OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
June 25, 2026

GLOBAL SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS AND POTENTIAL REVISIONS TO THE FACILITY INSPECTION TOOL

PURPOSE

The purpose of this meeting is to continue discussion of proposed regulatory amendments to the School Facility Program (SFP) Regulations and State Allocation Board (SAB) Forms, and of potential revisions to the Facility Inspection Tool (FIT).

Global SFP Regulatory Amendments
OPSC staff has identified numerous areas of SFP Regulations and Forms that merit additional clarity or require updating, also referred to as the Global Regulations Updates item (Attachment A1). This topic was previously presented at the March 13, 2025, May 8, 2025, and August 28, 2025 stakeholder meetings.

Facility Inspection Tool
OPSC would like to continue discussion and receive additional stakeholder feedback regarding potential revisions to the FIT (Attachment B1) as a result of audit recommendations issued by the California State Auditor (State Auditor) in November 2024. This topic was previously presented at the October 30, 2025 stakeholder meeting.

BACKGROUND

Note on Proposed Regulation and Form Changes
This stakeholder item makes proposed changes to the regulations and forms in effect as of May 4, 2026. This item does not reflect Board-approved proposed regulation and form changes that are pending in the rulemaking process or have gone into effect since May 4, 2026. Future Board agenda items will reflect regulation and form changes in effect at the time of publication.

AUTHORITY

See Attachments A1a and B1a

STAKEHOLDER FEEDBACK AND NEXT STEPS

For the Global Regulations Updates item, stakeholder feedback received from the last meeting may be found on Attachment A1k.

For the FIT item, stakeholder feedback received from the last meeting may be found on Attachment B1g.

Staff will review any feedback obtained in today's meeting and anything received through close of business on **Friday, July 10, 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.

ATTACHMENT A1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
June 25, 2026

PROPOSED REGULATORY AMENDMENTS FOR GENERAL UPDATES TO SCHOOL FACILITY PROGRAM REGULATIONS AND FORMS

PURPOSE

This item presents proposed regulatory amendments to the School Facility Program (SFP) Regulations and Forms that:

- Add clarity to regulations;
- Correct inaccuracies in regulations and form instructions;
- Remove outdated requirements; and
- Update regulations and forms for the Green Oaks Fire Protection Act and Education Code Sections 17074.50-17074.56

AUTHORITY

See Attachment A1a.

BACKGROUND

Concurrently with implementation of Proposition 2, the Office of Public School Construction (OPSC) staff is taking the opportunity to update SFP Regulations. Over time, staff has identified numerous areas of the SFP Regulations that merit additional clarity or require updating.

OPSC presented proposed regulation and form amendments at the March 13, 2025, May 8, 2025, and August 28, 2025, stakeholder meetings. For this June 25, 2026, stakeholder meeting, OPSC has organized this report into Section A for newly proposed topics; Section B for previously presented topics that received feedback that may also include additional amendments; and Section C, previously presented topics that did not receive any additional feedback as of the drafting of this item and do not contain any additional amendments.

The full text of the previous stakeholder meetings on this topic may be found at the links below:

- March 13, 2025, Stakeholder Meeting
- May 8, 2025, Stakeholder Meeting
- August 28, 2025 Stakeholder Meeting

BACKGROUND (cont.)

Note on Proposed Regulation and Form Changes
This item proposes changes to the regulations and forms in effect as of May 4, 2026. This item does not reflect separate, State Allocation Board (Board)-approved proposed regulation and form changes that are pending in the rulemaking process or had not gone into effect as of May 4, 2026. Future Board agenda items will reflect regulation and form changes once they go into effect.

Summary of Stakeholder Feedback
OPSC would like to thank the stakeholders who participated in the prior meetings and those who provided valuable feedback, references, and proposed solutions either during the previously held meetings or through written correspondence to OPSC. Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on August 28, 2025:

Stakeholder Feedback	OPSC Response
1. Previously OPSC clarified and discussed what is meant by "latest California Basic Educational Data System (CBEDS) report and "enrollment reporting year," noting that Forms SAB 50-03 and SAB 50-01 submitted before November 1st with current-year enrollment are not acceptable because the data has not been verified by the California Department of Education (CDE). A couple of stakeholders provided comments that selecting November 1st as the first acceptable date for using current school year data will not necessarily mean that the data has been "verified" by CDE. According to CDE's Data Reporting Office, "verified" enrollment data for the school year is not released until the summer following the school year (e.g., enrollment data for school year 2024-	**1.** OPSC staff acknowledge that the Census Day enrollment verified data is not released until the spring or summer following the academic year in which the data was collected. However, the CBEDS data is uniformly collected on Census Day (first Wednesday of October), and the end date to submit the CBEDS data to the CDE is October 31. While the data is not externally verified by November 1st, it has been collected and submitted by then, indicating to external stakeholders and other agencies that the latest CBEDS data collection period has ended. If needed, the data can still be verified with DataQuest at a later date. Additionally, the phrase "enrollment reporting year" has been used to reference the time period of November 1 through October 31 throughout existing SFP Regulations.

BACKGROUND (cont.)

Stakeholder Feedback	OPSC Response
1. (cont.) 2025 was not released until Summer 2025). For this reason, stakeholders believe OPSC's current interpretation that enrollment data for the current year will be verified by CDE by November 1st, is incorrect. By extension, using November 1st as the starting date for current year enrollment usage may produce inaccurate data. One stakeholder suggested that OPSC coordinate with CDE to conduct further research into whether November 1st is an appropriate verified date for current school year data.	
2. OPSC proposed an addition to the Form SAB 50-04 and SAB 50-10 that prompts the form filler to indicate whether the application is a "Hybrid Application Under the SFP." A stakeholder suggested the expansion of this section to include two additional prompts: Have other application(s) requesting additional types of SFP funding already been submitted? ☐ YES ☐ NO If yes, provide the Application Number(s) of the related application(s): _____ The inclusion of these additional prompts will signal to OPSC which previous applications should be taken into consideration when processing a funding application, or will notify OPSC that a district intends to submit additional applications in the future.	**2.** OPSC appreciates the suggested expansion of the proposed Hybrid Application Section for the Form SAB 50-04 and 50-10. OPSC has incorporated the suggestion in the proposed changes to the Form SAB 50-04. Additionally, OPSC notes there was an additional proposed change to the General Information section on both the Form SAB 50-04 and SAB 50-10 to include information related to Hybrid Applications and the required supporting documents. One of the required supporting documents is a District certification of all Hybrid Applications, submitted or to be submitted, detailing a clear delineation of scope. The application numbers reported on the Form SAB 50-04 and Form SAB 50-10 should match the supporting documentation.
3. A stakeholder requested OPSC reconsider the allowance of a district to use any enrollment data after Census Day of any given year to report enrollment for modernization eligibility	**3.** OPSC maintains the position of uniformly reporting enrollment based on the November 1 through October 31 timeframe. While the enrollment data is collected on Census Day, the period in which to submit the Census Day data is

BACKGROUND (cont.)

Stakeholder Feedback	OPSC Response
3. (cont.) purposes. The requirement for enrollment for modernization eligibility updates to not be recognized until November 1st of a given enrollment year may result in a district being disadvantaged. The California Longitudinal Pupil Achievement Data System (CALPADS) Census Day (or 'count' day) is the first Wednesday of October, meaning it could be October 1-7. This means that by the time that November 1st comes, there have already been 3 – 4 weeks of missed opportunity for a district to submit their current eligibility and/or a funding application using that eligibility. Specifically, as we saw in October of 2024, those 3 – 4 weeks made the difference between being on the Workload list or going back onto an Applications Received Beyond Bond Authority list. We do not believe that aligning the new construction and modernization eligibility submittal date requirements in regulation should be the priority when it could penalize a district in this way. Also, the stakeholder item noted that for enrollment prior to November 1st, "CDE has not yet verified that data", however the data is not CDE-verified until months later, with the certification deadline in mid-December; this rationale for when to allow enrollment to be recognized appears to be incorrect. We propose that for the period between Census Day and October 31, districts should be allowed to use the prior year or the current year's enrollment for modernization eligibility purposes.	**3. (cont.)** open until October 31, making November 1 the first day in which the latest enrollment data is available. OPSC understands that external stakeholders plan optimal times to submit enrollment updates in relation to funding applications. While received dates are important milestones, even placement on the Workload List does not constitute a guarantee of state funding. Additionally, OPSC staff acknowledge that the Census Day enrollment verified data is not released until a later date and would like to clarify the release date of the verified enrollment information is not intended to be the supporting reason of when the new enrollment data may or may not be utilized.
4. A few stakeholders provided comments that the current CALPADS does not	**4.** OPSC thanks the stakeholder for taking time to develop and share possible

BACKGROUND (cont.)

Stakeholder Feedback	OPSC Response
4. (cont.) specifically report aggregated Special Day Class (SDC) enrollment. Additionally, the previously referenced Special Education Enrollment by Program Setting (SEEPS) report does not provide SDC enrollment data specifically. The SEEPS report provides data for special education pupils generally, which includes more than just SDC pupils. As a result, Local Educational Agencies (LEAs) cannot source SDC specifically from the current CALPADS report, as previously proposed for the Form SAB 50-01 instructions. Considering that information, one of the stakeholders outlined two proposed solutions for the enrollment reporting instructions: a. CDE could collect and report SDC enrollment data grouped by severity and grade level, and to have Census Day data published on DataQuest before November. b. Districts could be permitted to use locally maintained enrollment data as shown in auditable district records, and enable the inclusion of current-year enrollment shortly after Census Day each October. Additionally, a stakeholder recommended to update other references of CBEDS to CALPADS to improve clarity and consistency.	**4.(cont.)** solutions. OPSC has revised the proposed amendments to clarify the instructions for the SDC enrollment reporting on the Form SAB 50-01. **a.** OPSC can share the stakeholder's first proposal with CDE for consideration, but OPSC does not otherwise have the ability to have CDE implement a new report or decide on the publishing data date. **b.** The second proposed solution for allowing districts to use locally maintained enrollment data has been considered, amended, and incorporated into the revised proposal. Lastly, OPSC has updated the references to CBEDS and the report being "available approximately October 15th of each year" on the Form SAB 50-01 Specific Instructions for: • Enrollment Data, • Residency Data [To be Completed by a HSAA district establishing or updating eligibility pursuant to Section 1859.41.1(b).], and • Residency Data [For COS HSAA districts seeking justification for the conversion of a Preliminary Apportionment to a Final Apportionment pursuant to Section 1859.147(e)(2).]

STAFF ANALYSIS/DISCUSSION

Section A: Newly Proposed Topics

Summary of Changes to SFP Regulations

Section 1859.82.1 Facility Hardship Program and Section 1859.82.2 Seismic Mitigation Program

OPSC identified that the regulatory cross-references in Sections 1859.82.1(f)(6) and 1859.82.2(f)(6) are inaccurate. The proposed amendment seeks to change the reference in Sections 1859.82.1(f)(6) and 1859.82.2(f)(6) from Section (2) to (5), as Section (5) is where the timelines are outlined to require the submittal of a Form SAB 50-04 for funding and an updated Form SAB 58-01 for projects that received advanced design funding.

Summary of Changes to SFP Forms

Application for Funding (Form SAB 50-04)

The Form SAB 50-04 currently requires in Sections 23 and 24 a certification from an architect of record, licensed architect, and/or design professional. During the application review process, OPSC may request one or more revised Form SAB 50-04 for various reasons. Anytime a revised Form SAB 50-04 is requested, the district must obtain signatures from an architect of record, licensed architect, and/or design professional prior to signing and submitting the form for review.

OPSC has consistently received feedback from applicants stating that sourcing signatures from these individuals can be a difficult and lengthy process, often resulting in the request for an extension to processing deadlines which can result in processing delays. As OPSC is currently processing applications submitted in 2023, many architects and/or design professionals have moved on from the project in the funding application and either the contract with the applicant district has ended, they have retired or are unreachable in one way or another. OPSC's current practice allows for a District Representative to indicate that the individual is unavailable for the certification and provide a narrative explanation as to why. When submitting a funding application online through the OPSC Online Application portal, Sections 23 and 24 have a box that can be checked if the Architect of Record and/or the Design Consultant for the project is no longer available for certification and allows for the

STAFF ANALYSIS/DISCUSSION (cont.)

District Representative to certify. Furthermore, Section 25 of the Form SAB 50-04 already contains a certification by the District Representative that "the statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief," thereby indirectly certifying to Sections 23 and 24 already. OPSC has implemented practices for situations in which an Architect of Record or Design Professional is not available to allow the application to continue to be processed for consideration of approval by the Board.

Currently, statute does not require those certifications in Sections 23 and 24 to be made exclusively by an architect of record, licensed architect, and/or design professional. In order to allow for greater accessibility to the program and more efficient processing timelines, OPSC proposes that authorized District Representatives be allowed the option of signing in lieu of an architect of record, licensed architect, and/or design professional.

OPSC specifically proposes an amendment to the Form SAB 50-04, Section 23 to add the option of a District Representative to certify that the Plans and Specifications were approved by the Division of the State Architect (DSA), provide the date they were approved, that any Plans and Specifications not requiring a review by the DSA meet California Code of Regulations, Title 24 requirements; and to certify to the difference of demolished and constructed classrooms.

Additionally, OPSC proposes an amendment to the Form SAB 50-04, Section 24, to allow for the option of a District Representative to certify that the cost estimate for the proposed project indicates that the estimated construction cost of the work in the plans and specifications is at least sixty percent of the total grant amount provided by the State and the district's matching share, in accordance with the program statutes and regulations.

As a result of the proposed amendments to Sections 23 and 24, Section 25 will have outdated language. Currently, the language starts with the District Representative certifying to the information on the form with the exception of Sections 23 and 24. OPSC proposes to add language that allows the District Representative to certify to all the information on the form inclusive of Sections 23 and 24, if they were the ones to certify those sections.

STAFF ANALYSIS/DISCUSSION (cont.)

Section B: Previously Presented Topics that Received Feedback

Summary of Changes to SFP Regulations

Section 1859.2 Definitions and Section 1859.60 Calculation to Determine Modernization Baseline Eligibility

The current use of the phrase "latest CBEDS report" provides an opportunity for improvement to provide more clarity within SFP Regulation as varying interpretations of that phrase have been presented. There has been consistent use of the term "enrollment reporting year" to mean the time between November 1 to October 31 of the following year in existing SFP Regulations, as seen in Sections 1859.82.1, 1859.82.2, 1859.51, 1859.78.9.2), and in application processing, however "enrollment reporting year" is not currently a defined term in SFP Regulation.

The proposed amendment to Section 1859.2 adds a definition for "Enrollment Reporting Year." The proposed amendment to Section 1859.60 amends language to align with the Form SAB 50-03 instructions, that points to the Form SAB 50-01 for enrollment reporting instructions and clarifies the enrollment reported should utilize the Enrollment Reporting Year based on the received date of the Form SAB 50-03.

CBEDS is an annual collection of data about districts and schools and aggregate data on students and staff for state and federal reporting. Census Day, or Information Day, is the first Wednesday in October, and the day pupil enrollment is collected for CBEDS. The CBEDS pupil enrollment data is due to CDE by October 31.

The pupil enrollment data from CBEDS' Census Day is also submitted by LEAs to CDE as a part of the annual Fall 1 data submission in CALPADS. CALPADS is a central system that maintains student data, including enrollment, to meet the federal requirements of the No Child Left Behind Act of 2001. This information is available on CDE's DataQuest, a searchable database.

To determine modernization eligibility, districts fill out and submit the Form SAB 50-03. To report the latest CBEDS enrollment on the Form SAB 50-03, the form instructs districts to enter the latest CBEDS enrollment as it would have been reported utilizing criteria for Parts A, C, and D of the Form SAB 50-01. The Form SAB 50-01 informs districts to utilize the latest CBEDS enrollment data and specifies that applications filed on or after November 1st must report the current school year enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)

Therefore, OPSC has long interpreted the enrollment reporting year to mean November 1 through October 31 of the following year, which aligns with CDE's CBEDS collection day and submission window. Additionally, throughout existing SFP Regulations, the phrase "enrollment reporting year" has been used to reference the time period of November 1 through October 31. The proposed amendment to Section 1859.60 seeks to clarify and increase consistency, which in turn will create a shared understanding of implementation of enrollment data reporting, across the SFP Regulations.

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

Currently, these SFP Regulation sections provide general guidance for when the aging of permanent and portable buildings shall start, but do not explicitly provide guidance on building aging for portable buildings that have been relocated from another school site and/or have a stockpile approval date, for modernization eligibility determination purposes.

In order to facilitate efficient processing of applications and to ensure that modernization apportionments are used appropriately, OPSC proposes that SFP Regulation Sections 1859.60 and 1859.78.6 be amended to specify that the 20/25/50-year period shall begin 12 months after the plans for the *construction* or *placement* of the building were approved by DSA. In the case of portable buildings that have been relocated from another school site or have a stockpile date, the 20-year period shall start 12 months after the plans for the placement of the portable building on the original school site were approved by DSA.

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

Additionally, the proposed amendments will be applied prospectively once these proposed regulation amendments are effective. In the instance of stockpiled facilities, the DSA approval date for the placement of the facility on a school site is to be used for the purpose of determining the start of the 20/25/50-year period for all new modernization eligibility establishments. However, currently established modernization eligibility baselines that may have used stockpile approvals will not be required to be revised to use the DSA-approved relocation placement date as a result of this amendment.

STAFF ANALYSIS/DISCUSSION (cont.)

Summary of Changes to SFP Forms

Enrollment Projection/Certification (Form SAB 50-01)

The current Form SAB 50-01 instructions for Part D are outdated. The form currently instructs districts to report Special Day Class (SDC) pupils as "shown and reported within the California Special Education Management Information System [CASEMIS] to the CDE in December prior to the latest CBEDS report."

Pupil enrollment data is collected on Census Day, the first Wednesday of October, and has transitioned from CASEMIS to CBEDS and CALPADS. Pupil enrollment data is due to CDE by October 31. Currently there is no specific report for SDC pupils within the CALPADS report data on CDE's DataQuest website.

OPSC proposes an amendment to the Form SAB 50-01 that instructs districts to report SDC pupil enrollment, which would be included on the Census Day pupil enrollment data, and to specify October instead of the prior December.

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

The current iterations of the Form SAB 50-04 and Form SAB 50-10 do not allow applicants to indicate to OPSC staff the intent for the application to be processed as a Hybrid Application. In a prior item, and reported in Section C of this item, a new definition for a "Hybrid Application" was proposed. It is defined as a funding application that shares the same DSA-approved plans and specifications with at least one more SAB-administered program application. This previously proposed amendment provides a shared technical term for these projects. In light of the proposed Hybrid Application terminology, OPSC also proposes amendments to the Form SAB 50-04 and Form SAB 50-10 to allow applicants to report if the application is intended to be a Hybrid Application.

The Form SAB 50-04, Sections 10 through 12 allow for applicants to report any application number that received prior approvals under the Lease-Purchase Program, prior Apportionment under the SFP, and Preliminary Apportionment to Final Apportionment, as well as indicate in Section 20 if CTE Funds will be requested, as applicable. The Form SAB 50-10 requires the applicant to report the qualifying SFP Project Application number in Section 6.

STAFF ANALYSIS/DISCUSSION (cont.)

In recent years, OPSC has received and funded several forms of Hybrid Applications, which are multiple funding applications submitted with the same set of DSA-approved plans and specifications to fund specific portions of the scope in the plan set. As part of processing these hybrid applications, OPSC requires various documents from the applicant to ensure that double funding does not occur and that there is accurate accounting of expenditures.

The proposed amendment will prompt the applicant to indicate if the application for funding is or is not a Hybrid Application. If it is the first Hybrid Application to be submitted, the proposed amendment will provide an indication that this application will share DSA plan sets with a forthcoming funding application. If the application is a subsequent Hybrid Application, meaning a separate SAB-administered program funding application has previously been received by OPSC and/or has received funding, the applicant can also indicate the application number for the previous application. In addition, OPSC proposes amendments to the Form SAB 50-04 and Form SAB 50-10 general information and specific instructions detailing the required documents for Hybrid Applications.

This proposed amendment will indicate to OPSC staff processing the application that the applicant intends for the application to be considered alongside either a previously processed application or an application that is yet to be received.

Section C: Previously Presented Topics that did not Receive Additional Feedback

Proposed amendments to the SFP Regulations and SFP forms that were previously presented and did not receive additional stakeholder feedback, are summarized below. Please see Attachment A1j for the full items presented in prior stakeholder meetings on this topic.

Summary of Changes to SFP Regulations

SFP Regulation Section 1859.2 – Definitions

Firstly, the proposed amendment adds a definition for a “Hybrid Application,” which is defined as a funding Application that shares the same DSA-approved plans and specifications with at least one more funding Application. This amendment provides a shared technical term for these projects.

Secondly, SFP Regulation Section 1859.2 currently defines a “Large Charter School” as a school in which the enrollment is greater than 351 pupils and a “Medium Charter School” as a school with an enrollment of 176 to 350 pupils. “Small Charter School” is defined as a school with an enrollment of not more than

STAFF ANALYSIS/DISCUSSION (cont.)

175 pupils. With these current definitions, charter schools with an enrollment of exactly 351 pupils are undefined and are not considered a “Medium Charter School” or a “Large Charter School.”

The proposed update to the definition of “Large Charter School” revises the enrollment threshold for a “Large Charter School” to be greater than 350 pupils. This maintains consistency with the definitions of “Small Charter Schools” as schools with an enrollment of 1-175, and “Medium Charter Schools” as schools with an enrollment of 176-350 pupils, as these enrollment ranges end on a number divisible by five and begin on an odd number.

Section 1859.22 SFP Application for Funding on Leased Land

The SFP allows funding for facilities that are or will be located on real property leased to the school district provided that certain conditions are met. The real property must be leased from a governmental agency, and the term of the lease for the land at the time the Approved Application is accepted must be at least 25, 30, or 40 years depending on whether the lease is with the federal government and other conditions. A clarifying amendment is proposed to specify that the 25-, 30-, or 40-year requirement is specific to the remaining term of the lease at the time the Approved Application is accepted.

Section 1859.51 Adjustments to the New Construction Baseline Eligibility, and 1859.60 Calculation to Determine Modernization Baseline Eligibility

Education Code (EC) Section 17375(a)(5) states that “New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).”

In order to align with the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Program) statute, SFP Regulation Section 1859.32(n) was recently added to clarify that classrooms built under this Program will be excluded from the Gross Classroom Inventory determined in 1859.31 and not counted for the purposes of determining a district’s new construction eligibility establishment.

Section 1859.51(i) is proposed to be amended to specify that the district’s new construction eligibility will not be adjusted for classrooms added to a school site with this Program funding after the new construction baseline eligibility was determined by the Board.

STAFF ANALYSIS/DISCUSSION (cont.)

Section 1859.77.2 and 1859.77.3 Use of New Construction Grant Funds

Finally, Section 1859.60 is proposed to be amended to clarify that classrooms and square footage constructed with this Program funding will not be included in the calculation to determine modernization baseline eligibility and will be excluded from the baseline snapshot.

Section 1859.70 General

The proposed amendment clarifies that increases to the pupil grant request in the Form SAB 50-04 shall, in most cases, require the withdrawal and resubmittal of the funding application.

Increases to the initial pupil grant request for a modernization application will only be allowed in order for an application to comply with the requirements in Section 1859.79.3, which requires a modernization application request at least 52 Non-Severe grants, or 36 Severe grants, or 101 K-12 grants. School districts with less than the required minimum available must request all remaining eligibility at the site.

Should an application request be less than the required minimum, OPSC will advise the applicant that the pupil grant request in the application must be increased to the minimum amount necessary to satisfy the requirements of Section 1859.79.3.

Increases to the initial pupil grant request for a new construction application will only be allowed in instances of where the change in classroom redesignation results in a higher number of pupil grants to match the standard loading standard.

Section 1859.71.2 New Construction Additional Grant for Fire Code Requirements

Currently, the additional grant for Automatic Sprinkler System can be provided to all new construction projects based on the dates specified in 1859.71.2(c)(1-3). These parameters are outdated.

Senate Bill 575 (Chapter 725, Statutes of 2001), known as the Green Oaks Fire Protection Act, added EC Sections 17074.50 through 17074.56 which require that all new construction projects submitted to DSA on or after July 1, 2002 include an automatic fire detection, alarm, and sprinkler system.

Therefore, the proposed amendment to Section 1859.71.2 clarifies that that all New Construction applications for which the DSA-approved plans and specifications include fire sprinklers qualify for this grant.

STAFF ANALYSIS/DISCUSSION (cont.)

These regulation sections regarding the criteria for Use of Grants (UOG) request do not currently contemplate the requirement in SFP Regulation Section 1859.51(e), to process applications under new construction eligibility derived from the prior or current fiscal year's enrollment data. Additionally, the UOG regulations do not consider that applications are currently processed in arrears.

SFP Regulation Sections 1859.77.2(b)(1) and 1859.77.3(b)(1) require the adoption of a school board resolution discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date that precedes the SFP application received date. The proposed amendment removes that requirement in SFP Regulation Sections 1859.77.2(b)(1) and 1859.77.3(b)(1). Additionally, school districts intending to amend an Approved Application to include a UOG request after its submittal to OPSC are currently required by SFP Regulation to withdraw and resubmit the application and receive a new OPSC received date.

The proposed amendment removes these requirements and allows applicants to amend Approved Applications to include a UOG request during processing without having to withdraw and resubmit the funding application.

Section 1859.81 Financial Hardship.

The proposed amendment to Regulation Section 1859.81(a) adds language to clarify that the Independent Audit required by EC Section 41020 for the fiscal year immediately preceding the request for Financial Hardship must be submitted with the submittal package. This clarifies that it is not just the latest audit submitted by the district that is required to be provided.

The proposed amendment ensures that the district's most up-to-date financial records are reviewed as part of a Financial Hardship determination. This will streamline the process for identifying any funds that have not been spent or committed to a specific project before the initial request for Financial Hardship status, which may be considered available as a matching contribution.

Section 1859.81.1 Separate Apportionment for Site Acquisition and Design Costs

Current regulation requires that the subsequent application for A New Construction or Modernization Adjusted Grant that previously received a separate design and/or site apportionment, request a minimum percentage of the grant requested in the separate design and/or site application, which is 50 percent for New Construction and 60 percent for Modernization. This requirement ensures that applicants do not

STAFF ANALYSIS/DISCUSSION (cont.)

receive a separate design and/or site apportionment disproportionate to the final project.

On the subsequent application for the full construction grant request, the requested minimum percentage could be misinterpreted as being required to request a percentage of the *dollar value* the district requested at the time of a separate design and/or site apportionment. Additionally, the District's pupil grant request on the subsequent application for full construction grant request must be for a valid amount, considering any eligibility updates, required or voluntary, that may have been processed after the separate design and/or site apportionment.

A district is required to submit an *Enrollment Certification/Projection* (Form SAB 50-01) to update its New Construction eligibility within 90 days of receiving notification from OPSC that its application for the New Construction Adjusted Grant request is going to be processed, in accordance with Regulation Section 1859.51(e). This is to ensure that a district continues to have need for additional classroom capacity. OPSC is currently processing applications three years in arrears, so the New Construction eligibility may require an adjustment between the separate design and/or site apportionment and New Construction Adjusted Grant application.

A district may submit, but is not required to submit, an *Eligibility Determination* (Form SAB 50-03) after receiving Modernization separate design and/or site apportionment and before submitting a Modernization Adjusted Grant application.

The proposed amendment to Regulation Section 1859.81.1 clarifies the amount that must be requested, on the subsequent application for the full construction apportionment after an application previously received a separate design and/or site apportionment, is the percentage of the *pupil grants* previously requested. Further, the subsequent New Construction or Modernization Adjusted Grant must take into consideration any eligibility changes as well.

Section 1859.83(b) Small Size Projects

SFP Regulation Section 1859.83(b) provides an excessive cost hardship grant for small size projects, currently defined as applications housing 200 pupils or fewer. For K-6 projects, the 12 percent supplemental grant amount for small size projects is currently provided for applications housing four classrooms or fewer worth of pupils (fewer than 101 pupils). The 4 percent amount is provided for applications housing more than four classrooms, not to exceed eight classrooms worth of pupils (101-200 pupils). However, the grant currently does not align with the loading

STAFF ANALYSIS/DISCUSSION (cont.)

standards of 7-8 or 9-12 classrooms, and those projects would need to house fewer than eight “fully loaded” classrooms of pupils to qualify for the grant.

The proposed amendment raises the Excessive Cost Hardship Grant limits for the Small Size Grant for middle and high school applications to align with 7-8 and 9-12 classroom loading standards. The revision is to align the pupil grant thresholds to SFP loading standards so that the threshold for all K-12 projects to receive the 12 percent allowance is four classrooms or fewer of capacity, and the threshold to receive the 4 percent allowance is more than four classrooms, not to exceed eight classrooms of capacity. For projects that span grade levels with multiple loading capacities (K-8, K-12, etc.), the loading capacity of the highest grade level served will be used to determine the threshold.

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

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

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

Section 1859.90.2 Priority Funding Process

The proposed amendment to Regulation Section 1859.90.2(a)(2) corrects a typo to accurately reference Section (a)(6) instead of Section (a)(5).

SFP Regulation Section 1859.105 Program Accountability Progress Audit

After a design and/or separate site apportionment, SFP Regulations do not include a requirement to submit a completed Approved Application for the New Construction or Modernization Adjusted Grant phase of the project funding. This creates a situation in which a district may receive a design and/or separate site apportionment, use the funds to design facilities and/or purchase the site, and never submit a funding application to construct facilities on the site.

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed addition of Section 1859.105(d) and Section 1859.105(e) requires that applications for separate design and/or site funding must submit an Approved New Construction Adjusted Grant Application or Modernization Adjusted Grant Application for the project within a specified time or have the design and/or site apportionment be reduced to costs incurred, and states that failing to submit a Form SAB 50-06 would result in the Board rescinding the Apportionment and require the return of the Apportionment plus any interest earned on State funds.

Section 1859.106 Program Accountability Expenditure Audit

EC Section 41024 requires that expenditures be identified on a project-by-project basis. Therefore, OPSC proposes to reiterate in Regulation Section 1859.106 that a separate audit report is required for every audited project and that multiple projects cannot be combined in one audit report.

EC Section 41024(c)(5) requires that in the event of an audit finding, OPSC shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty repayment of funds equal to the amount of funds disallowed in an audit finding. Therefore, an additional amendment is proposed to clarify that if there is an ineligible expenditure found as part of an audit finding, the district will be required to reimburse the full amount of the item found ineligible.

Section 1859.171 Use of Facility

The proposed amendment adds clarity to the process of identifying a qualifying successor charter school in the event the charter school occupying a facility funded with Charter School Facility Program (CSFP) funds ceases to utilize the facility for charter school purposes. Specifically, it emphasizes the requirement that the school district, where the facility is physically located and that serves the same grade level as the pupils housed in the CSFP project that funded the facility, may elect to take possession and title of the facility only after demonstrating due diligence in soliciting alternative charter schools in the local area to identify a successor charter school.

SFP Regulation Section 1859.192(a)(3) and 1859.192(b)(4) Career Technical Education Facilities Program Eligibility

For standalone new construction or modernization Career Technical Education Facility Program (CTEFP) projects, SFP Regulation Section 1859.192 does not currently include the criteria for how a project may qualify for CTEFP funding, related to occupancy date for new construction and contract dates for modernization.

STAFF ANALYSIS/DISCUSSION (cont.)

For new construction CTEFP applications, the language adds a requirement that the facilities were not occupied prior to the implementation of the CTEFP. For modernization projects, the proposed amendment requires that the construction contract(s) was executed on or after the implementation of the CTEFP.

Section 1859.193 Career Technical Education Facilities Grant Determination

During previous CTEFP processing rounds, applicants who had received an Apportionment as a reservation of funds requested to amend approved equipment lists. These requests have been to swap out a certain model of equipment for a newer model or swap a certain model of equipment out for a different but equivalent model to either ensure that the equipment would have an average useful life expectancy of at least ten years or for cost-saving purposes. These requests were previously considered as changes of scope to an approved application and required a School District Appeal Request (Form SAB 189) to be submitted and presented to the Board for approval.

The proposed amendment allows for applicants to be able to purchase up-to-date equipment that will have an average useful life expectancy of at least ten years at the time of purchase, pursuant to EC Section 17078.72(a); and for applicants to have greater flexibility in delivering cost-effective projects to meet the original intent of the project, without requiring an appeal to be submitted for Board approval.

Summary of Changes to SFP Forms

Existing School Building Capacity (Form SAB 50-02)

This proposed amendment updates the Specific Instructions for the Substantial Enrollment Requirement (SER) adjustment in Part III to clarify that non-severe and severe classroom capacity cannot be allocated across all grade levels and instead must be reported under their respective column.

Application for Funding (Form SAB 50-04)

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

STAFF ANALYSIS/DISCUSSION (cont.)

Construction Delivery Method
The proposed amendment updates Section 19 to correct a typo. The proposal lists "Developer Build" in Section 19 instead of "Developer Built," to have accurate construction delivery methods terminology.

Certification Section
The proposed amendment to Section 24 adds a certification pursuant to Education Code Section 17584, stating that the district is in compliance with the required inclusion of faucet aerators and water-conserving plumbing fixtures in all bathrooms.

A second proposed amendment adds a certification with language directly from Education Code Section 17070.63, stating the district understands that the total funding provided under that chapter shall constitute as the state's full and final contribution to the project.

A third proposed amendment adds certification language for Hybrid Applications. In this certification, the district understands that additional related Hybrid Applications are still subject to review by OPSC and approval by the SAB, and future funding is not guaranteed.

Fund Release Authorization (Form SAB 50-05)

The proposed amendment to the General Information Section removes the requirement that accepted bid documents including additive/deductive alternates be attached for New Construction projects that complete Part V. Only the signature page(s) of the construction contract(s), not accepted bid documents, are required to substantiate the certifications made in Part V of the Form SAB 50-05.

Application for Career Technical Education Facilities Funding (Form SAB 50-10)

Certification Section

One proposed amendment adds a certification with language directly from Education Code Section 17070.63, stating the district understands that the total funding provided under that chapter shall constitute as the state's full and final contribution to the project.

Another proposed amendment adds certification language for Hybrid Applications. In this certification, the district understands that additional related Hybrid Applications are still subject to review by OPSC and approval by the SAB, and future funding is not guaranteed.

STAFF ANALYSIS/DISCUSSION (cont.)

