an eligible cost for a facility hardship rehabilitation project unless specifically approved by DSA.	

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**13. Facility Hardship (Seismic) – Replacement
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

DESIGN COSTS		
	Type of Ineligible Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
b.	For projects that received Design funds only any site and/or construction related expenditures are not eligible	

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**14. Facility Hardship (Seismic) – Replacement
 Separate Apportionment for Site Acquisition Costs
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Relocation costs not considered reasonable such as: goodwill not court ordered; the difference between the salvage value and new value of furniture and equipment costs, if the business vendor retains the furniture and equipment.	Ed Code Section 17072.35
b.	For projects that received site funds only (did not receive construction funds) any construction related expenditures are not eligible.	

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**15. Facility Hardship (Seismic) – Replacement
 Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures which have been reimbursed from another source such as insurance proceeds.	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP

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CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
h.	<p>Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including:</p> <ul style="list-style-type: none"> • Computers • Printers • Computer Carts • Teacher and student text books. • Athletic Team supplies/training equipment/uniforms. • Classroom supplies/consumables Bunsen Burners, test tubes, chemicals, mechanic wrenches, etc. • Golf Carts • Trailers • Trucks/Tractors and cars • Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms 	Reg. Section 1859.82

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**16. Facility Hardship (Seismic) – Rehabilitation
Separate Apportionment for Design Costs
Or Adjusted Grant
Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	For projects that received Design funds only any construction related expenditures are not eligible	

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**17. Facility Hardship (Seismic) – Rehabilitation
 Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project's industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

	Type of Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Expenditures which have been reimbursed from another source such as insurance proceeds.	
d.	Repair of damages incurred during construction are not eligible	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

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I. Record Retention

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

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

J. Material Inaccuracy

If a failure by the Grantee to comply with the terms of this Agreement, or an audit report determination that the Grantee has violated applicable state or federal law as it relates to this Project, stems from falsely certified information on the Funding Application or Fund Release Application (including certifications made by architects or other design professionals), then Material Inaccuracy findings and penalties, as described in Education Code 17070.51 and SFP Regulation Section 1859.104.1, may apply.

K. Conflict of Interest

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

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

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L. Severability

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

M. Disputes

1. Any claim that the Grantee may have regarding performance of this agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the Office of Public School Construction. The Office of Public School Construction and Grantee shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
2. Any claim that the Grantee may have regarding the audit report's project expenditure determination shall be adjudicated by the Education Audit Appeals Panel, consistent with Education Code Section 41344.

N. Electronic Filing

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

O. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Project. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Project, even if those laws and regulations are not specifically cited in this Agreement.

P. Exact Duplicate

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

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SIGNATURES

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

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