Grant Agreement Form

To align with the two proposed amendments to SFP Regulation 1859.106, OPSC proposes amendments to the Grant Agreement. Specifically, OPSC proposes amendments to Section F, Item 4(i) to clarify that a separate audit report shall be submitted for each audited project pursuant to EC Section 41024. Additionally, in Section F, Item 4(iv), OPSC proposes amendments to remove language stating that the amount to be remitted in the event the audit determines grants were spent on ineligible expenditures will be limited to the proportionate percentage of grants and Financial Hardship grants, to clarify that the district will need to reimburse the full amount of the item found ineligible to align with EC Section 41024(c)(5). Similarly, OPSC proposes amendments to Section F, Item 5(iv) to remove language stating that the amount to be remitted in the event the audit determines savings were spent on ineligible expenditures will be limited to the savings.

Additionally, OPSC currently has two Grant Agreements in circulation due to the March 26, 2025 Board approval of a new Grant Agreement for applications received on or after October 31, 2024. The Rev. 03/25 Grant Agreement [Proposition 2] includes expanded eligible expenditures, as a result of the passage of Proposition 2. OPSC proposes minor edits to the Rev. 10/22 (Non-Proposition 2) and the Rev. 03/25 (Proposition 2) versions.

AUTHORITY

Education Code (EC) Section 17070.63 – General Provisions

(a) The total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. As a condition of receipt of funds, a school district shall certify that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.
(b) Any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.
(c) Any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

EC Section 17073.20 – Modernization Eligibility Determination

Funding may be approved for the modernization of any permanent school building that is more than 25 years old, or any portable classroom that is more than 20 years old, as described in Section 17071.30.

EC Section 17076.10 – Program Accountability

(a) A school district that receives any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other school district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.
(b) If the board finds that a participating school district has not made substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of receiving any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.
(c) (1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount to be repaid by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State

School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as appropriate.
(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.
(d) If a school district receives an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

EC Section 17078.54 – Charter Schools

(a) An eligible project under this article shall include funding, as permitted by this chapter, for new construction or rehabilitation of a school facility for charter school pupils, as set forth in this article. A project may include, but is not limited to, the cost of retrofitting an existing building for charter school purposes, purchasing a building, or retrofitting a building that has been purchased by the charter school, if those costs have not been previously funded under this chapter, but may not exceed the amounts set forth in subdivision (b). Existing school buildings made available by a school district that will be rehabilitated for the purposes of this article are not subject to Article 6 (commencing with Section 17073.10). An allocation of funds shall not be made for a school facility that is less than 15 years old.
(b) The maximum amount of the funding pursuant to this article shall be determined by calculating the charter school's per-pupil grant amount plus other allowable costs as set forth in this chapter. Funding shall be provided by the authority for new facility construction or rehabilitation as set forth in Section 17078.58.
(c) To be funded under this article, a project shall comply with all of the following:
(1) It shall meet all the requirements regarding public school construction, plan approvals, toxic substance review, site selection, and site approval, as would any noncharter school project of a school district under this chapter, including, but not limited to, regulations adopted by the State Architect pursuant to Section 17280.5 relating to the retrofitting of existing buildings, as applicable.
(2) Notwithstanding any provision of law to the contrary, including, but not limited to paragraph (1), the board, after consulting with the relevant regulatory agencies, shall, to the extent feasible, adopt regulations establishing a process for projects to be subject to a streamlined method for obtaining regulatory approvals for all requirements described in paragraph (1), except for the requirements of the Field Act as defined in Section 17281 which shall be complied with in the same manner as any other project under this chapter.
(3) The board shall fund only new construction to be physically located within the geographical jurisdiction of a school district.

(d) Facilities funded pursuant to this article shall have a 50 percent local share matching obligation that may be paid by the applicant through lease payments in lieu of the matching share, or as otherwise set forth in this article, including, but not limited to, Section 17078.58.
(e) The authority may charge its administrative costs against the respective 2002, 2004, or 2006 Charter School Facilities Account, or the amount described in paragraph (2) of subdivision (a) of Section 101122, which shall be subject to the approval of the Department of Finance and which may not exceed 2.5 percent of the account or amount.

EC Section 17280 – Approvals

(a) (1) The Department of General Services under the police power of the state shall supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted under Section 17295, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 17595 and 17599. In calculating the cost of any project of reconstruction or alteration of, or addition to, any school building for the purpose of determining the applicability of the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, the Department of General Services shall not include, as an element of that cost, any expenses of air-conditioning equipment or insulation materials for that building, or of installing the equipment or materials.
(2) In the alternative, for a leased or purchased building, a school district may comply with this section by complying with Section 17280.5.
(b) Whenever repairs due to fire damage, not including any damage caused by wind or earthquake, must be made to any school building previously approved by the Department of General Services, the approved plans and specifications used in the original work under then existing rules, regulations, and building standards may be used without modification, providing all other provisions of this article are carried out.
(c) Notwithstanding any other provision of law, no school district shall be authorized to construct or reconstruct any school building, regardless of the source of funding, unless and until the governing board of the district, by resolution, has indicated the agreement of the district that any school building construction or reconstruction that exceeds those construction costs and allowable area standards or any allowable building area computed for an attendance area pursuant to Section 17041 shall, in the event of the district's subsequent application for state funding for school facility construction, be deducted from the allowable building area for which the district would otherwise

have been eligible, which restriction shall not be subject to waiver or exception as otherwise may be provided by law.
(d) If it is determined that, for any reason, a school district failed to comply with the requirement of this section, the district shall not be eligible for any additional building area pursuant to Section 17049 and may be denied any time priority established for the particular project pursuant to Section 17016.

EC Section 17284 – Approvals

Any school building, as defined in Section 17283, operated by a county official, board, or commission which on the effective date of this section is in violation of this article, if compliance therewith was otherwise required, may be continued in use as a school building after June 30, 1975, provided that no building shall be operated after that date unless the county official, board, or commission requests and obtains from the State Allocation Board authority for use of the building for a specific period after that date.
Concurrent with the request the county official, board, or commission shall file with the State Allocation Board a statement or resolution declaring an intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement.
The State Allocation Board shall not authorize the county official, board, or commission to use the building after June 30, 1975, unless it has first determined that the affected authority has already proceeded with a plan of total repair, reconstruction, or replacement in a timely manner and the contract has been let for any phase of, and work commenced on, the project.
In no event shall the State Allocation Board authorize the use of these unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

EC Section 41024 – Audits

(a) (1) Commencing April 1, 2017, a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) shall annually report a detailed list of all expenditures of state funds, including interest, and of the local educational agency's matching funds for completed projects until all state funds, including interest, all of the local educational agency's matching funds, and savings achieved, including interest, pursuant to Section 17070.63, are expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by a local educational agency. A local educational agency's detailed list of expenditures shall identify expenditures on a project-by-project basis, reflect completed projects that were reimbursed within that fiscal year, and shall clearly indicate the list of projects that have been completed.
(2) For purposes of this section, the determination that a project is complete shall be in accordance with the regulations adopted pursuant to the Leroy F. Greene

School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1).
(3) The total amount of interest earned on the state funds shall be reported on the final expenditure report upon completion of a project. For the purposes of determining the total amount of interest earned on the state funds, interest shall be considered to accrue from the time state funds are deposited in the local educational agency's account until the time the local educational agency submits the final expenditure report to the Office of Public School Construction.
(4) Commencing April 1, 2017, a local educational agency participating in the school facilities program shall ensure that it retains all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Section 16026 of Title 5 of the California Code of Regulations. For purposes of this paragraph and in compliance with any applicable state and federal standards, a local educational agency may maintain records electronically.
(5) Any project identified on a local educational agency's detailed list of expenditures pursuant to paragraph (1) that is reported complete during the 2017–18 fiscal year shall be audited in accordance with the audit guide required by Section 14502.1 for the 2018–19 fiscal year. All other completed projects shall be audited in accordance with the audit guide required by Section 14502.1 for the fiscal year in which the project is reported complete.
(6) The audit described in this section shall be completed within one year of project completion as determined by Section 1859.104 of Title 2 of the California Code of Regulations.
(b) (1) Commencing with audits of the 2018–19 fiscal year, the Controller shall include instructions in the audit guide required by Section 14502.1 that include, but are not necessarily limited to, procedures for determining all of the following:
(A) Whether funds identified by a local educational agency on its detailed list of expenditures pursuant to paragraph (1) of subdivision (a) have been expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and any accompanying grant agreement signed by a local educational agency. Any funds not expended in accordance with these requirements shall be disallowed and considered an audit finding.
(B) That savings achieved, including interest, pursuant to Section 17070.63, are used for other high priority capital outlay purposes identified by the local educational agency or returned to the Office of Public School Construction, and are used in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and as specified in any accompanying grant agreement.
(C) Adjustments to the grant amounts received by a local educational agency for site acquisition costs based upon the local educational agency's final approved expenditures as required pursuant to Sections 1859.105 and 1859.106 of Title 2 of the California Code of Regulations.

(D) Adjustments to the grant amounts received by a local educational agency associated with the substantial progress requirements reflected in the program reporting requirements pursuant to Section 1859.104 of Title 2 of the California Code of Regulations.
(2) Any amounts or adjustments identified pursuant to subparagraphs (C) and (D) of paragraph (1) shall be identified within a local educational agency's audit, but shall not be considered an audit finding for purposes of this section.
(c) (1) The auditor conducting the audit pursuant to this section shall file the audit with the Controller within 60 days of the completion of the audit. The Controller shall be allowed access to audit working papers. Adjustments pursuant to paragraph (2) of subdivision (b) shall not be appealable to the Education Audit Appeals Panel pursuant to this section.
(2) Within 60 days of the receipt of the certified audit, and after determining that the audit conforms with the reporting standards contained in the audit guide, the Controller shall do both of the following:
(A) Provide the department a copy of the certified audit.
(B) Notify the Office of Public School Construction of any audit findings pursuant to this section and any amounts or adjustments identified pursuant to clause (iii) and provide the Office of Public School Construction with a copy of the certified audit identifying the amounts to be adjusted if, as a result of the audit conducted in accordance with the requirements of subdivisions (a) and (b), the auditor determines any of the following:
(i) A local educational agency has unspent funds for the project not identified as savings pursuant to Section 17070.63 that shall be returned pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.
(ii) A local educational agency is subject to an increase or decrease in funds provided pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.
(iii) A local educational agency did not expend funds in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) and any accompanying grant agreement signed by a local educational agency.
(3) Upon receipt of the certified audit, the Office of Public School Construction shall present any grant adjustments required pursuant to clauses (i) and (ii) of subparagraph (B) of paragraph (2) for a specified project to the State Allocation Board for an adjustment to the project apportionment. Funds identified for purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (2) shall be apportioned from, or returned to, the appropriate funds, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable. If a school district is required to return unspent funds, the fund source for returned funds shall be the county school facilities fund established pursuant to subdivision (a) of Section 17070.43.

(4) A local educational agency may appeal the audit finding pursuant to the timelines and process established in subdivision (d) of Section 41344. The procedures set out in subdivision (d) of Section 41344.1 do not apply to the audit required by this section.
(5) The Office of Public School Construction shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding pursuant to the process specified in subdivision (d).
(d) (1) If, as the result of the audit, a local educational agency is required to pay funds pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c), the Office of Public School Construction shall recover the funds from the local educational agency.
(2) If the local educational agency has submitted an appeal to the Education Audit Appeals Panel pursuant to subdivision (d) of Section 41344, the Office of Public School Construction shall not recover funds until following the determination of the appeal.
(3) A local educational agency may use any local fund source to pay the disallowed amount pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) so long as there is no legal prohibition regarding the use of those funds for this purpose.
(4) A local educational agency may request from the Office of Public School Construction a repayment plan within 90 days of receiving the final audit report, or within 30 days of withdrawing or receiving a final determination regarding an appeal pursuant to subdivision (d) of Section 41344 and subdivision (b) of Section 41344.1, as applicable. The Office of Public School Construction and the Director of Finance, or their designees, jointly shall establish a plan for payment. The payment plan shall be established in accordance with the following:
(A) If the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount in the current fiscal year would constitute a severe financial hardship for the local educational agency, they may jointly approve a plan of equal annual payments over a period of up to eight years. The plan may include interest on each year’s outstanding balance at the rate earned on the state’s Pooled Money Investment Account during that year. The executive officer of the Office of Public School Construction and the Director of Finance jointly shall establish this plan. At the time the local educational agency is notified, the Controller also shall be notified of the plan by the executive officer of the Office of Public School Construction. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency’s principal apportionment or Education Protection Account payments.
(B) Notwithstanding subparagraph (A), if the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount over an eight-year period would require the local educational agency to request an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of, and

Article 2.5 (commencing with Section 41325) of, Chapter 3, they may approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.

(C) If a payment plan submitted pursuant to this section is not approved by the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, or is not requested by the local educational agency, the executive officer of the Office of Public School Construction shall invoice the local educational agency for the entire disallowed amount. If the local educational agency does not remit payment for the invoice within 120 days of issuance, the executive officer of the Office of Public School Construction shall request that the Controller withhold the entire disallowed amount from the local educational agency's principal apportionment or Education Protection Account payments.

(D) (i) Funds recovered by the executive officer of the Office of Public School Construction or withheld by the Controller pursuant to this section shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.

(ii) Funds remitted to the Office of Public School Construction by a local educational agency from local fund sources, as authorized by paragraph (3), shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.

(e) As used in this section, "audit or review" and "local educational agency" shall have the same meaning as the terms are defined in paragraphs (1) and (2) of subdivision (e) of Section 41344.

(f) The State Allocation Board shall not waive all or any part of this section, any grant agreement or provisions of a grant agreement signed by a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), or any regulation adopted that implements a provision of this section.

(g) In any appeal filed pursuant to Section 41344 and this section, the Office of Public School Construction, the Department of Finance, and the department may timely move to intervene as a party.

(h) If the Office of Public School Construction chooses not to intervene in an appeal, the administrative law judge conducting the hearing, or the Education Audit Appeals Panel, may request that the Office of Public School Construction issue and file in the appeal an objective interpretation of any applicable law, regulation, or term of the grant agreement within 30 days of the request or such longer period as the administrative law judge or the Education Audit Appeals Panel deems reasonable. The Office of Public School Construction's filing shall not argue or seek to resolve issues of fact, but may state how a particular law,

regulation, or grant agreement term applies to competing factual contentions. The agent of the Office of Public School Construction shall be precluded from acting as a party once a request pursuant to this subdivision is made.
(i) Notwithstanding subdivision (a), this section shall not apply to any school facilities project that was apportioned before July 1, 2017.

EC Section 56049 – General Provisions

The Legislature finds and declares all of the following:
(a) All pupils are general education pupils first, including pupils with disabilities.
(b) Comprehensive local educational agency and school-level fiscal and programmatic planning, including planning conducted pursuant to Section 52064, must reflect the needs of all pupils, including pupils with disabilities.
(c) Inclusion in general education classrooms and programs should be considered the first setting for all pupils, unless the individualized education program for a pupil with a disability determines that another setting is more suitable to guarantee a free and appropriate public education.
(d) Data transparency and analysis are essential to understanding the needs of pupils. Local educational agencies should use all available data sources on pupils with disabilities, with a particular focus on least restrictive environment data, to inform continuous improvement efforts.

EC Section 56049.1 – General Provisions

(a) On or before November 30, 2023, the department shall publish data related to federal measures of least restrictive environment for pupils with disabilities on its internet website and shall include it as a resource on the California School Dashboard, established pursuant to subdivision (f) of Section 52064.5.
(b) The data shall be disaggregated by race or ethnicity and local educational agency.

PROPOSED REGULATIONS

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

…

"Enrollment Reporting Year" shall mean the time period beginning on November 1st and ending on October 31st of the following year.

…

"Hybrid Application" means a SAB-administered program application for funding that shares the same DSA approved plans and specifications with at least one more SAB-administered program application for funding.

…

"Large Charter School" shall be defined as a school in which the enrollment is greater than 35~~1~~0 pupils, based on the latest available CBEDS report or if a CBEDS report is unavailable, the registration list for the Charter School may be used.

…

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), 17070.54, 17070.59, 17070.63, 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, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.22. SFP Application for Funding on Leased Land.

In addition to meeting the requirements of Sections 1859.20 and 1859.21 or 1859.120, a district may receive SFP funds for facilities that are or will be located on real property leased by the district provided all the following are met:
(a) The real property is leased from a governmental agency.
(b) The term of the lease remaining for the land for which the district is requesting SFP funding at the time the Approved Application is accepted is one of the following:

…

Note: Authority cited: Section 17070.35, Education Code.
Reference: Section 17070.71, 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:

…

(i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
…
(7) That is included in a SFP project where the School District has funded a portion of the project beyond its required School D~~d~~istrict contribution and the pupil capacity of the Classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
(8) That was acquired with joint-use funds specifically available for that purpose.
(9) That was acquired with career technical education funds specifically available pursuant to Education Code Section 17078.72.
(10) That was built or acquired exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and with funds specifically available for those purposes.
(11) That replaces a Classroom, previously included in the determination of the School District's new construction eligibility pursuant to Education Code Section 17071.75, in a project funded by the School District without participation from the State and the School District permanently removes the replaced facility from classroom use immediately after the replacement classroom is occupied.
(12) That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.
(13) That was constructed with a grant provided pursuant to Education Code Section 17075.20, unless the classroom is a Portable Classroom purchased pursuant to subdivision (a) of Education Code Section 17075.20.
(14) That was built with funds provided by Education Code 17375.
…

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17073.16, 17075.20, 17077.40, 17078.72, 17079.20, 17375, 42268 and 42270, Education Code.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The School D~~d~~istrict shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all C~~c~~lassrooms on the site pursuant to (a) or by the identification of all S~~s~~quare F~~f~~ootage on the site pursuant to (b), as follows:
(a) Identify all C~~c~~lassrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31, with the exception of Classrooms constructed with funds pursuant to Education Code Section 17375, that are:
(1) Permanent and at least 25 years old.
(2) Portable and at least 20 years old.
(3) The remaining C~~c~~lassrooms not reported in (1) or (2) above.
(b) Identify all S~~s~~quare F~~f~~ootage at the school site, with the exception of Classrooms constructed with funds pursuant to Education Code Section 17375, that is:
(1) Permanent area and at least 25 years old.

(2) Portable Cclassroom area and at least 20 years old.
(3) The remaining Ssquare Ffootage on the site not reported in (1) or (2) above.
(c) Identify all classrooms at the school site located on a military installation where the site is a recipient of a federal grant for facilities modernization that requires a local matching share that are:
(1) Permanent at least 10 years old.
(2) Portable at least 10 years old.
(d) Identify all square footage at the school site located on a military installation where the site is a recipient of a federal grant for facilities modernization that requires a local matching share that are:
(1) Permanent at least 10 years old.
(2) Portable at least 10 years.

The age of the Cclassroom or Ssquare Ffootage shall begin 12 months after the plans for the placement or construction of the building were approved by the DSA. In the case of permanent or portable classrooms that were previously modernized with State funds or rehabilitated under the Charter School Facilities Program, the 25/20 year period shall begin on the date of it's the Classrooms' previous apportionment. For permanent or portable classrooms that were previously modernized with State funds and are located on a military installation, pursuant to subsection (c) and (d), the 10 year period shall begin after the date of the previous modernization apportionment. For purposes of identifying Ssquare Ffootage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Portable buildings modernized pursuant to subsection (c) and (d) shall be replaced with a permanent structure.

For Applications to establish modernization baseline eligibility or to update enrollment data, the School District shall submit a completed Form SAB 50-03 using the latest California Basic Educational Data Systems (CBEDS) enrollment for the school site as it would have been reported using the criteria in Parts A, C and D of Form SAB 50-01 for the Enrollment Reporting Year during which OPSC receives the complete, valid Form SAB 50-03. Continuation high pupils shall be reported in the 9–12 grade category. If the school is a 6–8 middle school only, 6th grade pupils shall be reported in the 7–8 grade category.

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

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

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17073.15, 17073.20, and 17074.10, and 17375 Education Code.

Section 1859.70. General.

(a) A School Ddistrict seeking New Construction or Modernization funding shall complete and file Form SAB 50-04, concurrently or after completing the applicable requirements in Sections 1859.20 and 1859.40. The Board shall only provide New Construction funding if the Approved Application was received by the OPSC prior to the date of Occupancy for any classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a School District will be ineligible to seek New Construction funding and the classrooms will be reduced from the baseline eligibility pursuant to Section 1859.51(i) if not previously reduced.
(b) A School Ddistrict affected by a reorganization election on or after November 4, 1998 may file an application for New Construction funding after the notification of the reorganization election. The School District must submit a new calculation of the district's baseline eligibility as determined on the Form SAB 50-03 upon written notification, or certify that the reorganization election will not result in a loss of eligibility for the project for which the School District is requesting new construction grants. For all requests for funding received by the OPSC on or after June 6, 2017, the OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04. The School District must submit a completed Form SAB 50-03 within 90 calendar days of OPSC's notification. OPSC may return the Form SAB 50-04 to the School District for failure to submit the Form SAB 50-03 within 90 calendar days of OPSC's notification.
(c) With the exception of the circumstances in paragraphs (1) and (2), below, if a School District wishes to amend its Approved Application to increase the pupil grants requested in the application after the submittal to the OPSC, the School District must request in writing that the Approved Application be withdrawn and removed from the OPSC workload list and/or Applications Received Beyond Bond Authority List. The resubmitted Approved Application will receive a new processing date by the OPSC.
(1) The requirements in (c) do not apply to an increase in pupil grants requested that is required for a modernization application to comply with Section 1859.79.3.
(2) The requirements in (c) do not apply to an increase in pupil grants requested for a new construction application that results from a change in the classroom loading standards for the project due to the redesignation of classroom grade levels in the project.

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

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17070.63, 17071.10, 17071.75, 17072.10 and 17074.10, Education Code.

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

(c) Pursuant to Subdivision (c) of Education Code Section 17074.56, the Board shall provide the grant amounts shown in (a) and (b) above, if applicable, in addition to any other funding authorized by these Regulations, for each pupil included in an application for new construction if all the ~~following~~ criteria are met~~:~~.

~~(1) The final plans for the new construction project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.~~
~~(2) The final plans for the new construction project included an automatic fire detection and alarm system and/or an automatic sprinkler system as described in Education Code Section 17074.52 or the project will include the system(s) prior to the completion of the project.~~
~~(3) The new construction project did not receive the entire New Construction Adjusted Grant apportionment by June 30, 2002.~~

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

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17074.50, 17074.52, 17074.54 and 17074.56, Education Code.

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

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

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

(a) A School D~~d~~istrict may request new construction grants that do not to exceed 135 percent of the number of pupils that will be housed in the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the grant requests above 100 percent of the number of pupils to be housed do not include eligibility based on Special Day Class pupils and if the School D~~d~~istrict has adopted a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the Application filing that includes the following:
(1) A plan that identifies how the district has housed or will house the excess pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan may not include housing the excess pupils in portables excluded from existing school building capacity pursuant to Education Code Section 17071.30 or housing in facilities to be constructed with district funds if the district has received financial hardship approval pursuant to Section 1859.81. The plan shall not utilize Multi-track Year Round Education schedules for the purposes of housing excess pupils.
(2) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
(3) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

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

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

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

Note: Authority cited: Section 17072.13, Education Code.
Reference: Sections 17072.13 and 17072.35, Education Code.

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

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

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

(a) A School Ddistrict may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
(1) The School Ddistrict must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
(C) A plan outlined in the resolution that identifies how the School Ddistrict has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
1. The School Ddistrict will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
2. The School Ddistrict will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
(2) The existing school site was not constructed under the SFP.
(3) The proposed project includes no more than eight Cclassrooms.
(4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.
(5) For purposes of this Section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.
(6) For purposes of this section to determine if an existing facility is inadequate, the existing Ssquare Ffootage is less than 60 percent of the Ssquare Ffootage necessary for the current CBEDS for the site plus

the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82.1(b)(4)(B)2., except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

…

(b) A School D~~d~~istrict may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:

(1) The School D~~d~~istrict must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board ~~on a date preceding the application filing~~ that include~~s~~ the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the School D~~d~~istrict has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The School D~~d~~istrict will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or

2. The School D~~d~~istrict will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or

3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.

(2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the School D~~d~~istrict must use its New Construction Grant eligibility, pursuant to subsection (b), in the following order:

(A) At the grade level of the proposed project, if available.

(B) At the lowest grade level other than the proposed project, if available.

(C) At the next highest grade level other than the proposed project.

(c) A School D~~d~~istrict may request new construction eligibility based on the SFP Regulation Section 1859.77.2 or 1859.77.3, as appropriate, in place as of the date of a local bond election provided that clear language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

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

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

Note: Authority cited: Sections 17070.35 and 17072.13, Education Code.
Reference: Sections 17072.13 and 17072.35, Education Code.

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

(a) In lieu of the funding provided by Subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide the amounts shown below for each pupil housed in permanent school buildings that are 50 years or older as follows:
…

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

Note: Authority cited: Section 17070.35, Education Code.
Reference: Section 17074.26, Education Code.

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects and Career Technical Education Facilities Projects, a district is eligible for Financial Hardship to fund all or a portion of its matching share requirement after demonstrating the requirements of (a), (c), and (d) below:
(a) The School D~~d~~istrict is financially unable to provide all necessary matching funds for an eligible project. To determine this, at the time OPSC processes the School District's request for Financial Hardship, an analysis shall be made of the School D~~d~~istrict's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the School D~~d~~istrict's latest annual Independent Audit required by Education Code Section 41020. The audit report must be for the fiscal year immediately preceding OPSC's processing of the request for Financial Hardship. The review of the audit report will be regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for Financial Hardship status shall be deemed available as a matching contribution.
…

Note: Authority cited: Sections 17070.35, 17075.15, 17078.72 and 17592.73, Education Code.

Reference: Sections 17071.75, 17075.10, 17075.15, and 17079.20, Education Code.

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

A School D~~d~~istrict that meets the Financial Hardship criteria in Section 1859.81 is eligible for the following:
…
(b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):
(1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the School D~~d~~istrict reasonably expects to pay for the site including any hazardous material clean-up.
…

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

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must include a valid ~~be for~~ request for at least 50 percent of the ~~New Construction Grant~~ pupil grants the School D~~d~~istrict requested as a separate design Apportionment.

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

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must include a valid ~~be for~~ request for at least 60 percent of the ~~Modernization Grant~~ pupil grants the School D~~d~~istrict requested as a separate design Apportionment that was received after April 29, 2002.
…

Note: Authority cited: Sections 17070.35, 17072.13, 17075.15 and 17075.20, Education Code.
Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, 17074.16, 17075.20 and 17079.20, Education Code.

Section 1859.82.1. Facility Hardship Program.
…
(f) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
…

(6) If the School D~~d~~istrict does not submit the Approved Application for construction funding within the timelines required by Section (~~2~~5) above, the application will be reduced to eligible costs incurred.
…
Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.

Section 1859.82.2. Seismic Mitigation Program.
…
(f) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
…

(6) If the School D~~d~~istrict does not submit the Approved Application for construction funding within the timelines required by Section (~~2~~5) above, the application will be reduced to eligible costs incurred.
…
Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17075.10, 17075.15, 101012(a)(1) and 101122, Education Code.

Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a School District is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the School District. The Excessive Cost Hardship Grant shall be based on any of the following:
…
(b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects – Elementary School) and 216 Pupils (Small Size Projects – Middle and High School).
(1) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house fewer than 101 pupils, the School D~~d~~istrict is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.
(2) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house greater than 100 and fewer than 201 pupils, the School D~~d~~istrict is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.
(3) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house fewer than 109 pupils, the School District is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.
(4) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house greater than 108 and fewer than 217 pupils, the School District is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.

(~~3~~5) A Type I Joint-Use Project and a Type II, part of a qualifying SFP Modernization project, Joint-Use Project is eligible for an Excessive Cost Hardship Grant equal to:
(A) 12 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house fewer than 101 pupils.
(B) Four percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house greater than 100 and fewer than 201 pupils.
(4~~6~~) A Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is eligible for an Excessive Cost Hardship Grant equal to eight percent of the funding provided by Section 1859.125(a)(1) through (a)(2).
(~~5~~7) A grant request pursuant to Section 1859.79.3(a)(1) or (a)(2) and fewer than 101 pupils is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the Modernization Grant.
(~~6~~8) A Facility Hardship project that is eligible to receive funding pursuant to Sections 1859.82.1(b)(4)(B), 1859.82.1(b)(4)(C), or 1859.82.2(b)(4)(B), may request an Excessive Cost Hardship Grant for small size project if the following qualifications are met:
(A) For the purposes of determining qualification for (~~6~~8)(B) or (~~6~~8)(C) below:
1. Calculate the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1(b)(4)(B). If the Facility Hardship project is for the replacement of portable space, calculate the sum of the Portable Replacement Grant and Portable Toilet Replacement Grant pursuant to Section 1859.82.1(b)(4)(C).
2. Divide the amount determined in (6)(A)(1) by the New Construction Grant at the time the project is approved by the Board, for the highest grade level served at the site.
3. Round the quotient to the nearest whole number.
(B) The School D~~d~~istrict is eligible for an Excessive Cost Hardship Grant equivalent to 12 percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (~~6~~8)(A) above is fewer than 101 pupils.
(C) The School D~~d~~istrict is eligible for an Excessive Cost Hardship Grant equivalent to four percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (~~6~~8)(A) above is greater than 100 and fewer than 201 pupils.
…
Note: Authority cited: Sections 17070.35, 17075.10 and 17075.11, Education Code.
Reference: Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.11, 17075.15, 17077.40, 17077.42, 17077.45 and 17250.30, Education Code; and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Section 1859.90.2. Priority Funding Process.
…

(a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes

each of the project Application numbers, and the type of Apportionment request (e.g., Apportionment, separate Apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain the following:
(1) Statement that the request is to convert the unfunded approval to an Apportionment or to receive an approved advance release of funds; and
(2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(~~5~~6), 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
…
Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17070.41, 17071.75, 17072.12, 17072.30, 17073.10, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.105. Program Accountability Progress Audit.
…

(b) When the School D~~d~~istrict has received funds pursuant to Section 1859.81.1(a), the Board shall conduct a review to assure the School D~~d~~istrict has made substantial progress in the completion of the project. The audit shall consist of a review and analysis of the School D~~d~~istrict's progress report in accordance with Section 1859.104(b). Acceptable evidence of substantial progress shall be when the School D~~d~~istrict has completed all of the following:
(1) Obtained the final appraisal of the site; and,
(2) Completed all California Environmental Quality Act requirements; and,
(3) Obtained final approval of the site by the CDE; and,
(4) Provided final escrow instructions or evidence the School D~~d~~istrict has filed condemnation proceedings and intends to request an order of possession of the site; or,
(5) Other evidence satisfactory to the Board detailing the reason(s) and circumstance(s) beyond the control of the School D~~d~~istrict that precludes substantial progress being made. If the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School D~~d~~istrict's commitment to complete and submit satisfactory evidence that the School D~~d~~istrict meets the provisions of Section 1859.105(b)(1) through (b)(4) within a period not to exceed 18 months from the date of the Board's determination of substantial progress.
(c) When the School D~~d~~istrict has received funds pursuant to Section 1859.81.1(e), the Board shall conduct a review to assure the School D~~d~~istrict has made substantial progress in the completion of the project. Sufficient evidence of substantial progress shall be any of the following:
(1) An Approved Application for New Construction or Modernization Adjusted Grant ~~Application~~; or
(2) A S~~s~~chool D~~d~~istrict certification that the final building plans for the project have been submitted to and accepted by the DSA for review and approval; or
(3) An approved separate site funding application pursuant to Section 1859.81.1(a) or an approved environmental hardship funding application pursuant to Section 1859.75.1 or an approved Preliminary Apportionment pursuant to Section 1859.140, that met the criteria of Section 1859.142(b); or
(4) Other evidence satisfactory to the Board detailing the reason(s) that plans have not been completed and accepted by the DSA. ~~If the Board determines that substantial progress has been made pursuant to~~

~~Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the district's commitment to complete and submit an Approved New Construction or Modernization Adjusted Grant Application within a period not to exceed 18 months from the date of the Board's determination of substantial progress.~~

(d) If substantial progress evidence has been submitted in accordance with Sections 1859.105(b)(1) through (b)(4) or 1859.105(b)(5), and the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School District's submittal of an Approved Application for a New Construction Adjusted Grant, within a period not to exceed 18 months from the date of the Board's determination of substantial progress. Should the School District fail to submit an Approved Application for a New Construction Adjusted Grant application within 18 months of the Board's determination, the project will be added to the SFP Reduction to Costs Incurred (RCI) Audit Workload and the School District must report the final expenditures on the project on the Form SAB 50-06 to OPSC within 60 days. Then pursuant to Education Code Section 41024, the School District has one year for their RCI audit to be completed by a local Certified Public Accountant and submitted to the State Controller's Office (SCO). Once OPSC receives the certified audit report from SCO, OPSC will recommend to the Board that a finding be made that no substantial progress on the project has been made and that the Apportionment be reduced, after accounting for the School District's matching share, by any funds not yet expended for the project and any interest earned on State funds for the project, as determined by the performance audit report pursuant to Education Code Section 41024. The recommendation will be made at the next available Board meeting following the receipt of the performance audit report as certified by SCO. If the complete Form SAB 50-06 is not received within the 60-day period, the Board shall rescind the Apportionment and require the return of the Apportionment plus any interest earned on State funds.

(e) If substantial progress evidence has been submitted in accordance with Sections 1859.105(c)(2), 1859.105(c)(3), or 1859.105(c)(4), and the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School District's commitment to submit a complete Approved Application for a New Construction or Modernization Adjusted Grant, as applicable, within a period not to exceed 18 months from the date of the Board's determination of substantial progress. Should the School District fail to submit an Approved Application for New Construction Adjusted Grant or Modernization Adjusted Grant within 18 months of the Board's determination, the project will be added to the SFP Reduction to Costs Incurred Audit Workload and the School District must report the final expenditures on the project on the Form SAB 50-06 to OPSC within 60 days. Then pursuant to Education Code Section 41024, the School District has one year for their RCI audit to be completed by a local Certified Public Accountant and submitted to the State Controller's Office (SCO). Once OPSC receives the certified audit report from SCO, OPSC will recommend to the Board that a finding be made that no substantial progress on the project has been made and that the Apportionment be reduced, after accounting for the School District's matching share, by any funds not yet expended for the project and any interest earned on State funds for the project as determined by the performance audit pursuant to Education Code Section 41024. The recommendation will be made at the next available Board meeting following the receipt of the performance audit report as certified by SCO. If the complete Form SAB 50-06 is not received within the 60-day period, the Board shall rescind the Apportionment and require the return of the Apportionment plus any interest earned on State funds.

…

Note: Authority cited: Sections 17070.35 and 17072.13, Education Code.
Reference: Sections 17070.35, 17076.10 and 17077.40, Education Code.

Section 1859.106. Program Accountability Expenditure Audit.

For any project that was apportioned on or after July 1, 2017, an audit shall be conducted pursuant to Education Code Section 41024, all other~~The~~ projects will be audited by OPSC. The audits will~~to~~ assure that the expenditures incurred by the School District were made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, and Education Code Section 17074.25 and Section 1859.79.2 for modernization projects. The audit will also assure that the School District complied with all site acquisition guidelines as provided in Education Code Sections 17072.13 and 17072.14 and Sections 1859.74, 1859.74.1, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75 and 1859.75.1.

Per Education Code Section 41024, a separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report.

Pursuant to Education Code Section 41024(c)(5), should an audit of the School District certifications or the expenditures for the project include a finding that some or all of the expenditures were not made in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by the School District, OPSC shall ensure that the School District has corrected the audit finding by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding.

….

Note: Authority cited: Sections 41024 and 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, 17078.52 and 17251, Education Code, and Section 1771.3, Labor Code.

Section 1859.171. Use of Facility.

If an applicant that has received funding pursuant to Section 1859.164.2(b) and has not met the timelines established in Section 1859.166 on a Preliminary Charter School Apportionment, or is no longer occupying the Facility constructed with funds derived through a Final Charter School Apportionment, and the review process outlined in Education Code Section 17078.62(b)(1) has been completed (if applicable), then the following events shall occur:

…

(4) If multiple Charter Schools apply jointly to be a successor Charter School, they will be treated as one applicant for purposes of assigning preference points and ranking. Preference points will be assigned based on the school with the enrollment majority as documented in the approved charter petition(s) for the grade levels that will use the Facility.
(b) If after the steps in subsection (a) are complete, no qualifying successor Charter School is identified or chooses to occupy the Facility, and the School District has demonstrated due diligence in soliciting

alternative Charter Schools within the local area to identify a successor Charter School to take possession of the Facility, as required by California School Finance Authority Regulation Section 10157, the School District in which the project is physically located that serves that same grade level as the pupils housed in the project, may elect to take possession of the Facility and pay the balance of the local matching share. It is a priority that a qualifying successor Charter School be permitted to meet its facility needs by occupying the Facility before the eligible School District may take possession of the Facility. The School District may be required to make additional attempts to solicit alternative Charter Schools to ensure this priority is met and demonstrate due diligence. The School District may qualify for a waiver of repayment if it can meet all the following:

(1) Demonstrate that at the time the Form SAB 50-04 was submitted for Final Charter School Apportionment, the School District would have qualified for Ffinancial Hhardship, pursuant to Section 1859.81; and,

(2) Certify to the Board that it will comply with the requirements of Education Code Section 17078.62(b)(4)(B).

(c) If the School District chooses not to take possession of the Facility, it shall dispose of the Facilities in the manner applicable to the disposal of surplus school sites pursuant to Education Code Sections 17455 through 17484. The proceeds from the sale shall be used to pay off the remaining loan balance, if any.

(d) Pursuant to Education Code Section 17078.62(b)(5)(B), if the School District declines to dispose of the Facility it shall provide written notice of its rejection to the Board in the form of written action taken by the governing board of the School District and the Board shall dispose of the property.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.
Reference: Section 17078.62, Education Code.

Section 1859.192. Career Technical Education Facilities Program Eligibility.

An applicant requesting funding for a Career Technical Education Facilities Project may submit Form SAB 50-10 to the OPSC if all the following criteria are met:

(a) For a new construction project, the applicant:

(1) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228.

(2) Has an active career technical advisory committee pursuant to Education Code Section 8070.

(3) The classrooms constructed for the Career Technical Education Facilities Project were not occupied prior to May 20, 2006.

(b) For a modernization project, the applicant:

(1) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228; or,

(2) Is a joint powers authority operating career technical education programs as of May 20, 2006.

(3) Has an active career technical advisory committee pursuant to Education Code Section 8070.

(4) The construction contracts for the Career Technical Education Facilities Project were executed on or after May 20, 2006.

(c) The applicant's Career Technical Education Facilities Program application has met all the requirements in Education Code Section 17078.72(i) and scored at least 105 points.

An applicant need not demonstrate New Construction Eligibility or Modernization Eligibility in order to participate in the Career Technical Education Facilities Program.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.
Reference: Sections 8070, 17078.72, 51224, 51225.3 and 51228, Education Code.

Section 1859.193. Career Technical Education Facilities Grant Determination.

A Career Technical Education Facilities Project may construct a new facility or modernize or Reconfigure an existing school building. The Application for Career Technical Education Facility funding may accompany an Application for new construction funding pursuant to Section 1859.70 or may be submitted independently.

The applicant must identify square footage of the Career Technical Education Facility being constructed, modernized, reconfigured or equipped, on the funding Application. Equipment purchased under the Career Technical Education Facilities Program must have an average useful life expectancy of at least ten years pursuant to Education Code 17078.72(a). An Application for a Career Technical Education Facilities Project may consist entirely of equipment.

All equipment must be purchased on or after May 20, 2006, unless the Career Technical Education Facilities Project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1.

<u>An approved equipment item may be replaced with an equipment item of a newer or similar model as the originally approved item.</u>
….
Note: Authority cited: Sections 17070.35, 17078.72(k), and 17078.72(l), Education Code.
Reference: Sections 17078.72 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

GENERAL INFORMATION

To determine a district's initial eligibility for new construction funding under the School Facility Program (SFP), the district must provide enrollment information for the current and previous three or seven years, as appropriate, on this form. After the initial submittal, this form need only be resubmitted when the district requests additional new construction funding in a new enrollment year, as a result of a reorganization election that affects either the district's enrollment or existing school building capacity, or as a result of a special education program transfer.

Pupil Enrollment Projection Options

Districts may submit either a fifth-year or a tenth-year enrollment projection. If utilizing the fifth-year enrollment projection, a district must provide the current and three previous years' enrollment information. If utilizing the tenth-year enrollment projection, a district must provide the current and seven previous years' enrollment information. Districts must utilize either the fifth-year or the tenth-year projection for all grade groupings and High School Attendance Areas (HSAA) or Super HSAAs in the district.

A high school district, unified school district, elementary school district, or county superintendent of schools may file on a HSAA basis or Super HSAAs as provided under Education Code Section 17071.76 and Section 1859.41. In that case, the enrollment used on this form is the current and three or seven previous years' pupil enrollment or residence in the HSAA or Super HSAA.

Districts filing on a HSAA or Super HSAA basis may report pupil enrollment by either the HSAA in which the pupils attend school or by the HSAA in which pupils reside. Districts reporting enrollment using residency data must submit additional documentation outlined below.

The following options are available to project enrollment:

For Districtwide or HSAA Attendance Reporting:

- Fifth-Year Projection
  - Districts must report the current and three previous years' enrollment data.
  - The fifth-year enrollment projection may be augmented with any of the following: modified weighting mechanisms, birth-attendance rates, dwelling units, and a district Student Yield Factor.
- Tenth-Year Projection: Districts must report the current and seven previous years' enrollment data.

For HSAA Residency Reporting (New 06/08):

- Fifth-Year Projection: Districts must report the current and three previous years' enrollment data.
- Tenth-Year Projection: Districts must report the current and seven previous years' enrollment data.

For HSAA Residency Reporting [For Critically Overcrowded Schools (COS) HSAA districts filing pursuant to Section 1859.147 (e)(2)]:

- Fifth-Year Projection: Districts must report the current and three previous years' enrollment data.

Augmentations to the Fifth-Year Enrollment Projection

A district that is requesting a fifth-year enrollment projection and reporting on a districtwide or HSAA pupil attendance basis may utilize the following augmentations to the enrollment projection:

- Modified Weighting Mechanisms

  If the district is requesting to utilize modified or alternate weighting mechanisms pursuant to Section 1859.42.1(c), the district must submit additional K-12 and continuation high school enrollment information for the 14 years prior to the four years of data reported on this form, for a total of 18 years of enrollment data.

  If the district is requesting to utilize a district-specific alternate weighting method, it must show that the proposed alternate weighting mechanism provides a more accurate projection based on historical data as outlined in Section 1859.42.1(c).

- Birth-Attendance Rate Adjustment
  If the district is requesting to use the birth-attendance rate based on county birth data, enter the county births by residence as reported by the Department of Health Services (DHS) for the current and eight previous years in Part F of this form.

  If the district is requesting a birth-attendance rate adjustment based on birth data for ZIP codes served by the district, the district must report the births by residence as reported by the DHS for ZIP Codes served by the district for the current and eight previous years. When submitting this form, the district must provide all ZIP Codes served by the district and indicate the ZIP Codes, if any, for which the district is not reporting birth data pursuant to Section 1859.42.1(b)(2)(B).

- Dwelling Unit Augmentation
  Districts requesting a dwelling unit augmentation must provide all of the following:

  - The approval dates of the maps by the local planning commission or approval authority and
  - The number of dwelling units to be built within each subdivision excluding all dwelling units that have either 1) been occupied; or, 2) had construction permits pulled that are twelve months or older from the date the permit was pulled. (Note: A district must select only one option—the Date of Occupancy or permits pulled, plus twelve months—as the point in time to stop reporting dwelling units for all tracts being submitted. A district may select the alternate option the following submittal year if desired.); and,
  - One of the following:

    1. An approved and valid tentative or final subdivision map with the local planning commission or approval authority stamp located on the map, or
    2. An approved and valid tentative or final subdivision map with supporting documentation, or
    3. A spreadsheet or the Office of Public School Construction(OPSC) dwelling unit worksheet listing all of the subdivisions reported on the Form SAB 50-01 with supporting documentation. If the district wishes to utilize this option, please note that when the district representative signs the Form SAB 50-01, he/she is certifying that the tract maps are on file at the district office and available for OPSC review if requested.

  Supporting documentation is defined as one of the following:

  - Local planning commission or approval authority meeting minutes detailing the approval of the map. If the approval was given an extension, please provide the most current meeting minutes indicating the approval of the extension request. Dwelling units contained in expired maps may not be reported on the Form SAB 50-01, or

- A letter from the local planning commission or approval authority indicating that the tract map is approved and valid as of the signature date of the Form SAB 50-01, or
- Any other reasonable documentation from the local planning commission or approval authority that indicates the tract map is approved and currently valid.

- Student Yield Factor
  - If the district is requesting an augmentation of its enrollment projection due to pupils residing in new dwelling units and it is not using the State yield factors (refer to Part H), the district must provide a copy of the study supporting the Student Yield Factor. The district's study should determine the elementary, middle and high school pupils generated by new residential units, in each grade category of pupils enrolled in the district. This study should be based on the historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed in which the school district is located.

HSAA Residency Reporting

- If the district is currently, or anticipates for the future, reporting residency data pursuant to Section 1859.41.1(b) or 1859.147(e)(2) (refer to Part A), it must submit a copy of the governing board-approved attendance map and High School Attendance Area Residency Reporting Worksheet. By signing this form, the district certifies that the pupil enrollment and residency data used to support the submitted map and worksheet is available at the district for OPSC verification.
- To determine the new construction eligibility for a district filing on a HSAA basis and seeking COS project justification pursuant to Section 1859.147(e)(2), one Form SAB 50-01 based on enrollment as reported to the California Department of Education (CDE) and one based on the residence of the pupils must be filed for each HSAA which includes a Preliminary Apportionment for a COS project.

Additional Documentation

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

- Specific enrollment data for districts with current enrollment that is less than 300 if the district is requesting an enrollment projection based on five-year average enrollment data (refer to Part A instructions).
- Upon transfer of any Special Education Local Plan Area (SELPA) facilities, the school districts are required to submit a letter to the OPSC, signed by each school district involved, including the following:
  - Grant deed or other legal documentation indicating the facilities have been transferred,
  - Name of school,
  - Building square footage and number of classrooms being transferred,
  - The initial occupancy date of the facility,
  - Date of transfer,
  - Acknowledgement that the grantee may owe the State funds,
  - Financial hardship status of each school district at time of initial application and at time of transfer,
  - OPSC application number(s) of Application for Funding (Form SAB 50-04),
  - Acknowledgment that the certifications made, pursuant to Education Code Sections 17070.77, 17070.755, 17070.75 and 17070.80, by the grantor on the Form SAB 50-04 will be assumed by the grantee, and
  - Request for a payment plan, if needed.

This form is not used for modernization funding applications.

SPECIFIC INSTRUCTIONS

Check the box for either the fifth-year enrollment projection or the tenth-year enrollment projection.

If the district is reporting on an HSAA basis, check the appropriate box to indicate if the district is reporting HSAA attendance data, HSAA residency data, or HSAA residency data for a COS project justification pursuant to Section 1859.147(e)(2).

If the district is requesting modified or alternate weighting mechanisms, check the appropriate box. If requesting an alternate weighting mechanism, enter the alternate weights in the box to the right.

Part A. K-12 Pupil Data – Enrollment/Residency

As an option, school districts with less than 300 current enrollment may report the previous five year average for any grade level for any year when the enrollment for that grade level has decreased by more than 50 percent from the previous year. If this option is used, the district must identify each grade level where this option is used on Form SAB 50-01 and attach the appropriate enrollment documentation to support this request.

Enrollment Data (To be completed by school districts or the county superintendent of schools.)

The information needed to complete this form is based on the latest California Basic Education Data Systems (CBEDS) enrollment report for the California Longitudinal Pupil Achievement Data System (CALPADS) to the CDE as reported on Census Day (the first Wednesday in October). ~~that is available approximately October 15th of each year.~~ Applications filed on or after November 1st must include the current school year enrollment. Report the current year and the three or seven prior years' K–12 enrollment, as appropriate. High school districts report the unduplicated enrollment data for grades served by the district and all feeder elementary school grades for the current year and the previous three or seven years, as appropriate.

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

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

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

Do not include any of the following:

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

- Juvenile court/court school students
- Special Day Class pupils or
- Continuation high school pupils

Residency Data [To be completed by a HSAA district establishing or updating eligibility pursuant to Section 1859.41.1 (b).]
The information needed to complete this section is based on the pupil residence within the HSAA or Super HSAA boundaries for the pupils reported in the latest CBEDS enrollment report for CALPADS to the CDE as reported on Census Day (the first Wednesday in October). ~~that is available approximately October 15th of each year.~~ Applications filed on or after November 1st must include the current school year enrollment by pupil residence in the HSAA
or Super HSAA. Report the current year and the three or seven prior years' K–12 pupils, as appropriate, that are enrolled and reside within the HSAA or Super HSAA boundaries. High school districts report the unduplicated pupil residency data for grades served by the HSAA and all feeder elementary school grades in the HSAA for the current year and the previous three or seven years, as appropriate.

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

The pupil residency data must include all of the following, if any:

- Off -track and on-track students attending multi-track year round schools
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and appearing on the district's current CBEDS report and who are enrolled in the same grade levels or type served by the district regardless if the district chartered the school
- Students attending magnet schools
- Community school students and
- Students attending independent study

Do not include any of the following:

- Students living outside the district's boundaries but attending schools in the district
- Students living in the district's boundaries but attending schools in other districts
- Students attending regional occupational programs
- Students attending preschool programs
- Other students not generally considered K–12 students including adult education students
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and who are enrolled in the same grade levels or type served by the district regardless if the district chartered the school but the Charter School does not appear on the district's current CBEDS report
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries but are enrolled in grade levels or type not served by the district
- Students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries
- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students
- Special Day Class pupils or
- Continuation high school pupils

Residency Data [For COS HSAA districts seeking justification for the conversion of a Preliminary Apportionment to a Final Apportionment pursuant to Section 1859.147(e)(2).]
The information used to complete this form is based on the latest enrollment as reported on the CBEDS enrollment report for CALPADS to the CDE as reported on Census Day (the first Wednesday in October). ~~that is available October of each year~~, and pupil residency within the HSAA boundaries. Report the current year and the three prior years' K–12 pupils that are both enrolled and reside within the HSAA boundaries. For HSAA districts filing pursuant to Section 1859.147(e)(2)(A), only the current year K–12 pupils must be reported.

Do not include any of the following:

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

Part B. Pupils Attending Schools Chartered by Another District
Of the data reported in Part A of this form, indicate the aggregate pupil enrollment attending schools chartered by another district which are located within your district boundaries for the current year and the three or seven prior years, as appropriate. If the district is reporting pupils attending schools chartered by another district for the current year, then the district must submit a separate letter with the following information:

- The total Charter School enrollment listed by each of the K–12 grade levels reported for the current year.
- A list of the other school district(s) that chartered school(s) within your boundaries. Include the Charter School name(s) and total school enrollment.

For the previous years, report the total enrollment for pupils attending schools chartered by another district, if known. If the information is not available, enter N/A. In this case, the OPSC will adjust the previous years' enrollment data based on a prorated basis of the rate of growth or decline of the previous years' enrollment.

Enter 0 if there are no pupils attending schools chartered by another district within your district boundaries for the current or previous years.

Districts reporting enrollment by HSAA residency should not report any pupils in this section.

Part C. Continuation High School (To be completed by school districts only.)
If reporting pupil enrollment data, report continuation high school pupils attending schools in the district or HSAA or Super HSAA for the current year and the three or seven prior years, as appropriate. If reporting HSAA pupil residency data, report continuation high school pupils residing in the HSAA or Super HSAA for the current year and the three or seven prior years, as appropriate. For purposes of projecting the enrollment, these pupils will be added to the enrollment data in Part A.

Part D. Special Day Class Pupils (To be completed by school districts or the county superintendent of schools.)
Report the pupils three to twenty-two years old enrolled or residing, as appropriate, within the district or HSAA or Super HSAA boundaries, attending the special day classes on Census Day (the first Wednesday of October), ~~as shown and reported within the pupils~~ and included in the ~~California Special Education Management Information System to the CDE in December prior to the latest CBEDS report.~~ the latest CBEDS enrollment report for the California Longitudinal Pupil Achievement Data System (CALPADS) to the CDE. Report pupils as provided in Section 1859.2 for Non-Severely Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs.

Part E. Special Day Class Enrollment (To be completed by county superintendent of schools only.)
Report the total Special Day Class pupils for the three or seven previous years, as appropriate, adjusted by the total pupils lost or gained due to a title transfer of a Special Education Program for each year.

Part F. Birth Data
If requesting an adjustment to the enrollment projections based on changes in the birth-attendance rate, check the appropriate box to indicate county birth data or birth data by ZIP Codes served by the district. Enter county births by residence or district ZIP code births by residence as reported by the DHS for the current and eight previous years. If birth data is not available, check the "Estimate" box for the applicable year(s) and report the birth number as determined per Section 1859.42.1(b)(4). When submitting this form, if reporting district births by ZIP Code, provide a separate letter reporting all ZIP Codes served by the district and indicate the ZIP Codes, if any, for which the district is not reporting birth data pursuant to Section 1859.42.1(b)(2)(B).

Part G. New Dwelling Units (To be completed by school districts only.) The district may augment the enrollment projection based on the number of pupils that are anticipated as a result of proposed dwelling units included in approved and valid tentative or final subdivision maps. The district must submit the dwelling unit information and documentation outlined in the General Information section of this form.
Report the determined number of dwelling units in Part G.

Part H. District Student Yield Factor (To be completed by school districts only.)
Report the district's Student Yield Factor as defined in Section 1859.2, if different than the statewide average Student Yield Factors. The statewide average Student Yield Factors are as follows:
- Elementary School District 0.5 students per dwelling unit
- High School District 0.2 students per dwelling unit
- Unified School District 0.7 students per dwelling unit

Should the district wish to use its own Student Yield Factor, a copy of the district's study that justifies the Student Yield Factor must be submitted with this form. Please see the General Information section for additional instructions.

Part I. Projected Enrollment
The methodology for calculating the district's projected enrollment is outlined in Sections 1859.42, 1859. 42.1 and 1859.43.

STATE OF CALIFORNIA
ENROLLMENT CERTIFICATION/PROJECTION
SCHOOL FACILITY PROGRAM
SAB 50-01 (REV 05/09)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

Check one: **Fifth-Year Enrollment Projection** ☐ **Tenth-Year Enrollment Projection**

HSAA Districts Only - Check one: ☐ **Attendance** ☐ **Residency**

☐ **Residency - COS Districts Only** - (Fifth Year Projection Only)

☐ **Modified Weighting** (Fifth-Year Projection Only) ☐ **Alternate Weighting -** (Fill in boxes to the right):	3rd Prev. to 2nd Prev.	2nd Prev. to Prev.	Previous to Current

Part A. K-12 Pupil Data

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

Part B. Pupils Attending Schools Chartered By Another District

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part C. Continuation High School Pupils - (Districts Only)

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
9								
10								
11								
12								
TOTAL	0	0	0	0	0	0	0	0

Part D. Special Day Class Pupils - (Districts or County Superintendent of Schools)

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

Part E. Special Day Class Pupils - (County Superintendent of Schools Only)

7th Prev. /	6th Prev. /	5th Prev. /	4th Prev. /	3rd Prev. /	2nd Prev. /	Previous /	Current /

Part F. Birth Data - (Fifth-Year Projection Only)

☐ County Birth Data ☐ Birth Data by District ZIP Codes ☐ Estimate ☐ Estimate ☐ Estimate

8th Prev.	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part G. Number of New Dwelling Units
(Fifth-Year Projection Only)

Part H. District Student Yield Factor
(Fifth-Year Projection Only)

Part I. Projected Enrollment

1. Fifth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	**TOTAL**
			0

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

2. Tenth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	**TOTAL**
			0

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

I certify, as the District Representative, that the information reported on this form and, when applicable, the High School Attendance Area Residency Reporting Worksheet attached, is true and correct and that:

- *I am designated as an authorized district representative by the governing board of the district.*
- *If the district is requesting an augmentation in the enrollment projection pursuant to Regulation Section 1859.42.1 (a), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be contracted. All subdivision maps used for augmentation of enrollment are available at the district for review by the Office of Public School Construction (OPSC).*
- *This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.*

NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE)

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE	TELEPHONE NUMBER

E-MAIL ADDRESS

GENERAL INFORMATION

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

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

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

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

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

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

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

SPECIFIC INSTRUCTIONS

PART I - Classroom Inventory

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

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

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

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

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

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

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

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

PART II - Available Classrooms

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

OPTION A

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

OPTION B

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

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

Part III - Determination of Existing School Building Capacity

1. Classroom capacity - After determining the lesser of the totals on line e of Option A or Option B in Part II, multiply the K-6 classroom total by 25, the 7-8 and 9-12 classroom totals by 27, the non-severe classrooms by 13 and the severe classrooms by 9, for the option selected.

2. Enter one of the following:

   - 6 percent of the K-6 pupil capacity as reported on line 1, and 6 percent of the K-6 non-severe and severe classroom capacity for elementary and unified districts or elementary and unified districts filing on a HSAA or Super HSAA. The K-6 non-severe and severe classroom capacity shall be determined by applying a ratio of the K-6 classroom capacity reported on line 1 to the K-12 classroom capacity reported on line 1 multiplied by the non-severe and severe classroom capacity reported on line 1~~,~~. Unified districts may ~~allocate~~ distribute the 6 percent amount at or between any of the K-12 grade groups. For non-severe and severe the 6 percent cannot be allocated across different grade levels and must be reported in its respective category (i.e. 6 percent of the K-6 non-severe capacity must be reported in the non-severe category in Line 2).

   - Indicate zero (0) if the elementary or unified district meets the ~~s~~Substan-tial ~~e~~Enrollment ~~r~~Requirement (SER) or the district qualifies for waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7 (c).

   - Indicate zero (0) if applicant is a high school district.

3. Total Line 1 and Line 2 – Report the totals of grade groups K-6, 7-8, 9-12, non-severe and severe on line 3. This represents the "existing school building capacity" of the district, the HSAA or Super HSAA.

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

PART I - Classroom Inventory ☐ NEW ☐ ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe	Total
Line 1. Leased State Relocatable Classrooms						0
Line 2. Portable Classrooms leased less than 5 years						0
Line 3. Interim Housing Portables leased less than 5 years						0
Line 4. Interim Housing Portables leased at least 5 years						0
Line 5. Portable Classrooms leased at least 5 years						0
Line 6. Portable Classrooms owned by district						0
Line 7. Permanent Classrooms						0
Line 8. Total (Lines 1 through 7)	0	0	0	0	0	0

PART II - Available Classrooms

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

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

PART III - Determination of Existing School Building Capacity

	K-6	7-8	9-12	Non-Severe	Severe
Line 1. Classroom capacity					
Line 2. SER adjustment					
Line 3. Total of lines 1 and 2	0	0	0	0	0

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

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

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

GENERAL INFORMATION

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

If not previously submitted, a 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. The School District must submit a determination of or an adjustment to the School District's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the 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 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 separate Apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE.
   - Preliminary appraisal of property.
   - Approval letter from the Department of Toxic Substances Control.

2. A separate Apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This Apportionment is available only to School Districts that meet the financial hardship criteria in Section 1859.81. School Districts may apply for a separate Apportionment for the design and for site acquisition on the same project. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE (site Apportionment only).
   - Preliminary appraisal of property (site Apportionment only).

3. A separate Apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Site approval letter from the CDE.
   - Appraisal of district-owned site.
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

4. A separate Apportionment for design cost for a Modernization project pursuant to Section 1859.81.1. This Apportionment is available only to School Districts that meet the financial hardship criteria in Section 1859.81. For purposes of this Apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the School District, in escrow, or the School District has filed condemnation proceedings and received an order of possession of the site. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
   - Site/plan approval letter from the CDE.
   - Appraisal of property if requesting site acquisition funds.
   - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
   - Cost estimate of proposed site development, if requesting site development funding.
   - If this request is pursuant to Section 1859.77.2 and the School District's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
   - If the site Apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
   - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
   - Written confirmation from the 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.

6. For purposes of the Overcrowding Relief Grant (ORG), School Districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding Application. In addition, School Districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this Application. For purposes of this Apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:

   - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
   - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

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

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

   - Form SAB 50-03 (if not previously submitted).

- P&S for the project that were approved by the DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet access compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- Written confirmation from the 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.
- For requests to replace 75 Years or Older Building(s) per Section 1859.78.7.1, the School District must submit the following:
  - A completed *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis* (Form SAB 57-75).
  - A copy of the demolition plans, or other supporting documentation, that demonstrate the demolition of the qualifying 75 Years or Older Building(s).
  - A detailed cost estimate that delineates the cost associated with the work to demolish and replace the qualifying 75 Years or Older Building(s), inclusive of the allowable site development costs per Section 1859.78.7.1, apart from the other Modernization work in the DSA-approved plans.
- If the request includes funding for the construction of a Minimum Essential Facility (MEF) per Section 1859.78.9.1, or a Transitional Kindergarten classroom(s) per Section 1859.78.9.2, the School District must submit a detailed cost estimate that delineates the cost associated with the work for the qualifying facility(s) in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

   - P&S for the project that were approved by DSA.
   - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
   - DSA approval letter for elevator to meet access compliance, if funding is requested.
   - High performance incentive (HPI) scorecard from DSA.
   - Plan approval letter from the CDE.
   - Construction cost estimate signed by the architect of record or design professional.
   - Determination of financial soundness from the California School Finance Authority (CSFA).
   - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the School District consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

9. If the Application includes a request for Financial Hardship, the School District must comply with the requirements of Section 1859.81.

   - If the Application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the School District must adopt a school board resolution pursuant to Section 1859.95.1(b).

If the School District is requesting 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 the OPSC with this form. 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 three years from the date the Small School District's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

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

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

10. For Hybrid Applications as defined in Section 1859.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

    - Form SAB 50-01, Form SAB 50-02, Form SAB 50-03 (if not previously submitted)
    - All applicable Plans & Specifications for the project that were approved by the DSA
    - Final Plan Approval Letter(s) from the DSA
    - Final Plan Approval Letter(s) from the CDE
    - Cost Estimate, contract(s), or Notice of Award(s) prorated according to the delineation of scope in all related Hybrid Applications, with an explanation of the proration methodology
    - District certification that the demolition of spaces, utilized for like-kind replacement, will be completed by the time of the Notice of Completion.
    - District certification of Hybrid Applications submitted or to be submitted that identifies all related Hybrid Applications, either by listing application number(s) if known or by listing the intended SAB-Administered Program, and details clear delineation of scope attributable to each application.
    - District certification that funds for this Hybrid Application will be used exclusively for this Hybrid Application, and the funds related to the other Hybrid Application(s) will be used exclusively for the applicable scope of work identified in the other Hybrid Application(s), and District acknowledgment that expenditures will be tracked and reported separately according to the cost proration.

SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state

application review process. If the School District has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this Application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc "PT Number Generator."

1. Type of Application

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

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

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

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

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

2. Type of Project

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

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

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

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

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

- The total number of eligible classrooms or the total eligible Square Footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
- The total number of permanent classrooms or the total permanent Square Footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
- Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
- If this project includes eligible 50 year or older Pupil grants, enter the appropriate number assigned to the project for each grade group. The number of P₱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 P₱pupils by grade level.

d. Check the box if the project is eligible for funding for 75 Years or Older Buildings and report the following, if applicable:

- The total number of eligible classrooms and/or the total eligible square footage building area being demolished. Refer to Section 1859.78.7.1.
- The total number of eligible classrooms and/or the total eligible square footage building area being constructed. Refer to Section 1859.78.7.1.
- Enter the appropriate number assigned to the project for each grade group. The number of P₱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. Check the applicable box if the School District is requesting additional Pupil grants assigned to the project that exceed the capacity of the project or if the P₱pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the School District is applying. The Pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.

g. Enter the Square Footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.

h. Indicate the site scenario that best represents the project request.

i. For ORG projects, the School District must provide the following information in the space provided:

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible P₱pupils being requested for this project for each school site. The total number of site specific eligible P₱pupils assigned to this project must equal the total number of P₱pupils in Section 2a.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms

showing in the P&S.

- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the Application (if any).

4. Financial Hardship Request

Check the appropriate box(es) if the School District is requesting Financial Hardship assistance because it is unable to meet its matching share requirement.

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

5. New Construction Additional Grant Request

Check the appropriate box(es) if the School District requests an augmentation to the New Construction Grant for "additional" grants for the items listed. Refer to Sections 1859.72 through 1859.76 for eligibility criteria. Enter the:

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

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

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

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

1) Enter 50 percent of the actual cost.

2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.

3) Enter 50 percent of the allowable relocation cost.

4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum $25,000).

5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

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

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

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

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

g. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the percentage 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 funding request.

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

i. If the School District is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

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

b. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the 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 funding request.

c. Check the box if the School District requests an additional grant for site development utility cost necessary for the Modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).

d. Check the box if the School District requests an additional grant for site development utility cost necessary for the replacement of a 75 Years or Older Building, if not already provided under the provisions pursuant to Section 1859.78.7(a). Enter 60 percent of the eligible costs allowable.

e. Check the box(es) if the School District requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

f. If the School District is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

g. Check the box if the School District is requesting an Additional Grant for a Minimum Essential Facility pursuant to Regulation Section 1859.78.9.1. Check the box for the type of facility being requested (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the amount of eligible Toilet and Other square footage being built in

the project. Check the appropriate box depending on whether the Minimum Essential Facility is permanent or portable construction. Check the box if the School District is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.1. At the School District's option, the School District may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Regulation Section 1859.78.9.1(b)(7) or 1859.78.9.1(c)(7).

h. 1) Check the box if the School District is requesting an Additional Grant for Transitional Kindergarten classrooms 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 augmenting the grant with additional supplemental grants respective of the transitional kindergarten classroom project scope. Check the box if the School District is requesting 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).

h. 2) The information needed to complete this section is based on the latest California Basic Educational Data System (CBEDS) enrollment data. Applications filed on or after November 1st must include the current school year enrollment. Enter the CBEDS enrollment for grades TK-3 at the school site for the current year and the three prior years' TK–3 enrollment, as appropriate. Requests for funding shall include the documents as follows:

- Site map that includes labelling of all facilities and their current use, and identifies all classrooms constructed or previously retrofitted to house kindergarten students.
- Narrative that explains the current classroom and facility usage at the site, what the School District plans to do with the project, and the resulting usage at the completion of the project.

i. If the applicant is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 60 percent of the costs for the eligible CTE component(s) in the entire Modernization Application.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the 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 wishes to request less than the maximum allowance, please submit a letter along with Application indicating the desired amount.

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

Additional Grant Request

a. If the applicant is requesting an Additional Grant for 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 funding request. See Sections 1859.78.5 and 1859.167.1.

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

c. If the applicant is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 50 percent of the costs for the eligible CTE component(s) in the entire Charter School Facilities Program Rehabilitation Application. See Sections 1859.78.10 and 1859.167.1.

Excessive Cost Hardship Request

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

d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).

e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).

f. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).

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

9. Project Priority Funding Order

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

10. Hybrid Application Under the SFP

Indicate if this application is a Hybrid Application as defined in Section 1859.2, that shares or will share the same set(s) of DSA plans and specifications with other SFP funding application(s). If the answer is "yes", the School District must list the applicable Hybrid Application numbers, if known, and submit supporting documentation listed in Section 10 of the General Information section of this Form. Failure to report and provide this information may delay the processing of the application by the OPSC.

11.~~10~~ Prior Approval Under the LPP

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

12. ~~11~~Prior Apportionment Under the SFP

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

13.~~12~~Preliminary Apportionment to a Final Apportionment

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

14.~~13~~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 the 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.

15. ~~14~~Adjustment to New Construction Baseline Eligibility

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

a. 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 but replaced in a locally funded project.

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

16. ~~15~~ Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the 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 baseline eligibility as a result of the reorganization and submit them with this form.

17. ~~16~~ Joint-Use Facility/Leased Property

Check the box if:

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

18. ~~17~~ Project Progress Dates

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

19. ~~18~~ Prevailing Wage Monitoring and Enforcement Costs

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

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

20. ~~19~~ Construction Delivery Method

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

21. ~~20~~ Career Technical Education Funds Request

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

22. ~~21~~ Overcrowding Relief Grant Narrative

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

23 ~~22~~. Local Funding Adjustment Grant

Enter 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 dollar. To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified School Districts or 2.5% for unified School District, 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 enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest California Basic Educational Data System (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 Proj

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.

24~~23~~. Architect of Record ~~or,~~ Licensed Architect, or District Representative Certification

The architect of record ~~or,~~ the licensed architect, or the District Representative must complete this section.

25~~24~~. Architect of Record ~~or,~~ Design Professional, or District Representative Certification

The architect of record ~~or,~~ the appropriate design professional, or the District Representative must complete this section.

26~~25~~. Certification

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~01/26~~ XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

1. Type of Application—Check Only One

- ☐ New Construction
- ☐ New Construction (Final Apportionment)
- ☐ New Construction (Final Charter School Apportionment)
- ☐ New Construction (Overcrowding Relief Grant)
- ☐ Rehabilitation (Final Charter School Apportionment)
- ☐ Modernization
- ☐ Modernization of California Schools for Deaf/Blind
- ☐ Facility Hardship [Section 1859.82.1]
  - ☐ Conceptual Approval [Section 1859.82.3(a)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Rehabilitation Costs: $_____
- ☐ Seismic Mitigation [Section 1859.82.2]
  - ☐ Conceptual Approval [Section 1859.82.3(b)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Seismic Rehabilitation Grant: $_____

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
- ☐ Site Only (District owned)—New Construction [Section 1859.81.2]
- ☐ Site Only—Environmental Hardship [Section 1859.75.1]
- ☐ Design Only—New Construction [Section 1859.81.1]
- ☐ Design Only—New Construction with High Performance
- ☐ Design Only—Modernization
- ☐ Design Only—Modernization with High Performance
- ☐ Design Only—Modernization of California Schools for Deaf/Blind
- ☐ Design Only—Facility Hardship [Section 1859.82.1]
- ☐ Design Only—Seismic Mitigation [Section 1859.82.2]
- ☐ Advance Funding for Evaluation and RA

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____

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

From 2a above, how many are 50 Year or Older Pupil Grants?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

c. Included in 2a above, how many Pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

d. 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 _____
From 2a above, how many are 75 Years or Older Pupil Grants?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

e. Is this a 6–8 school? ☐ Yes ☐ No
If you answered yes, how many K–6 Pupils reported above are sixth graders? _____
Is this an Alternative Education School? ☐ Yes ☐ No

f. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____
Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____

g. Charter School Facilities Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

h. Project to be located on:

- ☐ Leased Site
- ☐ New Site
- ☐ Existing Site with Additional Acreage Acquired
- ☐ Existing Site with No Additional Acreage Acquired

i. ORG Projects Only

NAME OF ELIGIBLE SCHOOLSITE(S)	NUMBER OF PORTABLES BEINGREPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
	Total	

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

4. Type of Financial Hardship Request
☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)
☐ Submittal with school board resolution, pursuant to Section 1859.95.1
(Insufficient Bond Authority)

5. New Construction Additional Grant Request—New Construction Only
a. Therapy: Toilets (sq. ft.) _____
Other (sq. ft.) _____
b. Multilevel Construction (CRS): _____
c. ☐ Project Assistance
d. Site Acquisition:
(1) 50 percent Actual Cost: $ _____
(2) 50 percent Appraised Value: $ _____
(3) 50 percent Relocation Cost: $ _____
(4) 2 percent (min. $25,000): $ _____
(5) 50 percent DTSC Fee: $ _____
e. 50 percent hazardous waste removal: $ _____
☐ Response Action (RA)
f. Site Development
☐ 50 percent Service-Site: $ _____
☐ 50 percent Off-Site: $ _____
☐ 50 percent Utilities: $ _____
☐ General Site
g. ☐ Percent 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
i. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request
a. ☐ Project Assistance
b. ☐ Percent 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): _____
c. ☐ Site Development—60 percent utilities: $ _____
d. ☐ Site Development----75 Years or Older: $ _____
e. ☐ Automatic Fire Detection/Alarm System
f. ☐ High Performance Incentive (Indicate Points): _____
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): _____
☐ 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

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

i. ☐ Career Technical Education Components – 60 percent: $ _____

7. Excessive Cost Hardship Request
New Construction Only
☐ Geographic Percent Factor: _____ %
☐ New School Project [Section 1859.83(c)(1)]
☐ New School Project [Section 1859.83(c)(2)]
☐ Small Size Project
☐ Urban/Security/Impacted Site;
If a new site, $ _____ per Useable Acre [Section 1859.83(d)(2)(C)]
Modernization Only
☐ Geographic Percent Factor: _____ %
☐ Small Size Project
☐ Urban/Security/Impacted site
☐ Accessibility/Fire Code
☐ 3 percent of base grant; or,
☐ 60 percent of minimum work $ _____
☐ Number of 2-Stop Elevators: _____
☐ Number of Additional Stops: _____

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

Additional Grant Request

a. ☐ Percent 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): _____

b. ~~a.~~ ☐ High Performance Incentive (Indicate Points): _____

c. ☐ Career Technical Education Components – 50 percent: $_____

Excessive Cost Hardship Request

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

9. Project Priority Funding Order—New Construction Only

Priority order of this Application in relation to other new construction Applications submitted by the School District at the same time: # _____

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

10. Hybrid Application Under other SAB-Administered Program(s)

☐ **Yes** ☐ **No**

If yes, indicate the SAB-Administred Program(s) and application number(s), if known:

11.~~10.~~ Prior Approval Under the LPP

New Construction: 22/_____
Modernization: 77/_____

12.~~11.~~ Prior Apportionment Under the SFP

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

13.~~12.~~ Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

14.~~13.~~ Alternative Developer Fee—New Construction Only

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

15.~~14.~~ Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

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

16.~~15.~~ Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

17.~~16.~~ Joint-Use Facility/Leased Property

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

18.~~17.~~ Project Progress Dates

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

19.~~18.~~ Prevailing Wage Monitoring and Enforcement Costs

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

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

20.~~19.~~ Construction Delivery Method

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

21.~~20.~~ Career Technical Education Funds Request

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

22.~~21.~~ Overcrowding Relief Grant Narrative

_____
_____
_____
_____

23. ~~22.~~ 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

24. ~~23.~~ Architect of Record ~~or,~~ Licensed Architect, or District Representative Certification

I certify as the architect of record for the project ~~or,~~ as a licensed architect, or as a District Representative that:

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

ARCHITECT OF RECORD ~~OR,~~ LICENSED ARCHITECT, OR DISTRICT REPRESENTATIVE (PRINT NAME)

SIGNATURE	DATE

25. ~~24.~~ Architect of Record ~~or,~~ Design Professional, or District Representative Certification

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

- If the request is for a New Construction Grant, not including the ORG, ~~I have developed~~ a cost estimate has been developed of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the School District's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the School District for review by the OPSC.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, ~~I have developed~~ a cost estimate has been developed of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the School District's matching share , less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the School District for review by the OPSC.
- If the request is for a Modernization Grant and includes replacement of a 75 Years or Older Building(s), the cost estimate must delineate the costs associated with the work for the qualifying facility(s) pursuant to Sections 1859.78.7.1. in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans and indicate that the estimated construction cost of the work in the P&S, including deferred items (if any) relating to the proposed project, is at least 60 percent of that portion of the grant amount provided by the State and the School District's matching share.
- If the request is for a Modernization Grant and includes a Minimum Essential Facility or new or retrofitted Transitional Kindergarten classroom(s), the cost estimate must delineate the costs associated with the work for the qualifying facility(s) pursuant to Sections 1859.78.9.1, or 1859.78.9.2 in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans and indicate that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of that portion of the grant amount provided by the State and the School District's matching share.

ARCHITECT OF RECORD ~~OR,~~ DESIGN PROFESSIONAL, OR DISTRICT REPRESENTATIVE (PRINT NAME)

SIGNATURE	DATE

26. ~~25.~~ Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items ~~2~~3~~4~~ and 2~~4~~5, unless I have certified to Sections 24 and 25, 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, 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 has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The School District has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the Modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School District certifies that (check the applicable box below):
  - ☐ 1. The state Modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,

- If this request is for new construction funding, the 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,
- If this request is for Modernization or Charter School Facilities Program Rehabilitation funding, the School District has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design Apportionment; and,
- The 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 required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the School District, deposited in the County School Facility Fund or will be expended by the School District prior to the notice of completion for the project; and,
- The School District has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design Apportionment; and,
- If the School District is requesting site acquisition funds as part of this Application, the School District has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an Apportionment made pursuant to Section 1859.75.1, the 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,
- If the Apportionment for this project was made pursuant to Section 1859.75.1, the School District understands that the lack of substantial progress toward increasing the Pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The School District understands that funds not released within 18 months of Apportionment shall be rescinded and the Application shall be denied (refer to Section 1859.90); and
- The statements set forth in this Application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by Pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other Pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The School District understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The School District has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or Modernization of school facilities on leased land, the School District has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the Application contains a "Use of New Construction Grant" request, the 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 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 requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the School District will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- 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 an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, 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 exceeds the amount of funding otherwise available to the School District; and,
- If this Application is submitted after January 1, 2004 for Modernization funding, the School District has considered the potential for the presence of lead-containing materials in the Modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The 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 complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this Application is submitted pursuant to Section 1859.180, the School District certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K–12 grade

- classroom use with the exception of schools described in Education Code Section 17079.30(c); and,

- The School District has considered the feasibility of using designs and materials for the new construction or Modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the School District is requesting an additional grant for high performance incentive funding, the School District governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this Application is submitted when there is Insufficient Bond Authority, the School District has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The School District will comply with all laws pertaining to the construction or Modernization of its school buildings.; and,
- If the School District marked the box for 'Yes' in Section 22 e. 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, the additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) until funds are returned.; and,
- If the School District is requesting 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 as a result of reconfiguration are replaced in the same plan set, or the School District certifies that the classrooms are not being replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School District's New Construction Eligibility will be made for the removal of these classrooms; and,
- If this funding request is for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If funding for new or retrofitted Transitional Kindergarten classrooms is being requested, the School District certifies that _____classrooms were 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.
- If the applicant is requesting an Additional Grant for CTE Components pursuant to Section 1859.78.10, the following conditions are met (check all that apply):
  - ☐ 1. The applicant has included the costs associated with the CTE component(s), as outlined in Section 1859.78.10(b)(2), in the scope of the work and certifies that these costs exceed the Modernization/Charter Rehabilitation funding available.
  - ☐ 2. The local educational agency operates a comprehensive high school and has an active career technical advisory committee.
  - ☐ 3. The applicant has included a copy of the plan score issued by the CDE, dated on or after July 3, 2024, verifying a minimum score of 105 points.
  - ☐ 4. The contracts for construction or acquisition of equipment were, or will be entered into on or after July 3, 2024.
- As applicable, the district certifies that a Five-Year Master Plan, pursuant to Education Code Section 17070.54, was approved by the governing board of the school district on _____ and was filed with OPSC on _____. Pursuant to SFP Regulation Section 1859.18(b), the district certifies that:
  - ☐ There are no material changes to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, or
  - ☐ There has been a material change(s) to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, and an updated Master Plan or governing board resolution to acknowledge and address these changes has been included as a component of this application, or
  - ☐ This application is subject to an alternative Master Plan submittal timeline pursuant to SFP Regulation Section 1859.18.1 and a governing board resolution acknowledging any apportionment may be rescinded for failure to submit a valid Master Plan by the required timeline has been included as a component of this application.

- For modernization projects for school facilities constructed before January 1, 2012, the district certifies that it has complied with Education Code Section 17584 requiring the inclusion of faucet aerators and water-conserving plumbing fixtures, as defined in Section 1101.3 of the Civil Code, in all bathrooms; and,

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

- If this is a Hybrid Application, the District certifies that additional related Hybrid Applications are subject to review by OPSC and approval by the State Allocation Board and future funding is not guaranteed; and,

- The district certifies that any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter; and,

- The district certifies that any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes; and,

- If the district is requesting an Additional Grant for Career Technical Education (CTE) Facilities or equipment, pursuant to Section 1859.78.10, the contracts for construction or acquisition of equipment were entered into on or after July 3, 2024.
  1. The district has requested a supplemental grant for Career Technical Education (CTE) facilities and certifies that the costs for the CTE component exceed the modernization funding provided in this request.

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

GENERAL INFORMATION

(Refer to title 2, California Code of Regulations, sections 1859.90 and 1859.91)

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

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

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

~~4. For new construction projects that complete Part v attach:~~
~~• Accepted bid documents including additive/deductive alternates.~~

~~5.~~ 4. A Grant Agreement for the project signed by an authorized District Representative.

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

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

Specific Instructions

Part I. Preliminary Apportionment-Design Only

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 1859.l 49(a)(2).

Part II Preliminary Charter School Apportionment

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

Part III. Separate Site Apportionment

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

Part IV. Overcrowding Relief Grant-Advance Site Funds

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

Part V. New Construction/Modernization/Charter School Rehabilitation Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

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

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

Part VI. New Construction-Site Acquisition Only

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

Part VII. Joint-Use Projects

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

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

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

Part IX. Career Technical Education Facilities Projects

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

Part X. Natural Disaster Assistance Projects

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

Part XI. Identify District's Construction Delivery Method

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

Part XII. Submittal of Project Grant Agreement

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

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

Part I. Preliminary Apportionment-Design Only

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

☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II. Preliminary Charter School Apportionment

A. Design Only

Pursuant to Section 1859.l 64.2(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.l 64.2(b), must be able to check all boxes:

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

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

Part III. Separate Site Apportionment

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

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

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

Part IV. Overcrowding Relief Grant-Advance Site Funds

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

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

☐ The district certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

Part V. New Construction/Modernization/Charter School Rehabilitation

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

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

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

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

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

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

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

Part VI. New Construction-Site Acquisition only

District must be able to check both boxes:

☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).

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

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

Part VII. Joint-Use Projects

☐ The district certifies that the Joint-Use Partners' financial contribution has either:
- been received and deposited in the County School Facility Fund
- has been received and expended by the district
- will be received and expended by the district prior to the Notice of Completion for the project

☐ The district certifies it has entered into a binding contract(s) for __ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____

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

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

Available bond funds such as general obligation, or Mello-Roos.

Available developer fees, proceeds from the sale of surplus property, or federal grants.

Other funds available (identify)

Funds already expended by the district for the project.

Funds already expended by the Joint-Use Partners for the project.

Future revenue sources to be used for the project (identify)

Part IX. Career Technical Education Facilities Projects

The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.

Part X. Natural Disaster Assistance Projects

☐ The district certifies it has complied with Section 1859.81.1.

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

Part XI. Identify District's Construction Delivery Method

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

Part XII. Signed Grant Agreement

The district has already submitted the signed Grant Agreement for this project.

The signed Grant Agreement for this project accompanies this Form.

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

- I am an authorized representative of the district as authorized by the governing board of the district; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.4.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, the district has initiated and enforced an LCP that has been approved by the DIR.
- If required by Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, DIR has or will perform the required Prevailing Wage Monitoring and Enforcement for the project, or the requirement is waived pursuant to Labor Code Section 1771J(b) in effect on January 1, 2012 through June 19, 2014.The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest.

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

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM

GENERAL INFORMATION

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

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

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

Hybrid Application projects as defined in Section 1859.2. For purposes of this funding application, the following documents must be submitted with this form, in addition to the documents listed above (as appropriate):

- Cost Estimate, contract(s), or Notice of Award(s) prorated according to the delineation of scope in all related Hybrid Applications, with an explanation of the proration methodology.
- District certification that the demolition of spaces, utilized for like-kind replacement, will be completed by the time of the Notice of Completion.
- District certification of Hybrid Applications submitted or to be submitted that identifies all related Hybrid Applications, either by listing application number(s) if known or by listing the intended SAB-Administered Program, and details clear delineation of scope attributable to each application.
- District certification that funds for this Hybrid Application will be used exclusively for this Hybrid Application, and the funds related to the other Hybrid Application(s) will be used exclusively for the applicable scope of work identified in the other Hybrid Application(s), and District acknowledgment that expenditures will be tracked and reported separately according to the cost proration.

SPECIFIC INSTRUCTIONS

A Project Tracking Number must be assigned by the applicant for all applications submitted to the OPSC, the DSA, or the CDE. This number may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc or the DSA or the CDE Web sites under "Project Tracking Number Generator." The locale must be entered for all CTE applications submitted to the OPSC. If the district is amending its High Performance Incentive (HPI) grant request, complete sections 1 and ~~1~~4~~1~~5 only.

1. Type of Application

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

2. Hybrid Applications Under the SFP

Indicate if this application is a Hybrid Application as defined in Section 1859.2, that shares or will share the same set(s) of DSA plans and specifications with other SFP funding application(s). If the answer is "yes", the School District must list the applicable Hybrid Application numbers, if known, and submit supporting documentation listed in the General Information section of this Form. Failure to report and provide this information may delay the processing of the application by the OPSC.

~~2~~3. CTE Industry Sector and Pathway(s)

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

~~3~~4. Reservation of Funds

Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d). Otherwise, check the box "No."

~~4~~5. Loan Request

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

~~5~~6. Number of CTE Classrooms

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

~~6~~7. Qualifying SFP Project Application Number

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

~~7~~8. CDE Application Overall Score

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

~~8~~9. CTE Facility Square Footage

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

~~9~~10. Eligible Costs

a. Enter 50 percent of the construction cost if constructing new building area, or modernizing or reconfiguring an existing building.
b. Enter 50 percent of the equipment cost pursuant to Education Code Section 17078.72(a).
c. If the request is for a CTEFP Project that is not a part of a qualifying SFP

project, enter 50 percent of the site development costs that meet the require- ments of Section 1859.193.

d. If the CTEFP Project is part of a qualifying SFP Project, enter 50 percent of the total SFP allowance for New Construction Grants for CTE classrooms pursuant to Section 1859.193(a)(1)(C).
e. Enter the total of a plus b plus c minus d.

~~10~~11. Cost Per Square Footage

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

~~11~~12. Project Assistance

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

~~12~~13. Project Progress Dates

Complete this section for new construction/modernization projects:

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

~~13~~14. Prevailing Wage Monitoring and Enforcement Costs

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

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

~~14~~15. Additional Grant for High Performance Incentive

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

~~15~~16. Certification

The district representative must complete this section.

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM

SAB 50-10 (REV ~~01/26~~xx/26)

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

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

1. Type of Application—Check Only One

☐ New Construction Project—construct new school buildings and/or equipment
☐ Modernization Project—reconfigure existing school buildings and/or equipment
Separate HPI grant request [Section 1859.107]

☐ Add the HPI Grant
☐ Remove the HPI Grant

2. Hybrid Application Under other SAB-Administered Program(s)

☐ **Yes** ☐ **No**

If yes, indicate the SAB-Administred Program(s) and application number(s), if known:

_____

~~2~~3. CTE Industry:

Sector: _____

Pathway(s): _____

_____

_____

~~3~~4. Reservation of Funds: ☐ Yes ☐ No

~~4~~5. Loan Request: ☐ Yes ☐ No

~~5~~6. Number of CTE Classrooms in the CTEFP application _____

~~6~~7. Qualifying SFP Project Application Number

Application Number: # _____
Project Tracking Number: # _____

~~7~~8. CDE Application Overall Score: _____

Minimum Score: 105

~~8~~9. CTE Facility Square Footage: _____

~~9~~10. Eligible Costs

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

~~10~~11. Cost Per Square Foot: $ _____

~~11~~12. Project Assistance

☐ CTE Project Only—not part of a qualifying SFP project

~~12~~13. Project Progress Dates

a. Construction Contract signed on: _____
b. Notice to Proceed issued on: _____

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

~~13~~14. Prevailing Wage Monitoring and Enforcement Costs

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

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

~~14~~15. High Performance Incentive Additional Grant Request

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

~~15~~16. Certification

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

- A resolution or other appropriate documentation supporting this application under Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et. seq., of the Education Code was adopted by the applicant's Governing board on _____; and,
- The district has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Sections 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); if the applicant is a joint powers authority that is not required to establish a "Restricted Maintenance Account" under the provisions of Education Code Section 17070.75, the applicant certifies that it can maintain its facilities with a lesser annual deposit (refer to Section 1859.101); and,
- The matching funds required pursuant to Section 1859.194 has either been

received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,

- The participant has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,
- The participant has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.197); and,
- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action (refer to Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.198); and,
- The participant understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105 and 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction were executed on or after May 20, 2006; and,
- All equipment was purchased on or after May 20, 2006, unless the project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement will be executed pursuant to the requirements in Section 1859.194; and,
- The district has contracted with the DIR for Prevailing Wage Monitoring and Enforcement, pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- Funds reserved pursuant to Subdivision (l) of Education Code Section 17078.72 shall be rescinded if, when the necessary Plans and Specifications are submitted, the district has not attained the necessary points pursuant to Section 1859.71.6 or 1859.77.4, as applicable; and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.
- This certification must be completed for school district applicants, but may remain blank for Joint Powers Authority applicants. As applicable, the district certifies that a Five-Year Master Plan, pursuant to Education Code Section 17070.54, was approved by the governing board of the school district on _____ and was filed with OPSC on _____. Pursuant to SFP Regulation Section 1859.18(b), the district certifies that:
  - ☐ There are no material changes to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, or
  - ☐ There has been a material change(s) to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, and an updated Master Plan or governing board resolution to acknowledge and address these changes has been included as a component of this application, or
  - ☐ This application is subject to an alternative Master Plan submittal timeline pursuant to SFP Regulation Section 1859.18.1 and a governing board resolution acknowledging any apportionment may be rescinded for failure to submit a valid Master Plan by the required timeline has been included as a component of this application.
- <u>If this is a Hybrid Application, the District certifies that additional related Hybrid Applications are subject to review by OPSC and approval by the State Allocation Board and future funding is not guaranteed; and,</u>
- <u>The district understands that the total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. The district certifies that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.</u>
- <u>The district certifies that any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.</u>
- <u>The district certifies that any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.</u>

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM

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

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
(Rev. ~~10/22~~ XX/XX)

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, 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 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.
"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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

[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.

Office of Public School Construction Application Number: _____

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, 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.

(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 project plans is the minimum work required to mitigate the _____
_____
(health and safety or seismic) threat, which includes any other work triggered by the

Office of Public School Construction Application Number: _____

(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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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,

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number: _____

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 and must be returned to the state whether the project has savings or was overspent.
(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.

Office of Public School Construction Application Number: _____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number: _____

(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).

Office of Public School Construction Application Number: _____

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)

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
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: • 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	

*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: _____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

*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: _____

4. Modernization - 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 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: • 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
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: _____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number: _____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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)

*****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.

Office of Public School Construction Application Number: _____

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: • 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	

Office of Public School Construction Application Number: _____

ENGINEERING COSTS		
Type of Expenditure		Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • 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

Office of Public School Construction Application Number: _____

	To be eligible must be supported by time cards or time logs.	
s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number: _____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number: _____

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)	
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: • 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) &

Office of Public School Construction Application Number: _____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: _____

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: • 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 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student textbooks.	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • Computers • Printers	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not an eligible cost for a facility hardship rehabilitation project unless specifically approved by DSA.	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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

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

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, 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 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.
“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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

[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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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,

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number: _____

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 and must be returned to the state whether the project has savings or was overspent.
(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.

Office of Public School Construction Application Number: _____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number: _____

(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).

Office of Public School Construction Application Number: _____

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)

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
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: • 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	
l.	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: • 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	Ed. Code Section 17077.35

Office of Public School Construction Application Number: _____

	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.	

*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: _____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

Office of Public School Construction Application Number: _____

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.	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: • 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

*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: _____

4. Modernization - 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 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: • 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
j.	Preliminary Site Tests	
k.	Engineering Fees	
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: • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating.	Ed Code Section 17077.35

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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.	

*****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: _____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number: _____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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*

Office of Public School Construction Application Number: _____

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.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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.	

*****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.

Office of Public School Construction Application Number: _____

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: • 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	

Office of Public School Construction Application Number: _____

~~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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114

Office of Public School Construction Application Number: _____

s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number: _____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number: _____

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)	
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: • 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) &

Office of Public School Construction Application Number: _____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: _____

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: • 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 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student text books.	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • Computers • Printers	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not an eligible cost for a facility hardship rehabilitation project unless specifically approved by DSA.	

Office of Public School Construction Application Number:

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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

ATTACHMENT A1j
ATTACHMENT B1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
March 13, 2025

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

PURPOSE

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

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

AUTHORITY

See Attachment B1a.

BACKGROUND

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

STAFF ANALYSIS/DISCUSSION

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

Summary of Changes to SFP Regulation Sections

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

Section 1859.22 SFP Application for Funding on Leased Land

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

Section 1859.71.2 New Construction Additional Grant for Fire Code Requirements

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Section 1859.81.1 Separate Apportionment for Site Acquisition and Design Costs
Currently, a Financial Hardship school district may request a separate apportionment for the design and/or for site acquisition for a project before requesting full construction funding. The advance amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs. This mechanism allows Financial Hardship applicants unable to locally fund the costs for design and/or site acquisition to begin the design phase of their projects.

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Section 1859.83(b) Small Size Projects

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

Section 1859.90.2 Priority Funding Process

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

Summary of Changes to SAB Forms

Existing School Building Capacity (Form SAB 50-02)
This proposed amendment updates the Specific Instructions for the Substantial Enrollment Requirement (SER) adjustment in Part III to clarify that non-severe and severe classroom capacity cannot be allocated across all grade levels, and instead must be reported under their respective column. SDC facilities have stricter design requirements and are not as interchangeable with K-12 as K-12 classrooms are with each other (e.g., there is less difference between a 7-8 CR and a 9-12 CR than between an NS SDC CR and 9-12 CR), so the adjustment is proposed to be reported in the same category. The revision adds clarity to the instructions and streamlines the application process.

Application for Funding (Form SAB 50-04)

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

time of application processing and prior to fund release to ensure no piggyback contracts have been used for modular components.
The proposed revision to the Form SAB 50-04 would align with current practices and clarify that an application for the construction of modular facilities acquired via a piggyback contract executed on or after August 22, 2022 (the end of the previous grace period), is ineligible for state funding.

Construction Delivery Method
The proposed amendment updates Section 19 of the Form to correct a typo. The proposal lists "Developer Build" in Section 19 instead of "Developer Built." "Developer Built" is not universally recognized as a construction contract option and the correct term is "Developer Build," which refers to a situation where a real estate developer acts as the primary contractor for a project, overseeing the entire construction process from the land acquisition and design to the final build. The proposed revision will correct Section 19 to have accurate construction delivery methods.

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

Certification Section for Application for Funding (Form SAB 50-04), and Application for Career Technical Education Facilities Funding (Form SAB 50-10)
OPSC has received and funded several forms of "hybrid" applications, which are multiple funding applications submitted for the same set of DSA approved plans and specifications. As part of processing these hybrid applications, OPSC requires from the applicant various documents to ensure that double funding does not occur. These documents include a clear delineation of scope, a proration of project costs, an explanation of proration methodology, a certification that funds for one hybrid application will be used exclusively for that application, and an acknowledgement that expenditures should be tracked and reported separately according to the cost proration for a smooth audit.

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Fund Release Authorization (Form SAB 50-05)

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

AUTHORITY
All Applications

Education Code (EC) 17070.35 – General Provisions

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:
(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.
(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.
(3) Determine the eligibility of school districts to receive apportionments under this chapter.
(4) Apportion funds to eligible school districts under this chapter.
(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

Education Code (EC) 17070.63 – General Provisions

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

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

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

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

Education Code (EC) 17070.99 – General Provisions

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

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

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

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

Education Code (EC) 17071.10 – Existing School Building Capacity

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

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

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

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

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

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

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

Education Code (EC) 17071.25 – Existing School Building Capacity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 50 percent of $1^1/_2$ times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.

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

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

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

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

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

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

(3) For projects eligible for funding under this subdivision, the total state share of the site acquisition costs, including evaluation and response action, shall not exceed 100 percent of $1^1/_2$ times the appraised value of the uncontaminated site. However, the board may exceed this maximum for projects that demonstrate circumstances of extreme need.

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

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

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

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

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

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

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

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

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

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

Education Code (EC) 17072.20 – New Construction Funding Process

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

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

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

Education Code (EC) 17073.10 – Modernization Eligibility Determination

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

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

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

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

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

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

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

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

(a) For modernization projects, the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50 shall consist of smoke or heat detectors, or a combination thereof, as determined by the State Fire Marshall, installed in the school building. The alarm, upon activation of an initiating device, shall alert all occupants and shall transmit the alarm signal to an approved supervising station.

(b) For new construction projects, the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50, shall in addition to compliance with subdivision (a), include an automatic fire sprinkler system installed in the school building including, but not necessarily limited to, attic spaces.

(c) Notwithstanding Section 17074.50 or subdivisions (a) or (b) of this section, for a stand alone portable building, the system required pursuant to this article shall consist of an automatic fire detection and alarm system. For the purposes of this subdivision a “stand alone portable building” means a portable building that is used as a single classroom and that is sited more than 25 feet from any other building, including, but not limited to, any other portable building.

(d) Except as required for automatic fire detectors and waterflow detection devices, manual fire alarm boxes shall not be required throughout the school building.

(e) The entire system shall be installed, tested, and maintained in accordance with the regulations of the State Fire Marshal.

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

(a) A portable building that is sited with the intent that it be at the site for less than three years and is sited upon a temporary foundation in a manner that is designed to permit easy removal, is exempt from Sections 17074.50 and 17074.52 for a period of three years from the date of siting.

(b) After the three-year exemption set forth in subdivision (a), a school district may request an extension of the exemption for an additional period not to exceed three additional years. The board shall grant the request if the school district presents convincing evidence demonstrating to the satisfaction of the board that the extension is necessary.

(c) For purposes of this section, “ portable building” means a classroom building of modular design and construction that meets all of the following criteria:

(1) It is designed and constructed to be relocatable and transportable over public streets.

(2) It is designed and constructed for relocation without detaching the roof or the floor from the building.

(3) It has a floor area of 2,000 square feet or less when measured at the most exterior walls.

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

(a) The State Allocation Board shall adjust the per-pupil grant amount set forth in Section 17072.10 as necessary to accommodate 50 percent of the increased costs due to the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50. The board shall adjust the per-pupil grant amount set forth in Section 17074.10 as necessary to accommodate 80 percent of the increased costs due to the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50. The board shall establish a method to provide up to 100 percent of the increased costs of the automatic fire detection, alarm, and sprinkler, if applicable, systems for school districts which qualify for hardship assistance pursuant to paragraph (1) of subdivision (b) of Section 17075.10.

(b) By July 1, 2003, the board shall review the adequacy of the per-pupil grant adjustments made pursuant to subdivision (a) and shall increase or decrease those adjustments as determined to be necessary.

(c) Any project submitted to the Division of the State Architect on or after September 1, 2001, that includes a qualifying fire detection, alarm, and sprinkler, if applicable, system, and that has not been fully funded prior to July 1, 2002, shall be eligible for grant or eligibility adjustments as set forth in this article.

Education Code (EC) 17075.15 – Hardship Application

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSED REGULATIONS

Section 1859.2. Definitions.

….
"Large Charter School" shall be defined as a school in which the enrollment is greater than 351~~1~~0 pupils, based on the latest available CBEDS report or if a CBEDS report is unavailable, the registration list for the Charter School may be used.
….

Section 1859.22. SFP Application for Funding on Leased Land.

In addition to meeting the requirements of Sections 1859.20 and 1859.21 or 1859.120, a district may receive SFP funds for facilities that are or will be located on real property leased by the district provided all the following are met:
(a) The real property is leased from a governmental agency.
(b) The term of the lease remaining for the land for which the district is requesting SFP funding at the time the Approved Application is accepted is one of the following:
(1) At least 25 years if the lease is for real property owned by the federal government.
(2) At least 40 years if the lease is for real property owned by a governmental agency other than the federal government.
(3) At least 30 years if the lease is for real property owned by a governmental agency other than the federal government and the district has certified to all the following:
(A) There are no other educationally adequate sites for new construction available under a 40-year lease.
(B) The cost per year to lease the real property for no less than 30 years is no greater than the cost per year to lease the real property for 40 years.
(4) At least 30 years if the lease is for real property owned by a governmental agency other than the federal government and the district has provided other evidence satisfactory to the Board that a shorter lease term is necessary.
A district seeking modernization funding on land or facilities leased by the district pursuant to this Section is subject to the adjustment in the district's baseline eligibility pursuant to Section 1859.51(c).

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17070.71, Education Code.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:
(a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
(1) Permanent and at least 25 years old.
(2) Portable and at least 20 years old.
(3) The remaining classrooms not reported in (1) or (2) above.
(b) Identify all square footage at the school site that is:
(1) Permanent area and at least 25 years old.
(2) Portable classroom area and at least 20 years old.
(3) The remaining square footage on the site not reported in (1) or (2) above.

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

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

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for each pupil included in an application for new construction if the project includes an automatic fire detection and alarm system as described in Education Code Section 17074.52:
(1) $7.12 for each elementary school pupil.
(2) $9.79 for each middle school pupil.
(3) $16.03 for each high school pupil.

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

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

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

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

(a) A district may request new construction grants that do not to exceed 135 percent of the number of pupils that will be housed in the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the grant requests above 100 percent of the number of pupils to be housed do not include eligibility based on Special Day Class pupils and if the district has adopted a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the Application filing that includes the following:

(1) A plan that identifies how the district has housed or will house the excess pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan may not include housing the excess pupils in portables excluded from existing school building capacity pursuant to Education Code Section 17071.30 or housing in facilities to be constructed with district funds if the district has received financial hardship approval pursuant to Section 1859.81. The plan shall not utilize Multi-track Year Round Education schedules for the purposes of housing excess pupils.

(2) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(3) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed 135 percent of the number of pupils that will be housed in the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations subject to all the following:

(1) The district has adopted a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board ~~on a date preceding the Application filing~~ that includes the following:

(A) A plan that identifies how the district has housed or will house the excess pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan may not include housing the excess pupils in portables excluded from existing school building capacity pursuant to Education Code Section 17071.30 or housing in facilities to be constructed with district funds if the district has received financial hardship approval pursuant to Section 1859.81. The plan shall not utilize Multi-track Year Round Education schedules for the purposes of housing excess pupils.

(B) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(C) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b) in the following order:

(A) At the grade level of the proposed project.

(B) At the lowest grade level other than the proposed project.

(C) At the next highest grade level other than the proposed project.

(c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 in place as of the date of a local bond election provided that clear

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

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

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

Note: Authority cited: Section 17072.13, Education Code.

Reference: Sections 17072.13 and 17072.35, Education Code.

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

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

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

(a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.

(2) The existing school site was not constructed under the SFP.

(3) The proposed project includes no more than eight classrooms.

(4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.

(5) For purposes of this Section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.

(6) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82.1(b)(4)(B)2., except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

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

*The proposed project cannot include more than eight classrooms.

(7) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:

(A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, as follows:

1. For Alternative Education Schools, refer to the chart above.
2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section 1859.82.1(b)(4)(B)2.
3. For a Multipurpose/Gym Hybrid:

a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.
b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.

(B) Multiply the product in (a)(7)(A) above by the per square foot grant amount of $154. This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.

(C) Divide the product in (a)(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.

(b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board ~~on a date preceding the application filing~~ that include the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or
3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.

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

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

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

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

Reference: Sections 17072.13 and 17072.35, Education Code.

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

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

(1) A percentage of permanent classrooms that are 50 years or older to the total number of classrooms eligible for Modernization at the site determined as follows:
(A) Calculate the total number of classrooms eligible for Modernization at the site that were included in the Gross Classroom Inventory pursuant to Section 1859.31.
(B) Calculate the total number of permanent classrooms that are at least 50 years old and were not previously modernized with State funds.
(C) Divide the classrooms calculated in (b)(1)(B) by the total classrooms calculated in (b)(1)(A). Round up to the nearest one tenth of one percent.
(D) Multiply the percentage determined in (b)(1)(C) by the total modernization eligibility as determined in Option A or B on the Form SAB 50-03, for each grade group. Round up, or;
(2) A percentage of the permanent building area Square Footage that is 50 years or older to the total Square Footage eligible for Modernization at the site determined as follows:
(A) Calculate the total Square Footage building area eligible for Modernization at the site.
(B) Calculate the total permanent Square Footage of building area that is at least 50 years old and was not previously modernized with State funds.
(C) Divide the Square Footage of building area calculated in (b)(2)(B) by the total Square Footage of building area calculated in (b)(2)(A). Round up to the nearest one tenth of one percent.
(D) Multiply the percentage determined in (b)(2)(C) by the total modernization eligibility as determined in Option A or B on the Form SAB 50-03, for each grade group. Round up.
The amounts shown shall be adjusted annually in the manner prescribed in Section 1859.78. The grant is eligible for any modernization grant augmentation for which the project is otherwise eligible under the law and regulations.

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

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

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

(a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180, when all the following requirements are met:
(1) The district has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.
(2) The district has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.
(3) The district has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.
(b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):
(1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.
(2) The estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
(3) Four percent of the lesser of the preliminary appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than $50,000.
(4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.
(c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.
(1) The cost of the site as determined in Section 1859.74.1 and the amount the district reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.
(2) Fifty percent of the estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
(3) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of $50,000.

(4) The estimated DTSC costs for review, approval and oversight of the POESA and the PEA.
(d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (c), (c)(1) and (c)(4) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:
(1) CDE determines that the site is the best available site for meeting the educational and safety needs of the School District.
(2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by the DTSC.
(e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any district funds available for the project pursuant to Section 1859.81(a), plus $150,000 for new school projects and $250,000 for new construction addition projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section. For modernization projects, the Board will apportion an amount not to exceed the following:
(1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).
(2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a), plus $250,000 for projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section.

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

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

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

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

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

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

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

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

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

Section 1859.83. Excessive Cost Hardship Grant.

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

(a) Excessive Cost due to Geographic Location.
A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:
(1) The New Construction Grant and the Modernization Grant.
(2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

GEOGRAPHIC PERCENTAGE CHART

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

COUNTY	% FACTOR	DESCRIPTION
Butte, Eastern Part	5	All of Butte County except that portion lying west of a line drawn ten miles east of, and paralleling State Highway 99.
Calaveras, Eastern Part	5	All of Calaveras County except that portion lying west of State Highway 49.
Del Norte	5	The entire county.
El Dorado, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to State Highway 88.
El Dorado	5	El Dorado County except the eastern part and the following areas: • West of a line drawn six miles east of and paralleling State Highway 49. • Within five miles of either side of U.S. highway 50 from the western county line to a point on the eastern limit of the community of Pollock Pines. • West of a line drawn three miles easterly from and paralleling a certain county road described as the Pleasant Valley Road which connects the community of Aukum with Diamond Springs and with the city of Plymouth.
Fresno, Eastern Part	5	All of Fresno County lying east of a line drawn ten miles east of, and paralleling the west boundary of the Sierra National Forest.
Glenn, Western Part	5	All of Glenn County except that portion lying east of a line drawn ten miles west of, and paralleling Interstate Highway 5.
Humboldt, Redwood Highway	5	That portion of Humboldt County situated within five miles of the Redwood Highway (U.S. 101) except for that portion situated within ten miles of the Redwood Highway from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Humboldt, State Highway 299 and Vicinity	5	That portion of Humboldt County situated within five miles of State Highway 299 and State route 96, except for those portions situated within ten miles of the Redwood Highway (U.S. 101) from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Humboldt, Southeastern Part	15	That portion of Humboldt county adjacent to or east of, the road between Harris to Blocksburg to a point ten miles north of Blocksburg.

COUNTY	% FACTOR	DESCRIPTION
Humboldt, Residual Area	10	All areas of Humboldt County not classified in other cost groups except for that portion situated within ten miles of the Redwood Highway from the northern boundary of the community of Trinidad to the southern boundary of the community of Rio Dell.
Imperial	5	The entire county.
Inyo, Southeastern Part	20	That portion of Inyo County situated east of the western boundary of the Death Valley National Monument from the northern boundary of said national monument to the southern boundary of the county.
Inyo, Residual Area	5	All of Inyo County except the southeastern part described above.
Kern, Eastern Part	5	That portion of Kern County lying east of a north-south line drawn through the eastern boundary of the town of Tehachapi.
Lake	5	The entire county.
Lassen, Southern Part	10	That portion of Lassen County lying south of an east-west line drawn through a point ten miles north of Susanville.
Lassen, Northern Part	15	All of Lassen County except the southern part described above.
Los Angeles, Santa Catalina Island only	50	The entire Santa Catalina Island.
Madera, Central Part	5	That portion of Madera County lying between a line drawn ten miles west of, and paralleling the western boundary of the Sierra National Forest and a line drawn ten miles east of and paralleling the western boundary of the Sierra National Forest.
Madera, Eastern Part	5	All of Madera County except the western part and the central part described above.
Mariposa, Eastern Part	5	All of Mariposa County except that portion lying west of: • A line drawn five miles east of, and paralleling State Highway 49 from the northern county line to Mormon's Bar; and • A line drawn ten miles west of, and paralleling the western boundary of the Sierra National Forest from a point due east of Mormon's Bar to the southern county line.

COUNTY	% FACTOR	DESCRIPTION
Mendocino, Fort Bragg Area	10	Those portions of Mendocino County lying west of the Southern Redwood Highway Area, and south of the Ten Mile River.
Mendocino, Northern Redwood Highway Area	5	That portion of Mendocino County situated within five airline miles of the Redwood Highway (U.S. 101) from a point ten miles north of the Willits City Hall to the northern boundary of the county.
Mendocino, Residual Area	10	Those portions of Mendocino County not otherwise classified except that portion situated within ten airline miles of the Redwood Highway (U.S. 101) from a point ten miles north of the Willits City Hall to the southern boundary of the county. (Comprises the Northeastern part of the county and the coastal strip in the northwestern part).
Modoc	15	The entire county.
Mono	20	The entire county.
Monterey, Southern Part	5	All Monterey County except that portion lying north of an east-west line beginning on the coast two miles south of the City of Carmel and extending due east to the eastern boundary of the county.
Nevada	5	That portion of Nevada County not included in the Eastern Part.
Nevada, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to the county line.
Placer, Eastern Part	15	That portion lying east of a north-south line drawn 25 miles west of the Nevada State Line and north to the county line and south to the county line.
Placer, Northeastern Part	5	All of Placer County except the Eastern Part and the following: • Within five miles of either side of State Highway 65 from the southern boundary of the county and the northern limit of the community of Lincoln. • Five miles either side of Interstate 80 from the southern boundary of the county and the northern limit of the community of Penryn. • West of a line drawn five miles east of, and paralleling State Highway 49. • Within five miles of either side of Interstate 80 between the northern limit of the community of

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

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

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

(b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects – Elementary School) and 216 Pupils (Small Size Projects – Middle and High School).

(1) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house fewer than 101 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.

(2) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the elementary school project will house greater than 100 and fewer than 201 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.

(3) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house fewer than 109 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.

(4) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the middle school or high school project will house greater than 108 and fewer than 217 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.

~~(3)~~(5) A Type I Joint-Use Project and a Type II, part of a qualifying SFP Modernization project, Joint-Use Project is eligible for an Excessive Cost Hardship Grant equal to:

(A) 12 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house fewer than 101 pupils.

(B) Four percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house greater than 100 and fewer than 201 pupils.

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

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

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

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

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

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

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

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

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

1. Determine the amount as shown in the chart above in Section 1859.83(c)(2)(A) for the total combined number of classrooms in the current project and all previous projects at the same site. In the first funding request when the total number of classrooms exceeds 27, the amount shown for 27 classrooms shall be used.
2. Subtract the sum of the amount previously apportioned for the New Construction Grant and the funding provided pursuant to Section 1859.83(c)(2) for the sum of the number of classrooms for all previous projects at the same site (exclude the classrooms in the current project) from (B)1.
3. Subtract the New Construction Grant for the current project from the result in (B)2.

(d) Excessive Cost Due to Urban Location, Security Requirements and Impacted Site.

(1) Excluding Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if the district had a project that was previously approved by the DSA, and prior to January 22, 2003, has received SAB approval for a time extension for substantial progress, and if the useable site acreage for the project is:

(A) at least 50 percent but less than 75 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to eight percent of the New Construction Grant and eight percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(B) at least 30 percent but less than 50 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(C) less than 30 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 50 percent of the New Construction Grant and 50 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(D) less than 30 percent of the site size recommended by the CDE for the master planned project capacity.

(2) Excluding Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if all of the following conditions are met, as applicable:

(A) the Useable Acres of the site for the project are 60 percent or less of the CDE recommended site size based on:

1. the current CBEDS Report at the existing site, if any, at the time of the CDE final plan approval for the project, if any, plus the greater of the Net School Building Capacity of the final new construction project plans submitted to the DSA as calculated in Education Code Section 17071.25(a)(2) or the pupil grants requested in the COS or Charter School project. The Useable Acres will include the existing site that is being utilized for this project plus any additional acreage to be acquired as a part of the Application.
2. the current CBEDS Report at the site at the time of the CDE final plan approval for the modernization project.

(B) at least 60 percent of the classrooms in the construction plans are in multistory facilities for any type of new construction project.

(C) the value of the site being acquired for a new construction project on a new site is at least $750,000 per Useable Acre.

(3) If the criteria in (d)(2) are met, the Excessive Cost Hardship Grant:

(A) for new construction is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c) for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. In no event shall the amount provided in this subsection for a new construction project on a new site exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the number of the pupil grants requested in the Application determined as follows:

1. The current estimated value of the project site as determined in Section 1859.74.6(a)(1).
2. Divide the amount in (A)1. by the number of Useable Acres.
3. Multiply the quotient in (A)2. by the number of Useable Acres recommended by CDE for the number of pupils described in Section 1859.83(d)(2)(A)1.
4. Subtract the value in (A)1. from the product in (A)3.
5. Multiply the difference in (A)4. above by 50 percent.

(B) for modernization is equal to 15 percent of the Modernization Grant and 15 percent of the funding authorized by Section 1859.83(b) for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease of the CDE recommended site size below 60 percent.

(4) For Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if:

(A) the Type I Joint-Use Project's qualifying SFP New Construction project pursuant to Section 1859.123 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(A).

(B) The Type II Joint-Use Project's qualifying SFP Modernization project pursuant to Section 1859.123.1 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(B).

(C) The Useable Acres at the existing school site where the Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is to be constructed are 60 percent or less of the CDE recommended site size based on the existing enrollment at the site.

(5) If the criteria in (d)(4)(A) or (C) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. For a Type I Joint-Use Project when the qualifying SFP New Construction project involves new construction on a new site, in no event shall the amount provided in this subsection exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the qualifying SFP New Construction project pursuant to Section 1859.123 as calculated in Section 1859.83(d)(3)(A).

(6) If the criteria in (d)(4)(B) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.

(e) Excessive cost due to accessibility and fire code requirements.

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

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

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

Article 10. Fund Release and Priority Points

Section 1859.90.2. Priority Funding Process.

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

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

(a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes each of the project Application numbers, and the type of Apportionment request (e.g., Apportionment, separate Apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain the following:

(1) Statement that the request is to convert the unfunded approval to an Apportionment or to receive an approved advance release of funds; and

(2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(~~5~~6), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that, if the district submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit an LCP third party report, pursuant to Section 1859.97(b), the report will be submitted to the OPSC and the DIR at least 60 days prior to submitting the Form SAB 50-05; and

(5) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the district or charter school is waiving its right to the timeline for fund release submittal described in Section 1859.90.

(6) For a Career Technical Education Facilities Project that was granted an unfunded approval without the required CDE plan approval and/or required DSA-approved plans and specifications, the applicant's request must include:

(A) Acknowledgement that the applicant must submit the required approval(s) to the OPSC within 12 months from the date of the Apportionment. If the required submittal(s) is not received within 12 months, the Apportionment shall be rescinded without further Board action pursuant to Section 1859.197(c)(1); and

(B) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of the submittal described in (6)(A) and that failure to do so will result in the rescission of the Apportionment without further Board action; and

(C) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and physically received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(6)(B).

(b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative within the 30-calendar day filing period, and shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,

(2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

(c) If a district or charter school receives an Apportionment or approved advance release of funds request through the priority funding process, the OPSC must receive a valid, original signature copy of the Form SAB 50-05 within the specified time period, pursuant to (a)(2), (a)(6) or (b)(2), as applicable, and a Grant Agreement, pursuant to (a)(3), (a)(6)(C), or (b)(3), as applicable. Upon submittal of the original signature copy of the Form SAB 50-05, if OPSC determines that the Form SAB 50-05 is not valid, the district will have ten business days to amend the Form SAB 50-05 in order to make the Form SAB 50-05 valid. If the OPSC does not receive a valid, original signature copy of the Form SAB 50-05 within the time period:

(1) The priority funding Apportionment or approved advance release of funds request shall be rescinded without further Board action, and

(2) If the Application is not subject to rescission pursuant to Section 1859.90.3(c) as defined in Section 1859.90.3(d), the Application shall return to the Unfunded List (Lack of AB 55 Loans) with a new unfunded approval date that is 90 calendar days from the date of Apportionment or approval of the advance release of funds request.

(d) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the Application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for

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

(e) In the event that unexpected cash proceeds from sources other than bond funds become available for use for priority funding Apportionments, at a public meeting the Board may, based on considerations relevant to the amount of time available to effect a distribution of funds, waive the 30-calendar day filing provision specified in this section for impacted school districts to provide funds more rapidly.

(1) OPSC shall identify and invite impacted school districts to submit a priority funding request that meets all other criteria in (a) above.

(2) Requests submitted under this provision shall be valid from the date the priority funding request is submitted until the end of the regularly scheduled filing period specified above.

(3) Requests submitted under this provision must comply with all other requirements of the priority funding process in this Section and Section 1859.90.3.

(4) Districts may decline to submit a request outside the normal 30-calendar day filing period without consequence. If the option to submit a request is declined, the requirements to participate in the standard 30-calendar day filing periods specified in (a) above remain in effect.

(5) Unexpected cash proceeds from sources other than bond funds include, but are not limited to, the $250 million appropriated from the General Fund to the 2016 State School Facilities Fund as a result of the enactment of Statutes of 2021, Chapter 44, Section 163 (Assembly Bill 130).

(f) For purposes of this section “rescinded” or “rescission” shall mean that the Apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date, except for (a)(5)(A). The new unfunded approval date will be 90 calendar days from the Apportionment date. The district or charter school will not be required to re-submit the Application and no further Application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

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

STATE OF CALIFORNIA
EXISTING SCHOOL BUILDING CAPACITY
SCHOOL FACILITY PROGRAM
SAB 50-02 (REV ~~12/10~~xx/~~25~~)

GENERAL INFORMATION

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

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

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

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

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

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

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

SPECIFIC INSTRUCTIONS

PART I - Classroom Inventory

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

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

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

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

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

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

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

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

PART II - Available Classrooms

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

OPTION A

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

OPTION B

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

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

Part III - Determination of Existing School Building Capacity

1. Classroom capacity - After determining the lesser of the totals on line e of Option A or Option B in Part II, multiply the K-6 classroom total by 25, the 7-8 and 9-12 classroom totals by 27, the non-severe classrooms by 13 and the severe classrooms by 9, for the option selected.

2. Enter one of the following:

   - 6 percent of the K-6 pupil capacity as reported on line 1, and 6 percent of the K-6 non-severe and severe classroom capacity for elementary and unified districts or elementary and unified districts filing on a HSAA or Super HSAA. The K-6 non-severe and severe classroom capacity shall be determined by applying a ratio of the K-6 classroom capacity reported on line 1 to the K-12 classroom capacity reported on line 1 multiplied by the non-severe and severe classroom capacity reported on line 1~~,~~. Unified districts may ~~allocate~~ distribute the 6 percent amount at or between any of the K-12 grade groups. For non-severe and severe the 6 percent cannot be allocated across different grade levels and must be reported in its respective category (i.e. 6 percent of the K-6 non-severe capacity must be reported in the non-severe category in Line 2).

   - Indicate zero (0) if the elementary or unified district meets the ~~s~~Substan-tial ~~e~~Enrollment ~~r~~Requirement (SER) or the district qualifies for waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7 (c).

   - Indicate zero (0) if applicant is a high school district.

3. Total Line 1 and Line 2 – Report the totals of grade groups K-6, 7-8, 9-12, non-severe and severe on line 3. This represents the "existing school building capacity" of the district, the HSAA or Super HSAA.

STATE OF CALIFORNIA
EXISTING SCHOOL BUILDING CAPACITY
SCHOOL FACILITY PROGRAM
SAB 50-02 (REV ~~12/10~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

PART I - Classroom Inventory ☐ NEW ☐ ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe	Total
Line 1. Leased State Relocatable Classrooms						0
Line 2. Portable Classrooms leased less than 5 years						0
Line 3. Interim Housing Portables leased less than 5 years						0
Line 4. Interim Housing Portables leased at least 5 years						0
Line 5. Portable Classrooms leased at least 5 years						0
Line 6. Portable Classrooms owned by district						0
Line 7. Permanent Classrooms						0
Line 8. Total (Lines 1 through 7)	0	0	0	0	0	0

PART II - Available Classrooms

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

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

PART III - Determination of Existing School Building Capacity

	K-6	7-8	9-12	Non-Severe	Severe
Line 1. Classroom capacity					
Line 2. SER adjustment					
Line 3. Total of lines 1 and 2	0	0	0	0	0

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

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

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~05/20~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE.
   - Preliminary appraisal of property.
   - Approval letter from the Department of Toxic Substances Control.

2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE (site apportionment only).
   - Preliminary appraisal of property (site apportionment only).

3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Site approval letter from the CDE.
   - Appraisal of district-owned site.
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
   - Site/plan approval letter from the CDE.
   - Appraisal of property if requesting site acquisition funds.
   - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
   - Cost estimate of proposed site development, if requesting site development funding.
   - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
   - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
   - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
   - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:

   - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
   - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

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

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

   - Form SAB 50-03 (if not previously submitted).
   - P&S for the project that were approved by the DSA.
   - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

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

- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

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

2. Type of Project

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

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

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

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

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

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

- The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
- The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
- Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
- If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.

c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.

d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.

f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.

g. Indicate the site scenario that best represents the project request.

h. For ORG projects, the district must provide the following information in the space provided:

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

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

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

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

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

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

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

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

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

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

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

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

i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

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

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

c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).

d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

7. Excessive Cost Hardship Request

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

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

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

Additional Grant Request

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

Excessive Cost Hardship Request

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

b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).

c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).

d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).

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

9. Project Priority Funding Order

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

10. Prior Approval Under the LPP

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

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to a Final Apportionment

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

13. Alternative Developer Fee

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

14. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

15. Pending Reorganization Election

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

16. Joint-Use Facility/Leased Property

Check the box if:

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

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

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

22. Architect of Record or Licensed Architect Certification

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

23. Architect of Record or Design Professional Certification

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

24. Certification

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

1. Type of Application—Check Only One

- ☐ New Construction
- ☐ New Construction (Final Apportionment)
- ☐ New Construction (Final Charter School Apportionment)
- ☐ New Construction (Overcrowding Relief Grant)
- ☐ Rehabilitation (Final Charter School Apportionment)
- ☐ Modernization
- ☐ Modernization of California Schools for Deaf/Blind
- ☐ Facility Hardship [Section 1859.82.1]
  - ☐ Conceptual Approval [Section 1859.82.3(a)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Rehabilitation Costs: $_____
- ☐ Seismic Mitigation [Section 1859.82.2]
  - ☐ Conceptual Approval [Section 1859.82.3(b)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Seismic Rehabilitation Grant: $_____

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
- ☐ Site Only (District owned)—New Construction [Section 1859.81.2]
- ☐ Site Only—Environmental Hardship [Section 1859.75.1]
- ☐ Design Only—New Construction [Section 1859.81.1]
- ☐ Design Only—New Construction with High Performance
- ☐ Design Only—Modernization
- ☐ Design Only—Modernization with High Performance
- ☐ Design Only—Modernization of California Schools for Deaf/Blind
- ☐ Design Only—Facility Hardship [Section 1859.82.1]
- ☐ Design Only—Seismic Mitigation [Section 1859.82.2]
- ☐ Advance Funding for Evaluation and RA

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____

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

From 2a above, how many are 50 Year or Older Pupil Grants?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

d. Is this a 6–8 school? ☐ Yes ☐ No
If you answered yes, how many K–6 pupils reported above are sixth graders? _____
Is this an Alternative Education School? ☐ Yes ☐ No

e. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____
Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No If yes, enter date of successful bond election: _____

f. Charter School Facilities Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

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

h. ORG Projects Only

NAME OF ELIGIBLE SCHOOLSITE(S)	NUMBER OF PORTABLES BEINGREPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
	Total	

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

4. Type of Financial Hardship Request
☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)
☐ Submittal with school board resolution, pursuant to Section 1859.95.1 (Insufficient Bond Authority)

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

6. Modernization Additional Grant Request
a. ☐ Project Assistance
b. ☐ Energy Efficiency: _____ %
c. ☐ Site Development—60 percent utilities: $ _____
d. ☐ Automatic Fire Detection/Alarm System
e. ☐ High Performance Incentive (Indicate Points): _____

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

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

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

Additional Grant Request
a. ☐ High Performance Incentive (Indicate Points): _____

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

9. Project Priority Funding Order—New Construction Only
Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____
Project meets:
☐ Density requirement pursuant to Section 1859.92(c)(3).
☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Prior Approval Under the LPP
New Construction: 22/_____
Modernization: 77/_____

11. Prior Apportionment Under the SFP
Site/Design—New Construction: 50/_____
Design—Modernization: 57/_____

12. Preliminary Apportionment to Final Apportionment
Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only
Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: $ _____

14. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

Construction Contract(s) for the project signed on:

_____ _____

15. Pending Reorganization Election—New Construction Only ☐ **Yes** ☐ **No**

16. Joint-Use Facility/Leased Property

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

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

_____
_____
_____
_____

22. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE	DATE

23. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE	DATE

24. Certification

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

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

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

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

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~06/17~~xx/25)

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

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

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

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

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

SPECIFIC INSTRUCTIONS

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

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

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

Part IV. Overcrowding Relief Grant - Advance Site Funds
Check the boxes if the district is requesting an advance release of funds pursuant to Section 1859.184.1.

Part V. New Construction/Modernization/Charter School Rehabilitation
Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

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

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

Part VI. New Construction—Site Acquisition Only
Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

Part VII. Joint-Use Projects
Check the boxes if the district is requesting release of joint-use project funds.

Part VIII. Identify District and Joint-Use Partners' Funding Sources
Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

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

Part X. Identify District's Construction Delivery Method
Check the appropriate box that identifes the construction delivery method that the district utilized for this project.

Part XI. Submittal of Project Grant Agreement
Check the appropriate box that identifes the timing of the submittal of the signed Grant Agreement for the project.

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~06/17~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

Part I. Preliminary Apportionment—Design Only

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

☐ The district certifes 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 certifes 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 certifes it has current fnancial soundness status from the California School Finance Authority.
☐ The Charter School certifes 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 certifes the funds are needed to place on deposit in order to secure the site acquisition.
☐ The Charter School certifes 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 certifes it has current fnancial soundness status from the California School Finance Authority.
☐ The Charter School certifes it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

Part III. Separate Site Apportionment

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

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:
☐ Release site acquisition funds. The district certifes the funds are needed to place on deposit in order to secure the site acquisition.
☐ The district certifes that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

Part IV. Overcrowding Relief Grant - Advance Site Funds

Pursuant to Section 1859.184.1, districts that have received Financial Hardship approval that are acquiring sites through condemnation must be able to check all boxes:
☐ Release site acquisition funds. The district certifes the funds are needed to place on deposit in order to secure the site acquisition.
☐ The district certifes that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ The district certifes that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

Part V. New Construction/Modernization/Charter School Rehabilitation

District/Charter School must be able to check all boxes:
☐ The district certifes that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ The district certifes 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 specifcations 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 sufcient for all applicable contract dates, please list all dates on a separate attachment to this form.)
☐ If the district certifed 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 confrmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

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

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REv ~~06/17~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Part VI. New Construction—Site Acquisition Only

District must be able to check both boxes:

☐ The district certifes it has entered escrow for the site (attach copy of escrow instructions).

☐ The district certifes that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

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

Part VII. Joint-Use Projects

☐ The district certifes that the Joint-Use Partners' fnancial contribution has either:
- been received and deposited in the County School Facility Fund
- has been received and expended by the district
- will be received and expended by the district prior to the Notice of Completion for the project

☐ The district certifes 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 specifcations applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____.

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

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

☐ Available bond funds such as general obligation, or Mello-Roos.

☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.

☐ Other funds available (identify)

☐ Funds already expended by the district for the project.

☐ Funds already expended by the Joint-Use Partners for the project.

☐ Future revenue sources to be used for the project (identify)

Part IX. Career Technical Education Facilities Projects

☐ The district certifes that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

☐ If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifes that it has entered into a loan agreement with the State.

Part X. Identify District's Construction Delivery Method

☐ Design-Bid-Build

☐ Design-Build

☐ Developer Built

☐ Lease Lease-Back

☐ Energy Performance Contract

☐ This project includes or will include piggyback contract(s), as defned in Section 1859.2

☐ Other: _____

Part XI. Signed Grant agreement

☐ The district has already submitted the signed Grant Agreement for this project.

☐ The signed Grant Agreement for this project accompanies this Form.

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

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

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

STATE OF CALIFORNIA
EXPENDITURE REPORT
SCHOOL FACILITY PROGRAM
SAB 50-06 (REV ~~10/22~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

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

Provide a detailed listing of each expenditure listing items by:

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

Go to the OPSC Web site at www.dgs.ca.gov/opsc for the ~~Project Information and~~ Expenditure Worksheet (an Excel worksheet) which may be used to assist in reporting these expenditures.

Submit completed form to:

Department of General Services
Office of Public School Construction
Attn: SFP Audit
707 Third Street
West Sacramento, CA 95605

STATE OF CALIFORNIA
EXPENDITURE REPORT
SCHOOL FACILITY PROGRAM
SAB 50-06 (REV ~~10/22~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL DISTRICT	COUNTY		APPLICATION NUMBER
BUSINESS ADDRESS/CITY			REPORT NUMBER
SCHOOL NAME	DSA NUMBER	CDS NUMBER	PERIOD ENDING

PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS

1. **Percent of Project Complete:** _____
2. **Notice to Proceed Issue Date:** _____
3. **Notice of Completion Date:** _____

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

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

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

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

STATE OF CALIFORNIA — STATE ALLOCATION BOARD

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL FACILITY PROGRAM

SAB 50-10 (REV 10/14)

GENERAL INFORMATION

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

2. CTE Industry Sector and Pathway(s)

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

3. Reservation of Funds

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

Otherwise, check the box "No."

4. Loan Request

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

5. Number of CTE Classrooms

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

6. Qualifying SFP Project Application Number

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

7. CDE Application Overall Score

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

8. CTE Facility Square Footage

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

9. Eligible Costs

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

10. Cost Per Square Footage

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

11. Project Assistance

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

12. Project Progress Dates

Complete this section for new construction/modernization projects:

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

13. Prevailing Wage Monitoring and Enforcement Costs

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

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

A DIR-approved internal LCP

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

14. Additional Grant for High Performance Incentive

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

15. Certification

The district representative must complete this section.

ATTACHMENT A1j
ATTACHMENT B1g

STATE OF CALIFORNIA — STATE ALLOCATION BOARD

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL FACILITY PROGRAM

SAB 50-10 (REV 10/14)

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

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

1. Type of Application—Check Only One

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

☐

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

☐ Add the HPI Grant

☐ Remove the HPI Grant

2. CTE Industry:

Sector: _____

Pathway(s): _____

_____

_____

3. Reservation of Funds: Yes ☐ No ☐

4. Loan Request: Yes ☐ No ☐

5. Number of CTE Classrooms in the CTEFP application _____

6. Qualifying SFP Project Application Number

Application Number: # _____

Project Tracking Number: # _____

7. CDE Application Overall Score: _____

Minimum Score: ~~105~~

8. CTE Facility Square Footage: _____

9. Eligible Costs

a. 50 Percent Construction: $ _____

b. 50 Percent Equipment: $ _____

c. 50 Percent Site Development: $ _____

d. 50 Percent SFP Allowance (New Construction Only) $ _____

e. Total (a+b+c-d): $ _____

10. Cost Per Square Foot: $ _____

11. Project Assistance

☐CTE Project Only—not part of a qualifying SFP project

12. Project Progress Dates

a. Construction Contract signed on: _____

b. Notice to Proceed issued on: _____

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

13. Prevailing Wage Monitoring and Enforcement Costs

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

☐ DIR Public Works administration and enforcement

☐ DIR Approved Internal LCP

☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

14. High Performance Incentive Additional Grant Request

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

15. Certification

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

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

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

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

E-MAIL
ADDRESS

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
May 8, 2025

PROPOSED REGULATORY AMENDMENTS FOR GENERAL UPDATES TO SCHOOL FACILITY PROGRAM REGULATIONS, CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM REGULATIONS, AND STATE ALLOCATION BOARD FORMS

PURPOSE

To continue to discuss, receive and respond to stakeholder input regarding the proposed regulatory amendments presented at the March 13, 2025, stakeholder meeting and to present additional proposed general amendments to the School Facility Program (SFP) Regulations, California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (FDK Program) Regulations, and SFP Forms that:

- Add clarity to regulations
- Correct inaccuracies from regulations
- Remove outdated requirements

AUTHORITY

See Attachment B1a.

BACKGROUND

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

Please note that this item does not reflect proposed regulations that were presented at the March 13, 2025 stakeholder meeting that OPSC has not proposed to modify at this time. The full text of the March 13, 2025 item may be found here: https://www.dgs.ca.gov/-/media/Divisions/OPSC/Agenda-Items/2025/03-March/FINAL-03132025-Prop-2--Grouping-3-Stakeholder-Item-ADA.pdf

STAFF ANALYSIS/DISCUSSION

Summary of Stakeholder Feedback

OPSC would like to thank the stakeholders who were able to view, attend, or participate in this meeting and those who provided valuable feedback either at the

STAFF ANALYSIS/DISCUSSION (cont.)

meeting or through written correspondence to OPSC. Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on March 13, 2025:

Stakeholder Feedback	**OPSC Response**
1. The amendments to SFP Regulation Sections 1859.60 and 1859.78.6 to utilize 12 months following the approval of the plans for the placement of the building on the school site as the date to begin the 20/25/50 year determination do not consider that a portable's current campus may not have been the first campus it was placed and occupied on, in effect restarting the clock simply because a portable was relocated to another campus.	**1.** OPSC has revised the proposed amendments to clarify that the 20/25 year period for portable buildings shall begin 12 months after the plans for the construction or first placement of the building on a school site were approved by the Division of the State Architect (DSA).
2. Guidance was requested on what aging start date should be used, in place of the DSA approval date, to establish a building's age when a building pre-dates DSA's existence.	**2.** Facilities that have not been approved by DSA will not be included in the snapshot used to determine modernization eligibility. Any facilities not approved by DSA are not considered to be school buildings and therefore cannot be determined to be at least 25 or 20 years old.
3. It was requested that the proposed methodology for calculating a building's age be applied prospectively only to establish new modernization eligibility baselines moving forward, and not applied retroactively to baselines that have already been established.	**3.** If OPSC notices a stockpile date was used for the purposes of establishing a modernization eligibility baseline during the course of processing, OPSC will request a Form SAB 50-03 be submitted for an Errors and Omissions adjustment to correct the age of the facility, as using the stockpile date would have been done in error and would not represent the date that the facility began housing pupils and being used for school purposes that would create deterioration, eventually resulting in necessary modernization work to extend the useful life of the building. Without the building being

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	3. (cont.) used for instruction, there would be no deterioration to the building and thus no need to modernize the building.
4. It was stated that OPSC currently permits, and the SAB has approved, Form SAB 50-03 submissions using stockpile dates to determine the age of portable classrooms. The proposed methodology directly conflicts with this long-standing practice and the correction of this information would impose an unnecessary administrative burden on staff. Applying the methodology retroactively would place districts that have relied on previously accepted stockpile dates into inadvertent non-compliance. It was requested that previously approved stockpile data be allowed to be used for modernization eligibility purposes.	**4.** SFP Regulations do not allow for the use of stockpile dates to determine the age of a facility for the purpose of determining modernization eligibility. Any current approvals of Forms SAB 50-03 using a stockpile date would have been done in error and would require correction. If stockpile dates were used, SFP Modernization funding would be used for facilities that were purchased in advance of need and would therefore be aging prematurely, as they were not in use prior to being placed on a school site and would not deteriorate as quickly in a stockpile as compared to being used for school purposes on a school site.
5. The proposed amendment to clarify that a building's age will be reset to the date of its previous apportionment does not clarify how districts are to reset a building's age when the current modernization program practices do not track apportionments by building.	**5.** As indicated in the stakeholder comment, the modernization program under the SFP does not track apportionments by building. The resetting of the facility's age is accounted for in the deduction of pupil grants from the site's modernization eligibility baseline per SFP Regulation Section 1859.61(a), which are then returned when the facility becomes eligible for modernization again via the mechanism outlined in Regulation Section 1859.78.8. The usage of pupil grants generated by a facility effectively resets the facility's age for purposes of modernization eligibility, even if those grants are not used on the facility that generated the grants. When the pupil grants are returned via

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	5. (cont.) the mechanism outlined in Regulation Section 1859.78.8 in 20 or 25 years, that facility is considered to have come of age for a second time. The previous Lease Purchase Program (LPP) did account for modernization apportionments by building, and for facilities previously modernized with state funds under the LPP, the Phase C apportionment date will be used to begin the 20/25/50 year period. School districts that modernized facilities under the LPP should use the Phase C apportionment date to calculate the age of a facility for SFP modernization eligibility purposes.

In addition to the proposed amendments to the SFP Regulations that were presented at the March 13, 2025 stakeholder meeting, OPSC is presenting additional proposed amendments as summarized below.

Summary of Changes to SFP Regulation Sections

Section 1859.32 Adjustments to Gross Classroom Inventory, Section 1859.51 Adjustments to the New Construction Baseline Eligibility, and 1859.60 Calculation to Determine Modernization Baseline Eligibility

The proposed amendments to these Sections add an exclusion for classrooms that are built under the FDK Program.

Education Code (EC) Section 17375(a)(5) states that “New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).” The FDK Program provides one-time grants for qualifying projects to either construct new classrooms or retrofit existing classrooms to house preschool, transitional kindergarten, or full-day kindergarten classrooms.

Therefore, in order to align with FDK Program statute, SFP Regulation Section 1859.32 is amended to clarify that classrooms built under the FDK Program will be

STAFF ANALYSIS/DISCUSSION (cont.)

excluded from the Gross Classroom Inventory determined in 1859.31 and not counted for the purposes of determining a district's new construction eligibility establishment.

Regulation section 1859.51(i) is amended to specify that the district's new construction eligibility will not be adjusted for classrooms added to a school site with FDK Program funding after the new construction baseline eligibility was determined by the State Allocation Board (Board).

Regulation section 1859.60 is amended to clarify that classrooms and square footage constructed with FDK Program funding will not be included in the calculation to determine modernization baseline eligibility and will be excluded from the baseline snapshot.

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

The proposed amendment specifies that the 20/25/50 year period shall begin 12 months after the plans for the construction or placement of the building were approved by the DSA, or in the case of portable buildings that have been relocated from another school site, 12 months after the plans for the placement of the portable building on the original school site were approved by the DSA.

In the case of portable buildings that have been relocated from another school site, OPSC has determined that it is appropriate to utilize 12 months after the DSA approval date of the plans for the placement of that portable building on the original school site as the date to start the 20-year period. The facility begins deteriorating when it is used as a school building. Therefore, it would not be appropriate to reset the date each time the facility moved from one school site to another. Doing so would not accurately reflect the amount of school use on the building and its need for modernization.

Additionally, the stockpile date would not be appropriate to use, as it would not truly represent the need for the facility's modernization as it is not used for school purposes when it is in stockpile and therefore would not deteriorate as quickly as if it were being used for school purposes.

Section 1859.70 General

The proposed amendment clarifies that increases to the pupil grant request in the Form SAB 50-04 shall, in most cases, require the withdrawal and resubmittal of the funding application. Increasing the initial pupil grant request, except in the cases

STAFF ANALYSIS/DISCUSSION (cont.)

outlined below, is considered “line jumping” and can provide an unfair advantage over other school districts. For example, a school district could submit an application for funding for the current pupils on its eligibility baseline for an intended project. However, during the interim years until OPSC processes the application, new work may be identified by the school district. By adding more pupils to the originally submitted project, the school district has added work that was not certified to on the original funding application. Had the school district waited until all work was California Department of Education (CDE) and DSA approved, the project would have been processed later in time, assuming funding authority for the project was available. School districts are allowed to add work to the project, but must stay within the original funding request; additionally, the CDE and DSA approval must be obtained prior to the original submittal date of the application. Lastly, adding more pupils to the original funding request results in more funding for the application, which in turn pushes additional applications further down, or even off the workload list.

Increases to the initial pupil grant request for a modernization application will only be allowed in order for an application to comply with the requirements in Section 1859.79.3, which requires a modernization application request at least 52 Non-Severe grants, or 36 Severe grants, or 101 K-12 grants. School districts with less than the required minimum available must request all remaining eligibility at the site. Should an application request less than the required minimum, OPSC will require the request in the application be increased to the minimum amount necessary to satisfy the requirements of Section 1859.79.3.

Increases to the initial pupil grant request for a new construction application will only be allowed in instances of classroom redesignation. For instance, an application initially requests 100 K-6 grants to fund the new construction of four K-6 classrooms, which are loaded at 25 pupils per classroom in the SFP. During processing, one of the classrooms is redesignated to a 7-8 classroom, which is loaded at 27 pupils per classroom. The application will be allowed to increase its pupil grant request to 102 total pupil grants (75 K-6 pupil grants and 27 7-8 pupil grants), which is commensurate with loading standards for four classrooms.

Section 1859.79.2 Use of Modernization Grant Funds

The proposed amendment specifies that new building area necessary to meet the higher of the recommended classroom sizes in the chart in Section 1859.82.1(b) or CDE’s minimum size requirements is an allowable use of modernization funding.

Currently, modernization funds may not be used on new building area with the exception of replacement building area of like kind square footage, not to exceed

STAFF ANALYSIS/DISCUSSION (cont.)

the original square footage, and building area required by the federal Americans with Disabilities Act (ADA) or by the DSA's access compliance requirements.

EC Section 17074.25 states, in part, that the "modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school." As stakeholders modernize aging facilities that may have been constructed decades ago to a different design and educational standard, it is often necessary for classrooms that were originally smaller than the chart in Section 1859.82.1(b) and CDE's recommended size to be expanded, either by demolishing and replacing them with something larger or by expanding the original footprint of the space.

As the regulation currently reads, those expansions are considered ineligible expenditures of modernization funds, unless those expansions are strictly required by the federal ADA or DSA's access compliance requirements, and must be prorated out of the funding application to ensure that modernization funds are not spent on ineligible work. Program regulations require that the school district certify that 60 percent of the total approved project funding is for construction activities as part of its funding request. If the project is not 60 percent commensurate, the funding request must be decreased accordingly.

This proration of project expenditures can pose an obstacle to stakeholders by potentially reducing the amount of state funding that can be requested in an application or by rendering the application unable to move forward if the project no longer has sufficient cost to meet the 60 percent commensurate requirement.

The proposed amendment specifies that new building area constructed to bring a classroom that is smaller than the recommended size to the minimum recommended size will be an allowable expenditure of modernization funds. Any additional area constructed beyond what is required to meet the minimum recommended size will not be considered an eligible expenditure of modernization funds. For example, if a 700 square foot 1st grade classroom is expanded to a 1,000 square foot 1st grade classroom, the new building area up to 960 square feet (the recommended size of a grade 1-6 classroom) will be considered eligible expenditures under modernization. The additional 40 square feet, provided it is not required by the federal ADA or DSA's access compliance requirements, will be considered ineligible and must be prorated out of the project costs.

This proposed amendment aligns regulation with statute by allowing districts to better use the modernization apportionment to extend the useful life of the school.

STAFF ANALYSIS/DISCUSSION (cont.)

Section 1859.81 Financial Hardship.

The proposed amendment to Regulation Section 1859.81(a) adds language to clarify that the Independent Audit required by EC Section 41020 for the fiscal year immediately preceding the request for Financial Hardship must be submitted with the submittal package. This clarifies that it is not just the latest audit submitted by the district that is required to be provided.

The proposed amendment ensures that the district's most up-to-date financial records are reviewed as part of a Financial Hardship determination. This will streamline the process for identifying any funds that have not been spent or committed to a specific project before the initial request for Financial Hardship status, which may be considered available as a matching contribution.

Section 1859.106 Program Accountability Expenditure Audit, and Grant Agreement Form

EC Section 41024 requires that expenditures be identified on a project-by-project basis. Therefore, OPSC proposes to reiterate in Regulation Section 1859.106 that a separate audit report is required for every audited project and that multiple projects cannot be combined in one audit report. This proposal aligns SFP Regulations with EC Section 41024.

EC Section 41024(c)(5) requires that in the event of an audit finding, OPSC shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty repayment of funds equal to the amount of funds disallowed in an audit finding. Therefore, an additional amendment is proposed to align with statutory requirements to clarify that if there is an ineligible expenditure found as part of an audit finding, the district will be required to reimburse the full amount of the item found ineligible.

To align with the above two proposed amendments, OPSC proposes amendments to the Grant Agreement. Specifically, OPSC proposes amendments to Section F, Item 4(i) to clarify that a separate audit report shall be submitted for each audited project pursuant to EC Section 41024. Additionally, in Section F, Item 4(iv), OPSC proposes amendments to remove language stating that the amount to be remitted in the event the audit determines grants were spent on ineligible expenditures will be limited to the proportionate percentage of grants and Financial Hardship grants, to clarify that the district will need to reimburse the full amount of the item found ineligible to align with EC Section 41024(c)(5). Similarly, OPSC proposes amendments to Section F, Item 5(iv) to remove language stating that the amount to

STAFF ANALYSIS/DISCUSSION (cont.)

be remitted in the event the audit determines savings were spent on ineligible expenditures will be limited to the savings.

Section 1859.171 Use of Facility

The proposed amendment adds clarity to the process of identifying a qualifying successor charter school in the event the charter school occupying a facility funded with Charter School Facility Program (CSFP) funds ceases to utilize the facility for charter school purposes. Specifically, the proposed amendment emphasizes the requirement that the school district where the facility is physically located and that serves the same grade level as the pupils housed in the CSFP project that funded the facility may elect to take possession and title of the facility only after demonstrating due diligence in soliciting alternative charter schools in the local area to identify a successor charter school.

The CSFP provides funding to qualifying entities for the purpose of establishing school facilities for charter school pupils. EC Section 17078.62 details a priority list for the use of facilities funded through the CSFP. EC Section 17078.62(a) mandates that as a first priority, the existing charter school shall be permitted to use the CSFP facility until it is no longer needed by the charter school for charter school purposes. Should a charter school cease using a charter school facility funded by the CSFP for charter school purposes, EC 17078.62(b)(2) mandates that as a second priority, a process to identify a qualifying successor charter school to occupy the vacated facilities shall be initiated. The third priority specified in EC Section 17078.62(b)(3) is that the school district in which the facility is located may elect to take possession of the facility should no qualifying successor charter be identified. Therefore, EC Section 17078.62(b) makes it a priority that a qualifying successor charter school be permitted to meet its facility needs by occupying the facility before the eligible school district may take possession of the facility.

The proposed amendment aligns SFP Regulations with the intent of EC Section 17078.62 by emphasizing the school district must demonstrate due diligence in soliciting alternative charter schools to identify a successor charter school in the local area prior to determining a successor charter school cannot be found and taking ownership of the site. The proposed amendment is also consistent with regulatory requirements of the California School Finance Authority, which jointly administers the CSFP with OPSC, pursuant to Section 10157 of Title 4 of the California Code of Regulations.

STAFF ANALYSIS/DISCUSSION (cont.)

Section 1859.193 Career Technical Education Facilities Grant Determination

The proposed amendment adds language to clarify that changes to approved equipment items for similar models of previously approved equipment (for example, if the originally approved model is now out of date or no longer available) would not be considered a change of scope.

Currently, the Career Technical Education Facilities Program (CTEFP) provides funding to eligible CTEFP applications in three categories: construction, site development, and/or equipment. Equipment-only applications are allowed.

As part of a complete *Application for Career Technical Education Facilities Funding* (Form SAB 50-10) submittal that requests equipment funding, an itemized equipment list including the description of the item, model, quantity and cost of the equipment must be submitted. The equipment must, among other requirements, have an average useful life expectancy of at least ten years pursuant to EC Section 17078.72(a). The equipment list is used to determine the equipment funding apportioned to a CTEFP application.

CTEFP applications do not require CDE and DSA approved plans to receive an Unfunded Approval and/or an Apportionment. CTEFP applications without approved plans may receive an Apportionment as a reservation of funds. This mechanism reserves bond authority for what is essentially a conceptual application. Applicants then have 12 months from the date of the Apportionment to submit CDE and DSA approval letters for the project.

During previous CTEFP processing rounds, applicants who had received an Apportionment as a reservation of funds requested to amend approved equipment lists. These requests have been to swap a certain model of equipment out for a newer model or swap a certain model of equipment out for a different but equivalent model to either ensure that the equipment would have an average useful life expectancy of at least ten years or for cost-saving purposes. These requests were previously considered changes of scope to an approved application and required a School District Appeal Request (Form SAB 189) to be submitted and presented to the Board for approval of the requested change in equipment models.

As a year or more may pass between the initial determination and submittal of the equipment list and the approval of the application, including the equipment list, by the Board, it is common for previously approved equipment models to be replaced by newer models, no longer available, or no longer cost-effective.

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed amendment allows for applicants to be able to purchase up-to-date equipment that will have an average useful life expectancy of at least ten years at the time of purchase and allows for applicants to have greater flexibility in delivering cost-effective projects, without requiring an appeal to be submitted for Board approval and while still meeting the original intent of the project.

Summary of Changes to the FDK Program Regulations

1860.20. Program Accountability Expenditure Audit

The proposed amendment changes the reference in this section from CDE to OPSC to align with statute. EC Section 41024(c)(5) requires that in the event of an audit finding, OPSC shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty repayment of funds equal to the amount of funds disallowed in an audit finding. Therefore, an amendment is proposed to specify that in the cases of audit findings that determine funds were spent on ineligible expenditures, OPSC, instead of CDE, will implement the required penalty payment of funds equal to the amount of funds disallowed in the audit exception. Currently, SFP Regulation Section 1859.20(c) specifies that CDE will implement the payment penalty.

AUTHORITY

Education Code (EC) Section 17070.35 – General Provisions

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

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

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

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

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

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

EC Section 17070.50 – General Provisions

The board shall not apportion funds to any school district, unless the applicant school district has certified to the board that the services 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 has obtained the written approval of the State Department of Education that the site selection, and the building plans and

AUTHORITY (cont.)

specifications, comply with the standards adopted by the department pursuant to subdivisions (b) and (c), respectively, of Section 17251.

EC Section 17070.51 – General Provisions

(a) If any certified eligibility or funding application related information is found to have been falsely certified by school districts, architects, or design professionals, hereinafter referred to as a material inaccuracy, the Office of Public School Construction shall notify the board.

(b) The board shall impose the following penalties if an apportionment and fund release has been made based upon information in the project application or related materials that constitutes a material inaccuracy.

(1) Pursuant to a repayment schedule that is approved by the board of no more than five years, the school district shall repay to the board, for deposit into the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, or the 2024 State School Facilities Fund, as the case may be, an amount proportionate to the additional funding received as a result of the material inaccuracy including interest at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of state general obligation bonds as established pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater.

(2) The board shall prohibit the school district from self-certifying certain project information for any subsequent applications for project funding for a period of up to five years following the date of the finding of a material inaccuracy or until the district's repayment of the entire amount owed under paragraph (1). Although a school district that is subject to this paragraph may not self-certify, the school district shall not be prohibited from applying for state funding under this chapter. The board shall establish an alternative method for state or independent certification of compliance that shall be applicable in these cases. The process shall include, but shall not be limited to, procedures for payment by the school district of any increased costs associated with the alternative certification process.

(c) For school districts found to have provided material inaccuracies when a funding apportionment has occurred, but no fund release has been made, the board shall direct its staff to reduce the apportionment as necessary to reflect the actual nature of the project and to disregard the inaccurate information or material, and paragraph (2) of subdivision (b) shall apply.

(d) For those school districts found to have provided material inaccuracies when no funding apportionment or fund release has been made, the inaccurate information or materials shall not be considered, and paragraph (2) of subdivision (b) applies. The project may continue if the application, minus the inaccurate materials, is still complete.

AUTHORITY (cont.)

EC Section 17071.10 – Existing School Building Capacity

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

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

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

(c) Notwithstanding subdivisions (a) and (b), a school district newly formed, reorganized, or affected by reorganization, pursuant to an election that occurred on or after November 4, 1998, shall calculate or recalculate its existing school building capacity pursuant to regulations adopted by the board.

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

EC Section 17071.25 – Existing School Building Capacity

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

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

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

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

(C) On or after January 1, 2001, the board may adopt regulations establishing assumed capacity standards after consideration of the recommendations developed by the Director of General Services for continuation high school,

AUTHORITY (cont.)

community day school, county community school, and county community day school, teaching stations pursuant to Section 17072.17. Teaching station assumed capacity adjustments pursuant to these regulations and any other adjustments of existing school capacity related to changes in the assumed capacity of continuation high school, community day school, county community school, and county community day school, teaching stations shall be approved by the Director of Finance prior to implementation.
(3) Multiply the assumed capacity of each teaching station as specified in paragraph (2) by the number of teaching stations calculated under paragraph (1).
(4) The result of this computation shall be the number of pupils housed by grade level in the existing school building capacity of the applicant school district.
(b) The existing school building capacity of the applicant school district calculated under this section shall not include, in any school operated on a year-round schedule, any teaching station that has been in continuous use during the preceding five-year period primarily for the operation of a preschool program or programs.

EC Section 17071.33 – Existing School Building Capacity

(a) For the purposes of determining existing school building capacity, the calculation shall be adjusted as required for first priority status pursuant to Section 17017.7 as that calculation would have been made under the policies of the board in effect immediately preceding September 1, 1998.
(b) Notwithstanding subdivision (a), with respect to a high school district, the existing school building capacity shall be calculated without regard to multitrack year-round school considerations.

EC Section 17072.12 – New Construction Grant Eligibility Determination

(a) In addition to the amount provided in Section 17072.10, the board may provide funding for assistance in site development and acquisition if all of the following are met:
(1) The amount of the site acquisition and development assistance does not exceed 50 percent of the cost of site development to the school district, plus the lesser of the following:
(A) 50 percent of the site cost to the school district.
(B) 50 percent of the appraised value of the site within six months of the time the complete application is submitted.
(2) The school district certifies that there is no alternative available site, or that the district plans to sell an available site in order to use the proceeds of the sale for the purchase of the new site.
(b) Notwithstanding subdivision (a), the board may provide funding for assistance in site development and acquisition to a school district that uses land previously acquired by the school district in an amount equal to 50 percent of the cost of site development to the school district, plus 50 percent of the site's

appraised value at the time the application for site acquisition and development is submitted, provided all of the following are met:
(1) The site was acquired no less than five years prior to the date the application is submitted.
(2) The site had been productively used by the school district as other than a schoolsite for the five years immediately preceding the date the application is submitted.
(3) The board determines that the nonschool function currently taking place on the site must be discontinued or relocated in order to utilize the site as a schoolsite.
(c) A school district that receives assistance pursuant to subdivision (b) shall, within one year after the completion of the project, certify in writing to the board that the nonschool function was in fact relocated as set forth in paragraph (4) of subdivision (b).
(d) Pursuant to subdivision (b), an applicant school district shall include in its application to the board a cost-benefit analysis performed by the school district demonstrating how utilizing existing nonschoolsite district property pursuant to this section would be a more effective method of solving the school district's pupil housing problems than any other method of funding under this chapter. The board shall review and approve the analysis if the board agrees with the findings and shall consider the analysis and findings in approving the project pursuant to this section.

EC Section 17072.20 – New Construction Funding Process

(a) An applicant school district that has been determined by the board to meet the eligibility requirements for new construction funding set forth in Article 2 (commencing with Section 17071.10) or Article 3 (commencing with Section 17071.75) may submit at any time a request to the board for a project apportionment for all or a portion of the funding for which the school district is eligible.
(b) The application shall include, but shall not be limited to, the school district's determination of the amount of state funding that the district is otherwise eligible for relating to site acquisition, site development, new construction, and hardship funding provided pursuant to Article 8 (commencing with Section 17075.10), if any. The amount shall be reduced by the amount of the alternative fee collected pursuant to subdivision (a) of Section 65995.7 of the Government Code if a reimbursement election or agreement pursuant to Section 65995.7 of the Government Code is not in effect.
(c) The board shall verify and adjust, as necessary, and approve the district's application.

AUTHORITY (cont.)

EC Section 17075.10 – Hardship Application

(a) (1) For health and safety projects for school facilities that are determined by the department to pose an unacceptable risk of injury to occupants in the event of a seismic event, a school district shall demonstrate both of the following to the satisfaction of the board:
(A) That due to unusual circumstances that are beyond the control of the school district, excessive costs need to be incurred in the construction of school facilities.
(B) That the facilities are needed to ensure the health and safety of pupils if the health and safety of pupils is at risk.
(2) For purposes of paragraph (1), health and safety projects include projects to replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317.
(b) (1) A school district is eligible for health and safety funding to replace, reconstruct, or construct new classrooms and related facilities if the school district demonstrates there is a threat to the health and safety of pupils. To determine the applicable grant amounts, the district shall prepare and submit to the department a cost-benefit analysis that compares the minimum cost to remain in the classroom or related facility and mitigate the health and safety problem with the current replacement cost.
(2) The project qualifies for modernization funding if the minimum cost is less than 50 percent of the current replacement cost of the classroom or related facility.
(3) The project qualifies for replacement facilities if the cost-benefit analysis prepared pursuant to paragraph (1) demonstrates that the cost to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the replacement value.
(c) The department shall develop regulations to define eligible health and safety projects that meet the requirements of subdivisions (a) and (b) for purposes of project approval by the board.

EC Section 17075.15 – Hardship Application

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

AUTHORITY (cont.)

(c) The regulations shall define the amount, and sources, of financing that the school district could reasonably provide for school facilities as follows:
(1) Unencumbered funds available in all facility accounts in the school district, including, but not limited to, fees on development, redevelopment funds, sale proceeds from surplus property, funds generated by certificates of participation for facility purposes, bond funds, federal grants, and other funds available for school facilities, as the board may determine.
(2) The board may exclude from consideration all funds encumbered for a specific capital outlay purpose, a reasonable amount for interim housing, and other funds that the board may find are not reasonably available for the project.
(d) The regulations shall also specify a method for determining required levels of local effort to obtain matching funds. The regulations shall include consideration of at least all of the following factors:
(1) Whether the school district has passed a bond measure within the two-year period immediately preceding the application for funding under this article, the proceeds of which are substantially available for use in the project to be funded under this chapter, but remains unable to provide the necessary matching share requirement.
(2) Whether the principal amount of the current outstanding bonded indebtedness issued for the purpose of constructing school facilities for the school district and secured by property within the school district or by revenues of, or available to, the school district, which shall include general obligation bonds, Mello-Roos bonds, school facility improvement district bonds, certificates of participation, and other debt instruments issued for the purpose of constructing school facilities for the school district and for which owners of property within the school district or the school district are paying debt service is at least 60 percent of the school district's total bonding capacity, as determined by the board.
(3) (A) Whether the total bonding capacity, as defined in Section 15102 or 15106, as applicable, is fifteen million dollars ($15,000,000) or less, in which case, the school district shall be deemed eligible for financial hardship.
(B) Commencing with the 2026–27 fiscal year, the amount described in subparagraph (A) shall be adjusted each fiscal year by the inflation adjustment computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.
(4) Whether the application for funding under this article is from a county superintendent of schools.
(5) Whether the school district submits other evidence of substantial local effort acceptable to the board.
(6) The value of any unused local general obligation debt capacity, and developer fees added to the needs analysis to reflect the district's financial hardship, available for the purposes of school facilities financing.

AUTHORITY (cont.)

EC Section 17076.10 - Program Accountability

(a) A school district that receives any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other school district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.

(b) If the board finds that a participating school district has not made substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of receiving any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.

(c) (1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount to be repaid by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as appropriate.

(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.

(d) If a school district receives an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

AUTHORITY (cont.)

EC Section 17078.62 - Charter Schools

(a) As a first priority, the existing charter school shall be permitted to continue to use the facility until it is no longer needed by the charter school for charter school purposes.

(b) If the charter school occupying a facility funded pursuant to this article ceases to utilize the facility for a charter school purpose, all of the following apply:

(1) If the charter school is no longer using the facility because the school district in which the charter school is located has revoked or declined to renew the charter, the school district, as a necessary component of the first priority established in subdivision (a), may not immediately occupy the facility, but shall allow a reasonable time, not to exceed six months, for completion of the review process contemplated in Section 47607 or 47607.5.

(2) As a second priority, any qualifying successor charter school shall be permitted to meet its facility needs by occupying the facility on equal terms as the prior charter school occupant, including, but not limited to, assumption of fee simple title to the facility, as described in paragraph (3) of subdivision (a) of Section 17078.63.

(3) As a third priority, the school district in which the charter school is physically located may notify the authority and take possession and take title to the facility, if the title is not already held by the district, and make the facility available for continued use as a public school facility.

(4) If the school district in which the charter school is physically located elects to take possession of a facility pursuant to paragraph (3), it shall pay the balance of the unpaid local matching share or demonstrate that it is willing and able to continue to make the lease payments in lieu of the local matching share on the same terms. However, the payments shall be reduced or eliminated, as appropriate, if the school district complies with all of the following:

(A) It demonstrates that it would have been eligible for hardship funding under Article 8 (commencing with Section 17075.10) at the time that the application for funding the facility under this article was originally submitted.

(B) It certifies to the board that it will utilize the facilities for public school purposes for a period of at least five years from the date that it occupies the facility.

(5) (A) If the school district declines to take possession pursuant to paragraph (3), or if the facility is subsequently no longer needed for public school purposes, the school district shall dispose of the facilities in a manner otherwise applicable to the disposal of surplus public schoolsites. Any unpaid local matching share shall be paid from the net proceeds, if any, of the disposition and shall be deposited into the respective 2002, 2004, or 2006 Charter School Facilities Account. To the extent that funds remain from the proceeds of the disposition after repayment of the local matching share, any security interest granted to a person or entity pursuant to subparagraph (B) of paragraph (3) of

subdivision (a) of Section 17078.57 shall be satisfied. Funds remaining from the proceeds after any security interest has been satisfied shall be paid to the school district in which the facility is located to be used for capital improvements in the school district.
(B) If title to the facility is held by a charter school or a local governmental entity other than the school district, and the school district declines to dispose of the facility, the board shall dispose of the facility in accordance with the provisions that would otherwise apply to the disposal of surplus school property by the school district, including, but not limited to, Chapter 4 (commencing with Section 17385) of Part 10.5. The proceeds of the disposition shall be distributed in accordance with subparagraph (A).
(6) If the lease payments in lieu of the local matching share are fully paid, the school district shall continue to hold title to the facility, in trust, for the benefit of the state public school system. The school district shall permit continued use of the facility for charter school purposes as long as the facility is needed for those purposes.

EC Section 17078.72 - Career Technical Education Facilities Program

(a) The Career Technical Education Facilities Program is hereby established to provide funding to qualifying local educational agencies for the purpose of constructing new facilities or reconfiguring existing facilities, including, but not limited to, purchasing equipment with an average useful life expectancy of at least 10 years, to enhance educational opportunities for pupils in existing high schools in order to provide them with the skills and knowledge necessary for the high-demand technical careers of today and tomorrow.
(b) The State Department of Education, in cooperation with the Chancellor's Office of the California Community Colleges, the Labor and Workforce Development Agency, and industry groups, shall develop criteria and pupil outcome measures to evaluate the program. The criteria shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at the partnering community colleges or private institutions.
(c) The program shall be based on grant applications administered by the board.
(d) Grants shall be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the board consistent with the approved application for the project.
(e) New construction grants shall not exceed three million dollars ($3,000,000) per project per schoolsite, inclusive of equipment, and shall only be allocated to comprehensive high schools that have an active Career Technical Advisory Committee pursuant to Section 8070, in either of the following methods:
(1) For a stand-alone project on a per-square-foot basis for the applicable type of construction proposed, based on the criteria established pursuant to subdivision (b), consistent with the approved application for the project.

AUTHORITY (cont.)

(2) For new school projects, as a supplement to the per pupil allocation pursuant to Section 17072.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.
(f) Modernization grants shall not exceed one million five hundred thousand dollars ($1,500,000) per project per schoolsite, inclusive of equipment and may be awarded to comprehensive high schools or joint power authorities currently operating career technical education programs that have an active Career Technical Advisory Committee pursuant to Section 8070 for the purpose of reconfiguration. For comprehensive high schools, the grant shall be supplemental to the per pupil allocation pursuant to Section 17074.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.
(g) (1) A school district shall contribute from local resources a dollar amount that is equal to the amount of the grant of state funds awarded under subdivisions (d), (e), and (f). The required local contribution may be provided by private industry groups, the school district, or a joint powers authority.
(2) A school district shall not be required to demonstrate that it has unhoused pupils or that a permanent school building is more than 25 years old in order to receive a grant under the program.
(h) The program shall allow the required local contribution to be paid over time if sufficient local funds are not immediately available. The board may provide for a repayment schedule consistent with subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 17078.57. The board shall not waive the required local contribution on the basis of financial hardship or on any other basis.
(i) Applications shall meet the criteria developed under subdivision (b) and shall require all of the following:
(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.
(2) Projections of pupil enrollment.
(3) Identification of feeder schools, industry partners, and community colleges or other postsecondary schools participating in the development, articulation, and review of the educational program.
(4) Evidence of approval of the plan by the entities listed in paragraph (3).
(5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, the successful entry of pupil to employment in the applicable industry, and successful transition to post-secondary institutions for work in the applicable industry or other areas of study.
(6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.

AUTHORITY (cont.)

(7) Evidence that upon completion of the project the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.
(j) Applications shall give weight to the number of pupils expected to attend, the cost per pupil, financial participation by industry partners in the construction and equipping of the facility, commitment to accountability for outcomes and participation, the strength and relevance of the educational plans to the needs of industry for qualified technical employees applicable to the economic development needs of the region in which the project will be located, and coordination and articulation with feeder schools, other high schools, and community colleges.
(k) The Office of Public School Construction shall develop and the board shall approve regulations to implement this article on or before April 19, 2007, and the board may promulgate those regulations first on an emergency basis, which shall be effective for no more than 12 months, after which any permanent regulations shall be promulgated in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
(l) Notwithstanding paragraphs (e) and (f), a project approved pursuant to this section is also eligible for an incentive grant from the funds specified in paragraph (8) of subdivision (a) of Section 101012 if the project meets the criteria prescribed in that section.

EC Section 17078.74 Career Technical Education Facilities Program

(a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.
(b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.
(c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:
(1) Modernization of facilities to support career technical education programs.
(2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
(3) Purchasing equipment with an average useful life expectancy of at least 10 years.

AUTHORITY (cont.)

(d) (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.
(2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for approval, ensuring compliance with eligibility criteria as stipulated, for modernization projects only, in Section 1859.192 of Title 2 of the California Code of Regulations, with the exception of paragraph (2) of subdivision (b) of Section 1859.192 of Title 2 of the California Code of Regulations.
(e) The board shall provide an applicant for a modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Section 17074.10 for the state's share of costs associated with the design, purchase, and installation related to career technical education components as set forth in this section.
(f) An applicant career technical education program shall meet the criteria developed under subdivision (b) of Section 17078.72 and shall demonstrate all of the following:
(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.
(2) Projections of pupil enrollment.
(3) Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
(4) Evidence of approval of the plan described in paragraph (1) by the entities listed in paragraph (3) and the State Department of Education, including a determination by the State Department of Education that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
(5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
(6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.
(7) Evidence that upon completion of the project, the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.
(g) The Office of Public School Construction shall develop regulations, subject to board approval, to implement this section. The regulations shall include

AUTHORITY (cont.)

procedures for the submission of State Department of Education-approved plans and specifications as a condition for the modernization grant adjustment, in alignment with subdivision (b) of Section 1859.197 of Title 2 of the California Code of Regulations.
(h) Projects shall be subject to a program accountability expenditure audit, consistent with State Department of Education guidelines, to ensure compliance with the funding regulations. Any repayments due back to the state as a result of these audits shall be subject to the repayment provisions in Section 1859.106.1 of Title 2 of the California Code of Regulations.

EC Section 17251 - State Department of Education: Powers and Duties

The department shall:
(a) Upon the request of the governing board of a school district, advise the governing board of the school district on the acquisition of new schoolsites and, after a review of available plots, give the governing board of the school district in writing a list of the recommended locations in the order of their merit, considering especially the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of the city, county, or city and county having jurisdiction. The governing board of the school district may purchase a site deemed unsuitable for school purposes by the department only after reviewing the report of the department on proposed sites at a public hearing. The department shall charge the school district a reasonable fee for each schoolsite reviewed not to exceed the actual administrative costs incurred for that purpose.
(b) Develop standards for use by a school district in the selection of schoolsites, in accordance with the objectives set forth in subdivision (a). The department shall investigate complaints of noncompliance with site selection standards, and shall notify the governing board of the school district of the results of the investigation. If that notification is received before the acquisition of the site, the governing board of the school district shall discuss the findings of the investigation in a public hearing.
(c) Establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate, promote school safety, and provide school districts with flexibility in designing instructional facilities.
(d) Upon the request of the governing board of a school district, review plans and specifications for school buildings in the school district. The department shall charge the governing board of a school district, for the review of plans and specifications, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.
(e) Upon the request of the governing board of a school district, make a survey of the building needs of the school district, advise the governing board of the school district concerning the building needs, and suggest plans for financing a building

AUTHORITY (cont.)

program to meet the needs. The department shall charge the school district, for the cost of the survey, a reasonable fee not to exceed the actual administrative costs incurred for that purpose.
(f) Provide information relating to the impact or potential impact upon a schoolsite of hazardous substances, solid waste, safety, hazardous air emissions, and other information as the department may deem appropriate.
(g) (1) Develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. The strategies may include informing the districts of how to receive the approval required for school construction, including the requirements of the Division of the State Architect, and how to secure state funding, including from the state bond funds made available pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).
(2) For purposes of this subdivision, “small school district” means a school district with fewer than 2,501 units of average daily attendance.

EC Section 17592.73 - School Assessments of Buildings and Emergency Repairs Grant Program

The State Allocation Board shall do all of the following:
(a) Adopt regulations and review and amend its regulations, as necessary, pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), for the administration of this article, including those regulations necessary to specify the qualifications of the personnel performing the needs assessment and a method to ensure their independence. The initial regulations adopted pursuant to this article shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this article shall be adopted by January 31, 2005.
(b) Establish and publish any procedures and policies in connection with the administration of this article as it deems necessary.
(c) Apportion funds to eligible school districts under this article.
(d) Provide technical assistance to school districts to implement this article.
(e) Submit an interim status report to the Legislature and the Governor by June 30, 2005, by compiling the reports submitted pursuant to paragraph (6) of subdivision (d) of Section 17592.70.
(f) By June 30, 2008, report to the Legislature and the Governor on expenditures pursuant to Section 17592.72 and projections of future expenditures pursuant to Section 17592.72.

EC Section 41024 - Accounting Regulations, Budget Controls and Audits

(a) (1) Commencing April 1, 2017, a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter

AUTHORITY (cont.)

12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) shall annually report a detailed list of all expenditures of state funds, including interest, and of the local educational agency's matching funds for completed projects until all state funds, including interest, all of the local educational agency's matching funds, and savings achieved, including interest, pursuant to Section 17070.63, are expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by a local educational agency. A local educational agency's detailed list of expenditures shall identify expenditures on a project-by-project basis, reflect completed projects that were reimbursed within that fiscal year, and shall clearly indicate the list of projects that have been completed.
(2) For purposes of this section, the determination that a project is complete shall be in accordance with the regulations adopted pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1).
(3) The total amount of interest earned on the state funds shall be reported on the final expenditure report upon completion of a project. For the purposes of determining the total amount of interest earned on the state funds, interest shall be considered to accrue from the time state funds are deposited in the local educational agency's account until the time the local educational agency submits the final expenditure report to the Office of Public School Construction.
(4) Commencing April 1, 2017, a local educational agency participating in the school facilities program shall ensure that it retains all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Section 16026 of Title 5 of the California Code of Regulations. For purposes of this paragraph and in compliance with any applicable state and federal standards, a local educational agency may maintain records electronically.
(5) Any project identified on a local educational agency's detailed list of expenditures pursuant to paragraph (1) that is reported complete during the 2017–18 fiscal year shall be audited in accordance with the audit guide required by Section 14502.1 for the 2018–19 fiscal year. All other completed projects shall be audited in accordance with the audit guide required by Section 14502.1 for the fiscal year in which the project is reported complete.
(6) The audit described in this section shall be completed within one year of project completion as determined by Section 1859.104 of Title 2 of the California Code of Regulations.
(b) (1) Commencing with audits of the 2018–19 fiscal year, the Controller shall include instructions in the audit guide required by Section 14502.1 that include, but are not necessarily limited to, procedures for determining all of the following:
(A) Whether funds identified by a local educational agency on its detailed list of expenditures pursuant to paragraph (1) of subdivision (a) have been expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1

AUTHORITY (cont.)

of Title 1), associated regulations, and any accompanying grant agreement signed by a local educational agency. Any funds not expended in accordance with these requirements shall be disallowed and considered an audit finding.
(B) That savings achieved, including interest, pursuant to Section 17070.63, are used for other high priority capital outlay purposes identified by the local educational agency or returned to the Office of Public School Construction, and are used in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and as specified in any accompanying grant agreement.
(C) Adjustments to the grant amounts received by a local educational agency for site acquisition costs based upon the local educational agency's final approved expenditures as required pursuant to Sections 1859.105 and 1859.106 of Title 2 of the California Code of Regulations.
(D) Adjustments to the grant amounts received by a local educational agency associated with the substantial progress requirements reflected in the program reporting requirements pursuant to Section 1859.104 of Title 2 of the California Code of Regulations.
(2) Any amounts or adjustments identified pursuant to subparagraphs (C) and (D) of paragraph (1) shall be identified within a local educational agency's audit, but shall not be considered an audit finding for purposes of this section.
(c) (1) The auditor conducting the audit pursuant to this section shall file the audit with the Controller within 60 days of the completion of the audit. The Controller shall be allowed access to audit working papers. Adjustments pursuant to paragraph (2) of subdivision (b) shall not be appealable to the Education Audit Appeals Panel pursuant to this section.
(2) Within 60 days of the receipt of the certified audit, and after determining that the audit conforms with the reporting standards contained in the audit guide, the Controller shall do both of the following:
(A) Provide the department a copy of the certified audit.
(B) Notify the Office of Public School Construction of any audit findings pursuant to this section and any amounts or adjustments identified pursuant to clause (iii) and provide the Office of Public School Construction with a copy of the certified audit identifying the amounts to be adjusted if, as a result of the audit conducted in accordance with the requirements of subdivisions (a) and (b), the auditor determines any of the following:
(i) A local educational agency has unspent funds for the project not identified as savings pursuant to Section 17070.63 that shall be returned pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.
(ii) A local educational agency is subject to an increase or decrease in funds provided pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision

AUTHORITY (cont.)

(b), and any accompanying grant agreement signed by a local educational agency.
(iii) A local educational agency did not expend funds in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) and any accompanying grant agreement signed by a local educational agency.
(3) Upon receipt of the certified audit, the Office of Public School Construction shall present any grant adjustments required pursuant to clauses (i) and (ii) of subparagraph (B) of paragraph (2) for a specified project to the State Allocation Board for an adjustment to the project apportionment. Funds identified for purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (2) shall be apportioned from, or returned to, the appropriate funds, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable. If a school district is required to return unspent funds, the fund source for returned funds shall be the county school facilities fund established pursuant to subdivision (a) of Section 17070.43.
(4) A local educational agency may appeal the audit finding pursuant to the timelines and process established in subdivision (d) of Section 41344. The procedures set out in subdivision (d) of Section 41344.1 do not apply to the audit required by this section.
(5) The Office of Public School Construction shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding pursuant to the process specified in subdivision (d).
(d) (1) If, as the result of the audit, a local educational agency is required to pay funds pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c), the Office of Public School Construction shall recover the funds from the local educational agency.
(2) If the local educational agency has submitted an appeal to the Education Audit Appeals Panel pursuant to subdivision (d) of Section 41344, the Office of Public School Construction shall not recover funds until following the determination of the appeal.
(3) A local educational agency may use any local fund source to pay the disallowed amount pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) so long as there is no legal prohibition regarding the use of those funds for this purpose.
(4) A local educational agency may request from the Office of Public School Construction a repayment plan within 90 days of receiving the final audit report, or within 30 days of withdrawing or receiving a final determination regarding an appeal pursuant to subdivision (d) of Section 41344 and subdivision (b) of Section 41344.1, as applicable. The Office of Public School Construction and the Director of Finance, or their designees, jointly shall establish a plan for payment. The payment plan shall be established in accordance with the following:

AUTHORITY (cont.)

(A) If the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount in the current fiscal year would constitute a severe financial hardship for the local educational agency, they may jointly approve a plan of equal annual payments over a period of up to eight years. The plan may include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The executive officer of the Office of Public School Construction and the Director of Finance jointly shall establish this plan. At the time the local educational agency is notified, the Controller also shall be notified of the plan by the executive officer of the Office of Public School Construction. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.
(B) Notwithstanding subparagraph (A), if the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount over an eight-year period would require the local educational agency to request an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of, and Article 2.5 (commencing with Section 41325) of, Chapter 3, they may approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.
(C) If a payment plan submitted pursuant to this section is not approved by the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, or is not requested by the local educational agency, the executive officer of the Office of Public School Construction shall invoice the local educational agency for the entire disallowed amount. If the local educational agency does not remit payment for the invoice within 120 days of issuance, the executive officer of the Office of Public School Construction shall request that the Controller withhold the entire disallowed amount from the local educational agency's principal apportionment or Education Protection Account payments.
(D) (i) Funds recovered by the executive officer of the Office of Public School Construction or withheld by the Controller pursuant to this section shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.
(ii) Funds remitted to the Office of Public School Construction by a local educational agency from local fund sources, as authorized by paragraph (3), shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.

AUTHORITY (cont.)

(e) As used in this section, “audit or review” and “local educational agency” shall have the same meaning as the terms are defined in paragraphs (1) and (2) of subdivision (e) of Section 41344.
(f) The State Allocation Board shall not waive all or any part of this section, any grant agreement or provisions of a grant agreement signed by a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), or any regulation adopted that implements a provision of this section.
(g) In any appeal filed pursuant to Section 41344 and this section, the Office of Public School Construction, the Department of Finance, and the department may timely move to intervene as a party.
(h) If the Office of Public School Construction chooses not to intervene in an appeal, the administrative law judge conducting the hearing, or the Education Audit Appeals Panel, may request that the Office of Public School Construction issue and file in the appeal an objective interpretation of any applicable law, regulation, or term of the grant agreement within 30 days of the request or such longer period as the administrative law judge or the Education Audit Appeals Panel deems reasonable. The Office of Public School Construction’s filing shall not argue or seek to resolve issues of fact, but may state how a particular law, regulation, or grant agreement term applies to competing factual contentions. The agent of the Office of Public School Construction shall be precluded from acting as a party once a request pursuant to this subdivision is made.
(i) Notwithstanding subdivision (a), this section shall not apply to any school facilities project that was apportioned before July 1, 2017.

PROPOSED REGULATIONS

SFP Regulation Section 1859.32. Adjustments to Gross Classroom Inventory.

After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by the following. Any classroom~~s~~:
(a) abandoned and approved for replacement as a hardship under the provisions of the LPP;
(b) at a school operated on a year-round schedule that has been used continuously for at least 50 percent of the time for preschool programs in the five years preceding the receipt of the application for determination of eligibility;
(c) included in any new construction LPP project that has not received a Phase C apportionment;
(d) that is portable and owned or leased by the district for 20 years or more that was approved for abandonment in a LPP project and the plans for the project had DSA approval prior to November 4, 1998;
(e) that is a trailer and is transported/towed on its own wheels and axles;
(f) used exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and was built or acquired with funds specifically available for those purposes;
(g) of less than 700 interior square feet;
(h) originally built for instructional use, but converted to one of the following:
(1) used continuously for school administration for at least five years prior to the submittal of the application to the OPSC for determination of eligibility.
(2) used continuously for central or main district administration for at least five years prior to the submittal of the application to the OPSC for determination of eligibility.
(3) used for school library purposes during the previous school year.
(i) owned but leased to another district.
(j) any portable classroom excluded by Education Code Section 17071.30.
(k) that is permanent space and leased for less than five years.
(l) any permanent classroom contained in a project for which the construction contract was signed between August 27, 1998 and November 18, 1998 and for which the district did not have full project eligibility under the LPP.
(m) that was acquired with joint-use funds specifically available for that purpose.
(n) that was acquired with California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program funds, pursuant to Education Code Section 17375.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17071.25, 17071.30, ~~and~~ 17077.40, and 17375 Education Code.

SFP Regulation 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:
….

(i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
(1) That is a trailer and transportable/towed on its own wheels and axles.
(2) Of less than 700 interior square feet.
(3) That is a portable classroom, leased pursuant to Chapter 14 (commencing with Section 17085) of the Education Code.
(4) That is a portable classroom leased for a period of less than five years, whether in a single lease or cumulative total of several leases.
(5) That is a portable classroom that needs to be leased beyond five years to provide interim housing in a modernization or new construction project provided the cumulative lease term does not exceed a specified time period as determined by the SAB not to exceed three years on each qualifying project. For this purpose, a project means all work contained in a single set of construction plans.
(6) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
(7) That is included in a SFP project where the School dDistrict has funded a portion of the project beyond its required School dDistrict contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
(8) That was acquired with joint-use funds specifically available for that purpose.
(9) That was acquired with career technical education funds specifically available pursuant to Education Code Section 17078.72.
(10) That was built or acquired exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and with funds specifically available for those purposes.
(11) That replaces a classroom, previously included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75, in a project funded by the district without participation from the State and the district permanently removes the replaced facility from classroom use immediately after the replacement classroom is occupied.
(12) That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.
(13) That was acquired with California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program funds pursuant to Education Code Section 17375.

….

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17077.40, 17078.72, 17079.20, 17375, 42268, and 42270, Education Code.

SFP Regulation Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

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

(a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31, with the exception of classrooms acquired with funds pursuant to Education Code Section 17375, that are:
(1) Permanent and at least 25 years old.
(2) Portable and at least 20 years old.
(3) The remaining classrooms not reported in (1) or (2) above.
(b) Identify all square footage at the school site, with the exception of classrooms acquired with funds pursuant to Education Code Section 17375, that is:
(1) Permanent area and at least 25 years old.
(2) Portable classroom area and at least 20 years old.
(3) The remaining square footage on the site not reported in (1) or (2) above.

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15, 17073.20, ~~and~~ 17074.10, and 17375 Education Code.

SFP Regulation Section 1859.70. General.

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

(b) A School D~~d~~istrict affected by a reorganization election on or after November 4, 1998 may file an application for New Construction funding after the notification of the reorganization election. The School District must submit a new calculation of the district's baseline eligibility as determined on the Form SAB 50-03 upon written notification, or certify that the reorganization election will not result in a loss of eligibility for the project for which the School District is requesting new construction grants. For all requests for funding received by the OPSC on or after June 6, 2017, the OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04. The School District must submit a completed Form SAB 50-03 within 90 calendar days of OPSC's notification. OPSC may return the Form SAB 50-04 to the School District for failure to submit the Form SAB 50-03 within 90 calendar days of OPSC's notification.

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

(c) With the exception of the circumstances in paragraphs (1) and (2), below, if a School District wishes to amend its Approved Application to increase the pupil grants requested in the application after the submittal to the OPSC, the School District must request in writing that the Approved Application be withdrawn and removed from the OPSC workload list and/or Applications Received Beyond Bond Authority List. The resubmitted Approved Application will receive a new processing date by the OPSC.
(1) The requirements in (c) do not apply to an increase in pupil grants requested that is required for a modernization application to comply with Section 1859.79.3.
(2) The requirements in (c) do not apply to an increase in pupil grants requested for a new construction application that results from a change in the classroom loading standards for the project due to the redesignation of classroom grade levels in the project.

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17071.10, 17071.75, 17072.10, ~~and~~ 17074.10, and 17070.63 Education Code.

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

(a) In lieu of the funding provided by Subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide the amounts shown below for each pupil housed in permanent school buildings that are 50 years or older as follows:
…
For purposes of determining the age of the building, the 20 year, 25 year, and the 50 year period shall begin 12 months after the ~~original~~ plans for the placement or construction of the building were approved by the DSA or in the case of permanent or portable classrooms previously modernized with State funds, the 50/25/20 year period shall begin on the date of ~~it's~~ the classrooms' previous modernization apportionment. If a portable building has been relocated from another school site, the age of the classroom or square footage shall begin 12 months after the plans for the placement at its original site were approved by the DSA.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

SFP Regulation Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the School D~~d~~istrict directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:
(a) New building area with the exception of the following:
(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.
(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) ~~handicapped~~ access compliance requirements.
(3) Classroom building area necessary to meet the higher of the recommended minimum size of the classroom type in the chart in Section 1859.82.1(b) or the minimum size needed to gain CDE approval.
(b) New site development items with the exception of:
(1) Replacement, repair or additions to existing site development.
(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.
(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.
(d) Leased facilities not owned by another School D~~d~~istrict or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

SFP Regulation Section 1859.81. Financial Hardship.

Except for Joint-Use Projects and Career Technical Education Facilities Projects, a School D~~d~~istrict is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating the requirements of (a), (c), and (d) below:

(a) The School D~~d~~istrict is financially unable to provide all necessary matching funds for an eligible project. To determine this, at the time OPSC processes the School District's request for Financial Hardship, an analysis shall be made of the School D~~d~~istrict's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the School D~~d~~istrict's ~~latest~~ annual Independent Audit required by Education Code Section 41020. The audit report must be for the fiscal year immediately preceding OPSC's processing of the request for Financial Hardship. The review of the audit report will be regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

…

SFP Regulation Section 1859.106. Program Accountability Expenditure Audit.

For any project that was apportioned on or after July 1, 2017, an audit shall be conducted pursuant to Education Code Section 41024, all other~~The~~ projects will be audited by OPSC. The audits will~~to~~ assure that the expenditures incurred by the local educational agency ~~district~~ were made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, and Education Code Section 17074.25 and Section 1859.79.2 for modernization projects. The audits will also assure that the local educational agency~~district~~ complied with all site acquisition guidelines as provided in Education Code Sections 17072.13 and 17072.14 and Sections 1859.74, 1859.74.1, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75 and 1859.75.1.

Per Education Code Section 41024, a separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report.

Pursuant to Education Code Section 41024(c)(5), should an audit of the local educational agency certifications or the expenditures for the project include a finding that some or all of the expenditures were not made in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by the School District, the Office of Public School Construction shall ensure that the School District has corrected the audit finding by

implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding.

….

Note: Authority cited: Sections 41024 and 17070.35, Education Code.

Reference: Sections 17070.35, 17070.50, 17071.75, 17072.13, 17072.14, 17072.18, 17072.35, 17074.25, 17076.10, 17077.40, 17078.52 and 17251, Education Code, and Section 1771.3, Labor Code.

SFP Regulation Section 1859.171. Use of Facility.

If an applicant that has received funding pursuant to Section 1859.164.2(b) and has not met the timelines established in Section 1859.166 on a Preliminary Charter School Apportionment, or is no longer occupying the Facility constructed with funds derived through a Final Charter School Apportionment, and the review process outlined in Education Code Section 17078.62(b)(1) has been completed (if applicable), then the following events shall occur:
(a) Any qualifying successor Charter School shall be permitted to occupy the Facility pursuant to Education Code Section 17078.62(b)(2). A qualifying successor Charter School will be selected in the following manner:
(1) The School District in which the project is physically located that serves the same grade level as the pupils housed in the project shall publicly notify all eligible Charter Schools authorized to operate in the School District's boundaries. An eligible Charter School is at minimum a Charter School with an approved petition that provides classroom-based instruction as defined by Education Code Section 47612.5(e)(1). A qualifying successor Charter School must be able to assume payment of any funds owed pursuant to Section 1859.168, enter into the Charter School Agreements, and be found Financially Sound by CSFA, in addition to any School District requirements approved by both OPSC and CSFA. Examples of possible School District requirements may include:
(A) Requirements to avoid a health and/or safety concern, such as grade levels of Charter Schools that are co-located on other school sites, and
(B) If local funds were provided to construct the Facility, requirements or restrictions related to local fund sources that do not conflict with CSFP requirements.
(2) If more than one eligible Charter School responds to the School District's notification, the School District must use a fair and competitive process, such as a request for proposal, to identify and rank eligible Charter Schools. When ranking eligible Charter Schools, preference shall be provided to Charter Schools that serve Low-Income students, as well as Charter Schools that meet the definition of a Non-Profit Entity. School Districts may add additional preference point categories approved by OPSC and CSFA. The combined total eligible points and/or weighing provided by the additional School District categories shall not exceed the combined total eligible points and/or weighing for Low-Income and Non-Profit Entity categories. Examples of possible School District preference points categories include:
(A) Charter Schools that will relocate from a School District property that is not a school,
(B) Charter Schools serving students in the same grade level as the constructed classrooms in the Facility,

(C) Charter Schools whose use of the Facility will resolve a current health and/or safety issue at its current location on School District property, and
(D) Charter Schools that serve a certain threshold of in-district students or will serve School District unhoused students.
(3) The School District, with approval from the OPSC and CSFA, must identify, in ranking order if applicable, a successor Charter School.
(4) If multiple Charter Schools apply jointly to be a successor Charter School, they will be treated as one applicant for purposes of assigning preference points and ranking. Preference points will be assigned based on the school with the enrollment majority as documented in the approved charter petition(s) for the grade levels that will use the Facility.
(b) If after the steps in subsection (a) are complete, no qualifying successor Charter School is identified or chooses to occupy the Facility, and the School District has demonstrated due diligence in soliciting alternative Charter Schools within the local area to identify a successor Charter School to take possession of the Facility, as required by California School Finance Authority Regulation Section 10157, the School District in which the project is physically located that serves that same grade level as the pupils housed in the project, may elect to take possession of the Facility and pay the balance of the local matching share. It is a priority that a qualifying successor Charter School be permitted to meet its facility needs by occupying the Facility before the eligible School District may take possession of the Facility. The School District may be required to make additional attempts to solicit alternative Charter Schools to ensure this priority is met and demonstrate due diligence. The School District may qualify for a waiver of repayment if it can meet all the following:
(1) Demonstrate that at the time the Form SAB 50-04 was submitted for Final Charter School Apportionment, the School District would have qualified for Financial Hardship, pursuant to Section 1859.81; and,
(2) Certify to the Board that it will comply with the requirements of Education Code Section 17078.62(b)(4)(B).
(c) If the School District chooses not to take possession of the Facility, it shall dispose of the Facilities in the manner applicable to the disposal of surplus school sites pursuant to Education Code Sections 17455 through 17484. The proceeds from the sale shall be used to pay off the remaining loan balance, if any.
(d) Pursuant to Education Code Section 17078.62(b)(5)(B), if the School District declines to dispose of the Facility, it shall provide written notice of its rejection to the Board in the form of written action taken by the governing board of the School District and the Board shall dispose of the property.

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

Reference: Section 17078.62, Education Code.

SFP Regulation Section 1859.193. Career Technical Education Facilities Grant Determination.

A Career Technical Education Facilities Project may construct a new facility or modernize or Reconfigure an existing school building. The Application for Career Technical Education Facility funding may

accompany an Application for new construction funding pursuant to Section 1859.70 or may be submitted independently.

The applicant must identify square footage of the Career Technical Education Facility being constructed, modernized, reconfigured or equipped, on the funding Application. Equipment purchased under the Career Technical Education Facilities Program must have an average useful life expectancy of at least ten years pursuant to Education Code 17078.72(a). An Application for a Career Technical Education Facilities Project may consist entirely of equipment.

All equipment must be purchased on or after May 20, 2006, unless the Career Technical Education Facilities Project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1.

An approved equipment item may be replaced with an equipment item of a newer or similar model as the originally approved item.

….

SFP Regulation Section 1860.20. Program Accountability Expenditure Audit.

(a) Projects will be subject to an audit conducted pursuant to Education Code Section 41024 to assure that the expenditures incurred by the School ~~d~~District were made in accordance with the provisions of Education Code Section 17375. The audit will also assure that the School ~~d~~District complied with all site acquisition guidelines as provided in Sections 1860.10, 1860.10.1, 1860.10.2, and 1860.10.3.
(b) School Districts shall retain all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Education Code Section 41024(a)(4) and shall provide project documentation, if requested by the local auditor. The School ~~d~~District shall also provide a copy of the California Department of Social Services approved Child Care License, or proof of license-exempt status, if requested by the local auditor.
(c) Pursuant to Education Code Section 41024(c)(5), should an audit of the School District certifications or the expenditures for the project make a finding that some or all of the expenditures were not made in accordance with the provisions of Education Code Section 17375 and Sections 1860.9 to 1860.13, ~~CDE~~ the Office of Public School Construction shall ensure that the School District has corrected the audit exception by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit exception. Subject to available funds, site acquisition grants shall be adjusted based on actual costs.

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

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

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
(Rev. ~~10/22~~ xx/xx)

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, 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 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.
“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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

[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.

Office of Public School Construction Application Number: _____

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, 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.

(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 project plans is the minimum work required to mitigate the _____
_____
(health and safety or seismic) threat, which includes any other work triggered by the

Office of Public School Construction Application Number: _____

(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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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,

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number: _____

(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).

Office of Public School Construction Application Number: _____

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)

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
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: • 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	

*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: _____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

*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: _____

4. Modernization - 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 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: • 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
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: _____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number: _____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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)

*****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.

Office of Public School Construction Application Number: _____

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: • 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	

Office of Public School Construction Application Number: _____

ENGINEERING COSTS		
	Type of Expenditure	Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • 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

Office of Public School Construction Application Number: _____

	To be eligible must be supported by time cards or time logs.	
s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number: _____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number: _____

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)	
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: • 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) &

Office of Public School Construction Application Number: _____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: _____

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: • 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 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Ed Code Section 17074.25
g.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student text books.	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number: _____

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: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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: • Computers • Printers	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
h.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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

STATE OF CALIFORNIA
GRANT AGREEMENT
[Proposition 2]
SCHOOL FACILITY PROGRAM
(~~New 3/25~~Rev. XX/25)

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, 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 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.
“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.

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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)

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.

Office of Public School Construction Application Number:_____

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.

Office of Public School Construction Application Number:_____

[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.

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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)

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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)

Office of Public School Construction Application Number:_____

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,

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number:_____

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.

Office of Public School Construction Application Number:_____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number:_____

(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).

Office of Public School Construction Application Number:_____

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)

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
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: • 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	
l.	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: • 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	Ed. Code Section 17077.35

Office of Public School Construction Application Number:_____

	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.	

*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:_____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number:_____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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:_____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

Office of Public School Construction Application Number:_____

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.	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: • 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

*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:_____

4. Modernization - 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 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: • 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
j.	Preliminary Site Tests	
k.	Engineering Fees	
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: • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating.	Ed Code Section 17077.35

Office of Public School Construction Application Number:_____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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.	

*****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:_____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number:_____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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*

Office of Public School Construction Application Number:_____

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.	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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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.	

*****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.

Office of Public School Construction Application Number:_____

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: • 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	

Office of Public School Construction Application Number:_____

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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114

Office of Public School Construction Application Number:_____

s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number:_____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number:_____

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)	
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: • 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) &

Office of Public School Construction Application Number:_____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number:_____

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: • 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.	

Office of Public School Construction Application Number:_____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number:_____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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:_____

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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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:_____

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: • 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 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:_____

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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

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: • 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.

Office of Public School Construction Application Number:_____

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: • 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.	

Office of Public School Construction Application Number:_____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number:

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number:_____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number:_____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number:_____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Ed Code Section 17074.25
g.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student text books.	

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number:_____

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: • 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

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number:_____

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: • 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

Office of Public School Construction Application Number:_____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number:_____

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	

Office of Public School Construction Application Number:_____

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.	

Office of Public School Construction Application Number:_____

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: • Computers • Printers	

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number:_____

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	

Office of Public School Construction Application Number:_____

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.	

Office of Public School Construction Application Number:_____

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	

Office of Public School Construction Application Number:_____

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.	

Office of Public School Construction Application Number:_____

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

Office of Public School Construction Application Number:_____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
h.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number:_____

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	

Office of Public School Construction Application Number:_____

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.	

Office of Public School Construction Application Number:_____

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.

Office of Public School Construction Application Number:_____

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.

Office of Public School Construction Application Number:_____

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

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
August 28, 2025

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

PURPOSE

To continue to discuss, receive and respond to stakeholder input regarding the proposed regulatory amendments presented at the March 13, 2025 and May 8, 2025, stakeholder meetings and to present additional proposed amendments to the School Facility Program (SFP) Regulations and SFP Forms that:

- Add clarity to regulations, and
- Remove outdated requirements

AUTHORITY

See Attachment B1a.

BACKGROUND

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

Additional proposed regulation amendments were presented at the March 13, 2025 and May 8, 2025 stakeholder meetings. As there are no additional changes proposed to those regulations, OPSC has not included them with this report. The full text of the March 13, 2025 item may be found here: March 13, 2025 Stakeholder Meeting. The full text of the May 8, 2025 item may be found here: May 8, 2025 Stakeholder Meeting.

Note on Proposed Regulation and Form Changes
This stakeholder item proposes changes to the regulations and forms in effect as of the publication date of this item. This item does not reflect separate, State Allocation Board (Board)-approved proposed regulation and form changes that are pending in the rulemaking process and have not gone into effect. Specifically, Attachment B1b does not reflect separate proposed changes to the Form SAB 50-04 that were approved by the Board on June 26, 2025 and August 19, 2025. Future Board

STAFF ANALYSIS/DISCUSSION

agenda items will reflect proposed regulation and form changes once they go into effect.

Summary of Stakeholder Feedback
OPSC would like to thank the stakeholders who participated in the prior meetings and those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on May 8, 2025:

Stakeholder Feedback	OPSC Response
1. Regulations, specifically the proposed amendment to 1859.70, should not require the withdrawal and resubmittal of a funding application due to a pupil grant increase. Under current SFP practice, schools are required to demonstrate eligibility at the time the application is processed, which can be two to three years after the application is received. If districts are required to re-justify eligibility and potentially adjust pupil grants downward due to changing conditions between application submittal and processing, then districts should be permitted to adjust pupil grants upwards when justified by the eligibility at the site.	**1.** Under the New Construction grant program, school districts that have a projected unmet need to house students can apply for funding opportunities, in accordance with Education Code (EC) Section 17071.75. Districts are required to justify eligibility when OPSC begins processing the application, using the enrollment reporting year based on the chart in SFP Regulation Section 1859.51(e). If the application is processed in the same year it was received, then the application can only be supported based on current unmet needs and the requested pupil grants cannot exceed that amount. If the application is processed in arrears, the pupil grant request cannot be adjusted upwards as the eligibility was not available at the time of application submittal for the intended project. Under the Modernization grant program, districts are not required to update the site's eligibility when applying for a funding opportunity. A school district can submit an application for funding requesting up to the maximum amount of pupil grants available at the time of submittal for an

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	1. (cont.) intended project. If OPSC processes the application in the same year it was received, then the application can only be supported by the pupil grants available at the time the application was received or the original pupil grant request. If OPSC processes the application in arrears, the application is still limited to the pupil grants available as of the received date of the application or the original pupil grant request. OPSC maintains that allowing applicants to increase the pupil grant request to request eligibility that was not available at the time the funding application was received without receiving a new date in line could constitute "line jumping," providing an unfair advantage over other school districts that submitted applications once they had the pupil grant eligibility to support their requests.
2. The District requests clarification regarding how buildings built before the Division of the State Architect (DSA) existed should be aged. Buildings built before 1933 did not receive a DSA approval stamp until after 1933, which means the building's age is being misrepresented and could affect the district's ability to apply for supplemental grants, such as the 75-year-old supplemental grant. The District suggests that for buildings constructed prior to the establishment of DSA, the date of the original construction plans should be used to determine age eligibility under the 75-year-old supplemental grant.	**2.** For any school building constructed prior to 1933, OPSC requests that the school district provides the date of the original construction plans and the later DSA approval date for further research and consideration on a case-by-case basis.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
3. Regarding proposed amendments to SFP Regulation Section 1859.193, Career Technical Education Facilities Grant Determination, the District requests clarification on whether reducing specific equipment to fewer items or removal of equipment altogether, due to descoping during design or lack of availability, is still considered a change in scope and therefore would continue to require an appeal be submitted to the Board.	**3.** OPSC acknowledges the request to provide additional clarification regarding reducing or removing equipment in a Career Technical Education Facilities Program (CTEFP) project due to descoping during design or lack of availability, as it is currently not allowed after the equipment list has been Board approved for an apportionment. Reduction or removal of equipment altogether could significantly impact the delivery of the educational program such that the application's score from the California Department of Education (CDE) may no longer be valid. Therefore, reduction and/or removal of equipment following Board approval of the application will continue to require submittal of an appeal to the Board.
4. The District disagrees with OPSC's interpretation that the penalty for a finding of ineligible expenditures must equal 100 percent of the funds in question. The District suggests any repayment obligation should be limited to the state's matching share of the ineligible expenditures, as determined by the local auditor, rather than the aggregate amount. The District states the intent of the penalty provision is to protect the state's financial interests – not to recover funds beyond its contribution. Requiring repayment of 100 percent of the funds in question effectively includes the state and local shares, thus exceeding the state's interest and imposing an undue financial burden on the Local Educational Agency (LEA).	**4.** OPSC's proposed amendments are based on EC Section 41024(c)(5), which requires a "penalty payment of funds equal to the amount of funds disallowed in the audit finding..." OPSC notes that EC Section 41024(c)(5) went into effect on June 27, 2017, and OPSC already collects 100 percent of the ineligible expenditure. The proposed amendment presented at the May 8, 2025, stakeholder meeting further clarifies SFP Regulations to align with statute in relation to penalty payments of disallowed funds.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
5. The current instructions for Part D of the *Enrollment Certification/Projection* (Form SAB 50-01) include an outdated reference for how special education enrollment information is reported to CDE. The form currently asks for the information "As shown and reported within the California Special Education Management Information System [CASEMIS] to the CDE in December prior to the latest CBEDS report". Data collection for special education pupils was transitioned from CASEMIS to the California Longitudinal Pupil Achievement Data System (CALPADS) during the 2019-2020 academic year. Under CALPADS, special education pupil data is collected at the same time as the rest of the K – 12 pupil data, in early October of each year. As special education enrollment is no longer reported to CASEMIS, and no longer reported in December, clarification on the appropriate reporting process and potential updates to the Form SAB 50-01 instructions are requested.	**5.** As indicated in the stakeholder comment, the current instructions for Part D of the *Enrollment Certification/Projection* (Form SAB 50-01) are outdated. Data collection for special education pupils has transitioned from CASEMIS to CALPADS. The special education pupil data is collected through the annual Fall 1 data submission in CALPADS, reviewed and certified by authorized LEA or charter school personnel, and approved by the authorizing Special Education Local Plan Area (SELPA). To align with Education Code Section 56049.1, DataQuest now has a Special Education Enrollment by Program Setting Report available beginning with the 2022-2023 enrollment year. OPSC proposes amendments to the instructions of the Form SAB 50-01 to reference CALPADS rather than CASEMIS and the updated data collection period.

In addition to the proposed amendments to the SFP Regulations that were presented at the March 13, 2025, and May 8, 2025 stakeholder meetings, OPSC is presenting additional proposed amendments as summarized below.

Summary of Changes to SFP Regulation Sections

Section 1859.2 Definitions, Application for Funding (Form SAB 50-04), and Application for Career Technical Education Facilities Funding (Form SAB 50-10)

At the time the Leroy F. Greene School Facilities Act of 1998 established the SFP, the program did not consider comprehensive construction projects that would utilize the same DSA plan set(s) to carry out projects that could have components eligible for funding opportunities under various grant programs under the SFP, such as New Construction, Modernization, Facility Hardship, and/or Seismic Mitigation.

STAFF ANALYSIS/DISCUSSION (cont.)

In recent years, OPSC has received and funded several forms of "hybrid" applications, which are multiple funding applications submitted on the same set of DSA approved plans and specifications. As part of processing these hybrid applications, OPSC requires various documents from the applicant to ensure that double funding does not occur and that there is accurate accounting of expenditures. These documents include a clear delineation of scope, a proration of project costs, an explanation of proration methodology, a certification that funds for one hybrid application will be used exclusively for that application, and an acknowledgement that expenditures should be tracked and reported separately according to the cost proration to facilitate the audit process. OPSC also requires that applicants provide the scope delineation and proration of project costs that defines the scope of work attributable to each hybrid application in the plan set. OPSC has identified the need to clarify that these requirements must be applied when the first hybrid application is received and processed.

A new certification was proposed to be added to the *Application for Funding* (Form SAB 50-04) and the *Application for Career Technical Education Facilities Funding* (Form SAB 50-10) and presented to stakeholders on March 13, 2025. The certification adds language directly from Education Code Section 17070.63, which states that the total funding provided for an SFP project constitutes the state's full and final contribution to the project.

OPSC sees need to add additional clarity regarding hybrid applications and therefore proposes an amendment to SFP Regulation Section 1859.2 to add the definition "Hybrid Application" and an amendment to the instructions of the Form SAB 50-04 and Form SAB 50-10 detailing what documents must be submitted with a Hybrid Application.

The proposed definition for a "Hybrid Application" is a funding Application that shares the same DSA-approved plans and specifications with at least one more funding Application. This amendment provides a shared technical term for these projects.

The instructions of the Form SAB 50-04 and Form SAB 50-10 are proposed to be amended to specify that if the request is for a Hybrid Application, the following must be submitted:

- A certification that identifies all related Hybrid Applications and the scope attributable to each;

STAFF ANALYSIS/DISCUSSION (cont.)

- A proration of project costs and an explanation of the proration methodology;
- A certification that the demolition of spaces used for like-kind replacement will be completed by the time of the Notice of Completion, if the demolition does not require DSA approval;
- A certification that funds for one Hybrid Application will be used exclusively for that Hybrid Application; and
- An acknowledgement that expenditures should be tracked and reported separately according to the cost proration.

OPSC also proposes an amendment to the Form SAB 50-04 and Form SAB 50-10 to include a new section for applicants to indicate if the application is a Hybrid Application.

Lastly, OPSC proposes an amendment to the Form SAB 50-04 and Form SAB 50-10 to include a certification that the district acknowledges that if the Application is a Hybrid Application, that any associated Hybrid Applications are subject to review by OPSC and approval by the Board and that future funding is not guaranteed.

These amendments will add clarity to the process by which OPSC reviews and funds Hybrid Applications, assist stakeholders to efficiently apply for SFP funding, reduce the amount of documentation requested during OPSC review, and assist in maintaining program integrity by requiring the submittal of documentation to guard against ineligible expenditures. The amendments also assist in aligning SFP Regulations with EC Section 17070.63, which states that the total funding provided for an SFP project constitutes the state's full and final contribution to the project.

Please note, an additional certification was proposed to the Form SAB 50-04, presented at the March 13, 2025 stakeholder meeting and is modified in today's amendments. It proposed an amendment to Section 24 of the Form, adding a certification pursuant to EC Section 17584 implemented as part of Assembly Bill (AB) 1867 (Chapter 434, Statutes of 2022) to align the Form with current statute. Education Code Section 17584 requires a school district, county office of education, or a charter school that intends to seek state funding pursuant to the Greene Act for modernization projects submitted to DSA, to use faucet aerators and water-conserving plumbing in all bathrooms. The proposed amendment to the Form SAB 50-04 would make the Form up to date with current practices and include requirements of this statutory change, which were implemented after the last amendment to the Form SAB 50-04 in May 2020. The proposed certification presented at the March 13, 2025 stakeholder meeting has been modified in this item to clarify that it applies to modernization projects submitted to DSA on or after February 5, 2025 because EC Section 17584 requirements became effective for

STAFF ANALYSIS/DISCUSSION (cont.)

projects submitted to DSA three months following voter approval of Proposition 2 on November 5, 2024.

Section 1859.2 Definitions and Section 1859.60 Calculation to Determine Modernization Baseline Eligibility

The current use of the phrase, "latest CBEDS report," requires amendments for clarity and to maintain consistency with regulation and program form instructions. Additionally, stakeholders have previously interpreted the phrase "latest CBEDS report" to mean the academic year in which the modernization *Eligibility Determination* (Form SAB 50-03) was submitted. For example, it was suggested that a Form SAB 50-03 received on October 22, 2024, could utilize the 2024/2025 enrollment, stating that the district had at that point collected the 2024/2025 CBEDS data. However, at that point in time, CDE has not yet verified that data. OPSC's longstanding interpretation of "latest CBEDS report" has been in relation to the enrollment reporting year of November 1 through October 31. For example, a Form SAB 50-03 received on October 22, 2024, would be in the enrollment reporting year of 2023/2024, which would end on October 31, 2024. The proposed amendment to SFP Regulation Section 1859.2 adds a definition for "Enrollment Reporting Year." The proposed amendment to SFP Regulation Section 1859.60 amends language to align with the Form SAB 50-03 instructions and clarifies the enrollment reported should utilize the Enrollment Reporting Year based on the received date of the Form SAB 50-03.

The California Basic Educational Data System (CBEDS) is an annual, verified report based on a data set of pupil enrollment collected on the first Wednesday of October, known as Census/Information Day. The enrollment report is submitted by LEAs to CDE as a part of the annual Fall 1 data submission in the California Longitudinal Pupil Achievement Data System (CALPADS). Additionally, as of the 2019/2020 academic year, Special Day Class (SDC) enrollment data is captured and reported to CDE in CALPADS on Census/Information Day.

To determine modernization eligibility, districts fill out and submit the Form SAB 50-03. To report the latest CBEDS enrollment on the Form SAB 50-03, Part Three, Option A, line six and Option B, line eight of the form instruct districts to enter the latest CBEDS enrollment as it would have been reported utilizing criteria for Parts A, C, and D of the Form SAB 50-01. The Form SAB 50-01 informs districts to utilize the latest CBEDS enrollment data and specifies that applications filed on or after November 1st must report the current school year enrollment. Therefore, OPSC has long interpreted the enrollment reporting year to mean November 1 through October 31. Additionally, throughout SFP Regulations, the phrase "enrollment reporting

STAFF ANALYSIS/DISCUSSION (cont.)

year" has been used to reference the time period of November 1 through October 31.

SFP Regulation 1859.51(e) clearly states what enrollment year should be utilized for New Construction eligibility determination. Therefore, OPSC proposes amendments to SFP Regulation Section 1859.2 defining "Enrollment Reporting Year" to mean the time period between November 1 and October 31. OPSC also proposes amendments to SFP Regulation Section 1859.60 to clarify the latest CBEDS enrollment reported should be based on the Enrollment Reporting Year during which OPSC receives the completed, valid Form SAB 50-03 for modernization eligibility determination to ensure that it is consistent with existing form instructions.

SFP Regulation Section 1859.105 Program Accountability Progress Audit

SFP Regulations currently allow applications that receive a design and/or separate site apportionment to demonstrate substantial progress in a method other than submitting a complete Approved Application for the New Construction or Modernization Adjusted Grant phase of the project funding. However, they do not include a requirement to submit a completed Approved Application for the New Construction or Modernization Adjusted Grant phase of the project funding. This creates a situation in which a district may receive a design and/or separate site apportionment, use the funds to design facilities and/or purchase the site, and never submit a funding application to construct facilities on the site. The only requirement is for the applicant to submit annual expenditure reports on the funds. The proposed addition of Section 1859.105(d) and Section 1859.105(e) requires that applications for separate design and/or site funding must submit an application for funding the full construction of the project within a specified time or have the design and/or site apportionment be reduced to costs incurred.

Currently, SFP Regulation Section 1859.105(b) requires a district that has received a separate site apportionment to demonstrate substantial progress in the completion of the project within 18 months of the receipt of the funds. Substantial progress can be demonstrated as either: (1) having obtained the final appraisal of the site, completed all California Environmental Quality Act requirements, obtained final CDE Site Approval, and provided final escrow instructions or evidence of final condemnation proceedings and intention to request an order of possession of the site; or, (2) other satisfactory evidence detailing why the district is precluded from making substantial progress for the Board's consideration. Should substantial progress be demonstrated via the latter method, the finding of substantial progress is contingent upon the district's commitment to complete and submit satisfactory

STAFF ANALYSIS/DISCUSSION (cont.)

evidence that the district meets the provisions in (1) above within 18 months of the determination of substantial progress.

Currently, SFP Regulation Section 1859.105(c) requires a district that has received a separate design apportionment to demonstrate substantial progress in the completion of the project within 18 months of the receipt of the funds. Substantial progress can be demonstrated by submitting an approved adjusted grant application, school district certification that the final building plans have been submitted and accepted by DSA for review, submittal of an approved separate site funding or environmental hardship funding application, or other satisfactory evidence to the Board. Should substantial progress be demonstrated using other satisfactory evidence to the Board, the finding of substantial progress is contingent upon the district submitting an Approved New Construction or Modernization Adjusted Grant Application within 18 months of the determination of substantial progress.

The proposed amendment adds Sections 1859.105(d) and 1859.105(e), requiring the Board's determination of substantial progress pursuant to Sections 1859.105(b)(1) through 1859.105(b)(5) and Sections 1859.105(c)(2) through 1859.105(c)(4) be conditional upon the district submitting an Approved New Construction Adjusted Grant Application or Modernization Adjusted Grant Application, as applicable, within a period not to exceed 18 months from the date of the Board's determination of substantial progress. If the district fails to do so, then it must report the final expenditures on the project on the Form SAB 50-06 to OPSC within 60 days and the project will be added to the SFP Reduction to Costs Incurred (RCI) Audit Workload, according to the process described in SFP Regulation 1859.105. Then, pursuant to Education Code Section 41024, the district has one year for their RCI audit to be completed by a local Certified Public Accountant and submitted to the State Controller's Office (SCO). Once OPSC receives the certified audit report from SCO, OPSC will recommend to the Board that a finding be made that no substantial progress on the project has been made and that the Apportionment be reduced to costs incurred. Further, if the district does not complete a Form SAB 50-06 within the specified timeframe, the proposed amendments state the Board will rescind the Apportionment and require the return of the Apportionment plus any interest earned on State funds.

SFP Regulation Section 1859.168 Preliminary Charter School Apportionment Matching Share Requirement

OPSC identified that the reference in Regulation Section 1859.168 to the matching share requirement in 1859.77.1 is outdated in light of the regulatory amendments approved by the Board on June 24, 2025, to implement the sliding scale matching

STAFF ANALYSIS/DISCUSSION (cont.)

share system, which would allow for the potential of a 45-percent local matching share. This proposed amendment to Section 1859.168 removes the reference to Section 1859.77.1 because it is not applicable to Charter School Apportionments as Education Code Section 17078.54(d) specifies that apportionments under the Charter School Facilities Program shall have a 50 percent local matching share.

SFP Regulation Section 1859.192(a)(3) and 1859.192(b)(4) Career Technical Education Facilities Program Eligibility

For standalone new construction or modernization Career Technical Education Facility Program (CTEFP) projects, SFP Regulation Section 1859.192 does not currently include the criteria for how a project may qualify for CTEFP funding, related to occupancy date for new construction and contract dates for modernization. However, these criteria are included in Section 1859.193.1 for CTEFP projects that are part of a qualifying SFP project. The proposed amendments align the criteria for standalone CTEFP projects with those that are part of a qualifying SFP project.

Chapter 52, Statutes of 2006 (Assembly Bill 127) created the CTEFP and was enacted on May 20, 2006. CTEFP provides funding to eligible CTEFP applications to enhance educational opportunities for pupils and provide skills and knowledge for high-demand technical career, pursuant to Article 13 of Chapter 12.5 of Part 10 of the Education Code.

For new construction CTEFP applications, the language adds a requirement that the facilities were not occupied prior to the implementation of the CTEFP. For modernization projects, the proposed amendment requires that the construction contract(s) was executed on or after the implementation of the CTEFP.

SFP Regulation 1859.193.1. already provides clear language for qualifying SFP projects with CTEFP components; however, OPSC identified a need to add this language for standalone CTEFP projects to ensure that the same rules apply to all CTEFP applications.

Grant Agreements

The Grant Agreement serves as a binding document that defines the responsibilities of funding applicants and the state from the determination of the amount of eligible state funding to the reporting of all project funds, including any savings achieved. It is also designed as a useful tool to ensure that the grantees

STAFF ANALYSIS/DISCUSSION (cont.)

receiving funds have a thorough understanding of the requirements in receiving the funds.

OPSC currently has two Grant Agreements in circulation due to the March 26, 2025 Board approval of a new Grant Agreement for applications received on or after October 31, 2024. The Rev. 03/25 Grant Agreement [Proposition 2] includes expanded eligible expenditures, as a result of the passage of Proposition 2. OPSC proposes minor edits to the Rev. 10/22 (Non-Proposition 2) and the Rev. 03/25 (Proposition 2) versions, as outlined below.

Rev. 10/22 Grant Agreement (Non-Proposition 2)

OPSC proposes amendments to *Section F. Accounting for Spent Funds subsection 4. Final Project Audit*. Amendments to this section include the following:

- Clarification that there must be a single/separate audit report per project, pursuant to EC Section 41024(a)(1) – Pg. 18
- Correction to align the Grant Agreement with EC Section 41024(d)(4)(C), which requires repayment of the full amount of ineligible expenditures disallowed – Pg. 19-20

OPSC proposes additional edits to the Grant Agreement to the "ineligible expenditure tables." In the sections identified below, OPSC has added fees paid to Certified Public Accounting (CPA) firms that conduct SFP audits to the lists of ineligible expenditures. As these fees are operational/administrative in nature, they were ineligible previously and the proposed edit is clarifying in nature.

- Table 3. New Construction – Adjusted Grant; Charter Schools Facilities Program – Adjusted Grant – Pg. 76
- Table 5. Modernization – Adjusted Grant – Pg. 78
- Table 6. Career Technical Education Program – New Construction – Pg. 80
- Table 7. Career Technical Education Program – Modernization – Pg. 82
- Table 10. Facility Hardship (Non-Seismic) Replacement – Adjusted Grant – Pg. 86
- Table 12. Facility Hardship (Non-Seismic) Rehabilitation – Adjusted Grant – Pg. 89
- Table 15. Facility Hardship (Seismic) Replacement – Adjusted Grant – Pg. 92
- Table 17. Facility Hardship (Seismic) Rehabilitation – Adjusted Grant – Pg. 95

STAFF ANALYSIS/DISCUSSION (cont.)

Rev. 03/25 Grant Agreement [Proposition 2]

To align with the edits noted above, OPSC proposes the following amendments to the Grant Agreement [Proposition 2]:

- Clarification that there must be a single/separate audit report per project, pursuant to EC Section 41024(a)(1) – Pg. 18
- Correction to align the Grant Agreement [Proposition 2] with EC Section 41024(d)(4)(C), which requires repayment of the full amount of ineligible expenditures disallowed – Pg. 19-20
- Technical edits to remove unnecessary table headers – Pg. 40-41

Consistent with the proposed amendments to the non-Proposition 2 Grant Agreement, OPSC also proposes adding fees paid to CPA firms that conduct SFP audits to the following "ineligible expenditure tables" for clarification:

- Table 3. New Construction – Adjusted Grant; Charter Schools Facilities Program – Adjusted Grant – Pg. 81
- Table 5. Modernization – Adjusted Grant – Pg. 83
- Table 6. Career Technical Education Program – New Construction – Pg. 85
- Table 7. Career Technical Education Program – Modernization – Pg. 87
- Table 10. Facility Hardship (Non-Seismic) Replacement – Adjusted Grant – Pg. 91
- Table 12. Facility Hardship (Non-Seismic) Rehabilitation – Adjusted Grant – Pg. 94
- Table 15. Facility Hardship (Seismic) Replacement – Adjusted Grant – Pg. 97
- Table 17. Facility Hardship (Seismic) Rehabilitation – Adjusted Grant – Pg. 100

Enrollment Projection/Certification (Form SAB 50-01)
The current Form SAB 50-01 instructions for Part D are outdated. The form instructions currently instruct districts to report SDC pupils as "shown and reported within the California Special Education Management Information System [CASEMIS] to the CDE in December prior to the latest CBEDS report." The data collection for special day class pupils has transitioned from CASEMIS to the California Longitudinal Pupil Achievement Data System (CALPADS) and is collected on Census/Information Day (the first Wednesday of October).

STAFF ANALYSIS/DISCUSSION (cont.)

Accordingly, the proposed amendment to the Form SAB 50-01 updates the instructions for Part D to reference CALPADS instead of CASEMIS and to specify October instead of the prior December.

AUTHORITY

Education Code (EC) Section 17070.63 – General Provisions

(a) The total funding provided under this chapter shall constitute the state's full and final contribution to the project and for eligibility for state facilities funding represented by the number of unhoused pupils for which the school district is receiving the state grant. As a condition of receipt of funds, a school district shall certify that the grant amount, combined with local funds, shall be sufficient to complete the school construction project for which the grant is intended.
(b) Any funds provided to a school district under any article in this chapter may not be counted towards the local match for receipt of funds under any other article in this chapter.
(c) Any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

EC Section 17073.20 – Modernization Eligibility Determination

Funding may be approved for the modernization of any permanent school building that is more than 25 years old, or any portable classroom that is more than 20 years old, as described in Section 17071.30.

EC Section 17076.10 – Program Accountability

(a) A school district that receives any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other school district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.
(b) If the board finds that a participating school district has not made substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of receiving any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.
(c) (1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount to be repaid by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State

School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as appropriate.
(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.
(d) If a school district receives an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

EC Section 17078.54 – Charter Schools

(a) An eligible project under this article shall include funding, as permitted by this chapter, for new construction or rehabilitation of a school facility for charter school pupils, as set forth in this article. A project may include, but is not limited to, the cost of retrofitting an existing building for charter school purposes, purchasing a building, or retrofitting a building that has been purchased by the charter school, if those costs have not been previously funded under this chapter, but may not exceed the amounts set forth in subdivision (b). Existing school buildings made available by a school district that will be rehabilitated for the purposes of this article are not subject to Article 6 (commencing with Section 17073.10). An allocation of funds shall not be made for a school facility that is less than 15 years old.
(b) The maximum amount of the funding pursuant to this article shall be determined by calculating the charter school's per-pupil grant amount plus other allowable costs as set forth in this chapter. Funding shall be provided by the authority for new facility construction or rehabilitation as set forth in Section 17078.58.
(c) To be funded under this article, a project shall comply with all of the following:
(1) It shall meet all the requirements regarding public school construction, plan approvals, toxic substance review, site selection, and site approval, as would any noncharter school project of a school district under this chapter, including, but not limited to, regulations adopted by the State Architect pursuant to Section 17280.5 relating to the retrofitting of existing buildings, as applicable.
(2) Notwithstanding any provision of law to the contrary, including, but not limited to paragraph (1), the board, after consulting with the relevant regulatory agencies, shall, to the extent feasible, adopt regulations establishing a process for projects to be subject to a streamlined method for obtaining regulatory approvals for all requirements described in paragraph (1), except for the requirements of the Field Act as defined in Section 17281 which shall be complied with in the same manner as any other project under this chapter.
(3) The board shall fund only new construction to be physically located within the geographical jurisdiction of a school district.

(d) Facilities funded pursuant to this article shall have a 50 percent local share matching obligation that may be paid by the applicant through lease payments in lieu of the matching share, or as otherwise set forth in this article, including, but not limited to, Section 17078.58.
(e) The authority may charge its administrative costs against the respective 2002, 2004, or 2006 Charter School Facilities Account, or the amount described in paragraph (2) of subdivision (a) of Section 101122, which shall be subject to the approval of the Department of Finance and which may not exceed 2.5 percent of the account or amount.

EC Section 17280 – Approvals

(a) (1) The Department of General Services under the police power of the state shall supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted under Section 17295, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 17595 and 17599. In calculating the cost of any project of reconstruction or alteration of, or addition to, any school building for the purpose of determining the applicability of the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, the Department of General Services shall not include, as an element of that cost, any expenses of air-conditioning equipment or insulation materials for that building, or of installing the equipment or materials.
(2) In the alternative, for a leased or purchased building, a school district may comply with this section by complying with Section 17280.5.
(b) Whenever repairs due to fire damage, not including any damage caused by wind or earthquake, must be made to any school building previously approved by the Department of General Services, the approved plans and specifications used in the original work under then existing rules, regulations, and building standards may be used without modification, providing all other provisions of this article are carried out.
(c) Notwithstanding any other provision of law, no school district shall be authorized to construct or reconstruct any school building, regardless of the source of funding, unless and until the governing board of the district, by resolution, has indicated the agreement of the district that any school building construction or reconstruction that exceeds those construction costs and allowable area standards or any allowable building area computed for an attendance area pursuant to Section 17041 shall, in the event of the district's subsequent application for state funding for school facility construction, be deducted from the allowable building area for which the district would otherwise

have been eligible, which restriction shall not be subject to waiver or exception as otherwise may be provided by law.
(d) If it is determined that, for any reason, a school district failed to comply with the requirement of this section, the district shall not be eligible for any additional building area pursuant to Section 17049 and may be denied any time priority established for the particular project pursuant to Section 17016.

EC Section 41024 – Accounting Regulations, Budget Controls and Audits

(a) (1) Commencing April 1, 2017, a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) shall annually report a detailed list of all expenditures of state funds, including interest, and of the local educational agency's matching funds for completed projects until all state funds, including interest, all of the local educational agency's matching funds, and savings achieved, including interest, pursuant to Section 17070.63, are expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by a local educational agency. A local educational agency's detailed list of expenditures shall identify expenditures on a project-by-project basis, reflect completed projects that were reimbursed within that fiscal year, and shall clearly indicate the list of projects that have been completed.
(2) For purposes of this section, the determination that a project is complete shall be in accordance with the regulations adopted pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1).
(3) The total amount of interest earned on the state funds shall be reported on the final expenditure report upon completion of a project. For the purposes of determining the total amount of interest earned on the state funds, interest shall be considered to accrue from the time state funds are deposited in the local educational agency's account until the time the local educational agency submits the final expenditure report to the Office of Public School Construction.
(4) Commencing April 1, 2017, a local educational agency participating in the school facilities program shall ensure that it retains all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Section 16026 of Title 5 of the California Code of Regulations. For purposes of this paragraph and in compliance with any applicable state and federal standards, a local educational agency may maintain records electronically.
(5) Any project identified on a local educational agency's detailed list of expenditures pursuant to paragraph (1) that is reported complete during the 2017–18 fiscal year shall be audited in accordance with the audit guide required by Section 14502.1 for the 2018–19 fiscal year. All other completed projects shall be audited in accordance with the audit guide required by Section 14502.1 for the fiscal year in which the project is reported complete.

(6) The audit described in this section shall be completed within one year of project completion as determined by Section 1859.104 of Title 2 of the California Code of Regulations.
(b) (1) Commencing with audits of the 2018–19 fiscal year, the Controller shall include instructions in the audit guide required by Section 14502.1 that include, but are not necessarily limited to, procedures for determining all of the following:
(A) Whether funds identified by a local educational agency on its detailed list of expenditures pursuant to paragraph (1) of subdivision (a) have been expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and any accompanying grant agreement signed by a local educational agency. Any funds not expended in accordance with these requirements shall be disallowed and considered an audit finding.
(B) That savings achieved, including interest, pursuant to Section 17070.63, are used for other high priority capital outlay purposes identified by the local educational agency or returned to the Office of Public School Construction, and are used in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and as specified in any accompanying grant agreement.
(C) Adjustments to the grant amounts received by a local educational agency for site acquisition costs based upon the local educational agency's final approved expenditures as required pursuant to Sections 1859.105 and 1859.106 of Title 2 of the California Code of Regulations.
(D) Adjustments to the grant amounts received by a local educational agency associated with the substantial progress requirements reflected in the program reporting requirements pursuant to Section 1859.104 of Title 2 of the California Code of Regulations.
(2) Any amounts or adjustments identified pursuant to subparagraphs (C) and (D) of paragraph (1) shall be identified within a local educational agency's audit, but shall not be considered an audit finding for purposes of this section.
(c) (1) The auditor conducting the audit pursuant to this section shall file the audit with the Controller within 60 days of the completion of the audit. The Controller shall be allowed access to audit working papers. Adjustments pursuant to paragraph (2) of subdivision (b) shall not be appealable to the Education Audit Appeals Panel pursuant to this section.
(2) Within 60 days of the receipt of the certified audit, and after determining that the audit conforms with the reporting standards contained in the audit guide, the Controller shall do both of the following:
(A) Provide the department a copy of the certified audit.
(B) Notify the Office of Public School Construction of any audit findings pursuant to this section and any amounts or adjustments identified pursuant to clause (iii) and provide the Office of Public School Construction with a copy of the certified audit identifying the amounts to be adjusted if, as a result of the audit conducted

in accordance with the requirements of subdivisions (a) and (b), the auditor determines any of the following:
(i) A local educational agency has unspent funds for the project not identified as savings pursuant to Section 17070.63 that shall be returned pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.
(ii) A local educational agency is subject to an increase or decrease in funds provided pursuant to subparagraphs (C) and (D) of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.
(iii) A local educational agency did not expend funds in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) and any accompanying grant agreement signed by a local educational agency.
(3) Upon receipt of the certified audit, the Office of Public School Construction shall present any grant adjustments required pursuant to clauses (i) and (ii) of subparagraph (B) of paragraph (2) for a specified project to the State Allocation Board for an adjustment to the project apportionment. Funds identified for purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (2) shall be apportioned from, or returned to, the appropriate funds, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable. If a school district is required to return unspent funds, the fund source for returned funds shall be the county school facilities fund established pursuant to subdivision (a) of Section 17070.43.
(4) A local educational agency may appeal the audit finding pursuant to the timelines and process established in subdivision (d) of Section 41344. The procedures set out in subdivision (d) of Section 41344.1 do not apply to the audit required by this section.
(5) The Office of Public School Construction shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding pursuant to the process specified in subdivision (d).
(d) (1) If, as the result of the audit, a local educational agency is required to pay funds pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c), the Office of Public School Construction shall recover the funds from the local educational agency.
(2) If the local educational agency has submitted an appeal to the Education Audit Appeals Panel pursuant to subdivision (d) of Section 41344, the Office of Public School Construction shall not recover funds until following the determination of the appeal.
(3) A local educational agency may use any local fund source to pay the disallowed amount pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) so long as there is no legal prohibition regarding the use of those funds for this purpose.

(4) A local educational agency may request from the Office of Public School Construction a repayment plan within 90 days of receiving the final audit report, or within 30 days of withdrawing or receiving a final determination regarding an appeal pursuant to subdivision (d) of Section 41344 and subdivision (b) of Section 41344.1, as applicable. The Office of Public School Construction and the Director of Finance, or their designees, jointly shall establish a plan for payment. The payment plan shall be established in accordance with the following:
(A) If the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount in the current fiscal year would constitute a severe financial hardship for the local educational agency, they may jointly approve a plan of equal annual payments over a period of up to eight years. The plan may include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The executive officer of the Office of Public School Construction and the Director of Finance jointly shall establish this plan. At the time the local educational agency is notified, the Controller also shall be notified of the plan by the executive officer of the Office of Public School Construction. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.
(B) Notwithstanding subparagraph (A), if the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount over an eight-year period would require the local educational agency to request an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of, and Article 2.5 (commencing with Section 41325) of, Chapter 3, they may approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.
(C) If a payment plan submitted pursuant to this section is not approved by the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, or is not requested by the local educational agency, the executive officer of the Office of Public School Construction shall invoice the local educational agency for the entire disallowed amount. If the local educational agency does not remit payment for the invoice within 120 days of issuance, the executive officer of the Office of Public School Construction shall request that the Controller withhold the entire disallowed amount from the local educational agency's principal apportionment or Education Protection Account payments.
(D) (i) Funds recovered by the executive officer of the Office of Public School Construction or withheld by the Controller pursuant to this section shall be

deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.
(ii) Funds remitted to the Office of Public School Construction by a local educational agency from local fund sources, as authorized by paragraph (3), shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.
(e) As used in this section, “audit or review” and “local educational agency” shall have the same meaning as the terms are defined in paragraphs (1) and (2) of subdivision (e) of Section 41344.
(f) The State Allocation Board shall not waive all or any part of this section, any grant agreement or provisions of a grant agreement signed by a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), or any regulation adopted that implements a provision of this section.
(g) In any appeal filed pursuant to Section 41344 and this section, the Office of Public School Construction, the Department of Finance, and the department may timely move to intervene as a party.
(h) If the Office of Public School Construction chooses not to intervene in an appeal, the administrative law judge conducting the hearing, or the Education Audit Appeals Panel, may request that the Office of Public School Construction issue and file in the appeal an objective interpretation of any applicable law, regulation, or term of the grant agreement within 30 days of the request or such longer period as the administrative law judge or the Education Audit Appeals Panel deems reasonable. The Office of Public School Construction’s filing shall not argue or seek to resolve issues of fact, but may state how a particular law, regulation, or grant agreement term applies to competing factual contentions. The agent of the Office of Public School Construction shall be precluded from acting as a party once a request pursuant to this subdivision is made.
(i) Notwithstanding subdivision (a), this section shall not apply to any school facilities project that was apportioned before July 1, 2017.

EC Section 56049 – General Provisions

The Legislature finds and declares all of the following:
(a) All pupils are general education pupils first, including pupils with disabilities.
(b) Comprehensive local educational agency and school-level fiscal and programmatic planning, including planning conducted pursuant to Section 52064, must reflect the needs of all pupils, including pupils with disabilities.
(c) Inclusion in general education classrooms and programs should be considered the first setting for all pupils, unless the individualized education program for a pupil with a disability determines that another setting is more suitable to guarantee a free and appropriate public education.
(d) Data transparency and analysis are essential to understanding the needs of pupils. Local educational agencies should use all available data sources on

pupils with disabilities, with a particular focus on least restrictive environment data, to inform continuous improvement efforts.

EC Section 56049.1 – General Provisions

(a) On or before November 30, 2023, the department shall publish data related to federal measures of least restrictive environment for pupils with disabilities on its internet website and shall include it as a resource on the California School Dashboard, established pursuant to subdivision (f) of Section 52064.5.
(b) The data shall be disaggregated by race or ethnicity and local educational agency.

PROPOSED REGULATIONS

SFP Regulation Section 1859.2 Definitions

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

…

"Enrollment Reporting Year" shall mean the time period beginning on November 1st and ending on October 31st.

…

"Hybrid Application" means an Application for funding that shares the same Division of the State Architect approved plans and specifications with at least one more Application for funding.

…

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.
Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.63, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

SFP Regulation Section 1859.60 Calculation to Determine Modernization Baseline Eligibility

The School D~~d~~istrict shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all ~~c~~Classrooms on the site pursuant to (a) or by the identification of all ~~s~~Square ~~f~~Footage on the site pursuant to (b), as follows:
(a) Identify all ~~c~~Classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
(1) Permanent and at least 25 years old.
(2) Portable and at least 20 years old.
(3) The remaining ~~c~~Classrooms not reported in (1) or (2) above.
(b) Identify all ~~s~~Square ~~f~~Footage at the school site that is:
(1) Permanent area and at least 25 years old.
(2) Portable ~~c~~Classroom area and at least 20 years old.
(3) The remaining ~~s~~Square ~~f~~Footage on the site not reported in (1) or (2) above.
(c) Identify all classrooms at the school site located on a military installation where the site is a recipient of a federal grant for facilities modernization that requires a local matching share that are:
(1) Permanent at least 10 years old.
(2) Portable at least 10 years old.
(d) Identify all square footage at the school site located on a military installation where the site is a recipient of a federal grant for facilities modernization that requires a local matching share that are:
(1) Permanent at least 10 years old.
(2) Portable at least 10 years old.
The age of the ~~c~~Classroom or ~~s~~Square ~~f~~Footage shall begin 12 months after the plans for the placement of the building were approved by the DSA~~;~~. ~~or i~~In the case of permanent or ~~p~~Portable ~~c~~Classrooms or

Square Footage that were previously modernized with State funds or rehabilitated under the Charter School Facilities Program, the 25/20 year period shall begin on the date of its previous apportionment. For permanent or portable classrooms that were previously modernized with State funds and are located on a military installation, pursuant to subsection (c) and (d), the 10 year period shall begin after the date of the previous modernization apportionment. For purposes of identifying ~~s~~Square ~~f~~Footage at a school site, include the total enclosed exterior ~~s~~square ~~f~~ootage of the school buildings. For multilevel buildings, include the ~~s~~Square ~~f~~Footage at each level.

For Applications to establish modernization baseline eligibility or to update modernization enrollment data, the School District shall submit a completed Form SAB 50-03 using the latest California Basic Educational Data Systems (CBEDS) enrollment for the school site as it would have been reported using the criteria in Parts A, C and D of Form SAB 50-01 for the Enrollment Reporting Year during which OPSC receives the complete, valid Form SAB 50-03. Continuation high pupils shall be reported in the 9–12 grade category. If the school is a 6–8 middle school only, 6th grade pupils shall be reported in the 7–8 grade category.

Portable buildings modernized pursuant to subsection (c) and (d) shall be replaced with a permanent structure.

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

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

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17073.15, 17073.20, ~~and~~ 17074.10, and 17375 Education Code.

Section 1859.105. Program Accountability Progress Audit.
…
(b) When a School D~~d~~istrict has received funds pursuant to Section 1859.81.1(a), the Board shall conduct a review to assure the School D~~d~~istrict has made substantial progress in the completion of the project. The audit shall consist of a review and analysis of the School D~~d~~istrict's progress report in accordance with Section 1859.104(b). Acceptable evidence of substantial progress shall be when the School D~~d~~istrict has completed all of the following:
(1) Obtained the final appraisal of the site; and,
(2) Completed all California Environmental Quality Act requirements; and,
(3) Obtained final approval of the site by the CDE; and,
(4) Provided final escrow instructions or evidence the School D~~d~~istrict has filed condemnation proceedings and intends to request an order of possession of the site; or,
(5) Other evidence satisfactory to the Board detailing the reason(s) and circumstance(s) beyond the control of the School D~~d~~istrict that precludes substantial progress being made. If the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School D~~d~~istrict's commitment to complete and submit

satisfactory evidence that the School D~~d~~istrict meets the provisions of Section 1859.105(b)(1) through (b)(4) within a period not to exceed 18 months from the date of the Board's determination of substantial progress.
(c) When the School D~~d~~istrict has received funds pursuant to Section 1859.81.1(e), the Board shall conduct a review to assure the School D~~d~~istrict has made substantial progress in the completion of the project. Sufficient evidence of substantial progress shall be any of the following:
(1) An Approved Application for New Construction or Modernization Adjusted Grant ~~Application~~; or
(2) A S~~s~~chool D~~d~~istrict certification that the final building plans for the project have been submitted to and accepted by the DSA for review and approval; or
(3) An approved separate site funding application pursuant to Section 1859.81.1(a) or an approved environmental hardship funding application pursuant to Section 1859.75.1 or an approved Preliminary Apportionment pursuant to Section 1859.140, that met the criteria of Section 1859.142(b); or
(4) Other evidence satisfactory to the Board detailing the reason(s) that plans have not been completed and accepted by the DSA. ~~If the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the district's commitment to complete and submit an Approved New Construction or Modernization Adjusted Grant Application within a period not to exceed 18 months from the date of the Board's determination of substantial progress.~~
(d) If substantial progress evidence has been submitted in accordance with Sections 1859.105(b)(1) through (b)(4) or 1859.105(b)(5), and the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School District's submittal of an Approved Application for a New Construction Adjusted Grant, within a period not to exceed 18 months from the date of the Board's determination of substantial progress. Should the School District fail to submit an Approved Application for a New Construction Adjusted Grant application within 18 months of the Board's determination, the project will be added to the SFP Reduction to Costs Incurred (RCI) Audit Workload and the School District must report the final expenditures on the project on the Form SAB 50-06 to OPSC within 60 days. Then pursuant to Education Code Section 41024, the School District has one year for their RCI audit to be completed by a local Certified Public Accountant and submitted to the State Controller's Office (SCO). Once OPSC receives the certified audit report from SCO, OPSC will recommend to the Board that a finding be made that no substantial progress on the project has been made and that the Apportionment be reduced, after accounting for the School District's matching share, by any funds not yet expended for the project and any interest earned on State funds for the project, as determined by the performance audit report pursuant to Education Code Section 41024. The recommendation will be made at the next available Board meeting following the receipt of the performance audit report as certified by SCO. If the complete Form SAB 50-06 is not received within the 60-day period, the Board shall rescind the Apportionment and require the return of the Apportionment plus any interest earned on State funds.
(e) If substantial progress evidence has been submitted in accordance with Sections 1859.105(c)(2), 1859.105(c)(3), or 1859.105(c)(4), and the Board determines that substantial progress has been made pursuant to Education Code Section 17076.10(b), the Board shall condition its finding of substantial progress upon the School District's commitment to submit a complete Approved Application for a New Construction or Modernization Adjusted Grant, as applicable, within a period not to exceed 18 months from the date of the Board's determination of substantial progress. Should the School District fail to submit an Approved Application for New Construction Adjusted Grant or Modernization Adjusted Grant within 18 months of the Board's determination, the project will be added to the SFP Reduction to Costs Incurred

Audit Workload and the School District must report the final expenditures on the project on the Form SAB 50-06 to OPSC within 60 days. Then pursuant to Education Code Section 41024, the School District has one year for their RCI audit to be completed by a local Certified Public Accountant and submitted to the State Controller's Office (SCO). Once OPSC receives the certified audit report from SCO, OPSC will recommend to the Board that a finding be made that no substantial progress on the project has been made and that the Apportionment be reduced, after accounting for the School District's matching share, by any funds not yet expended for the project and any interest earned on State funds for the project as determined by the performance audit pursuant to Education Code Section 41024. The recommendation will be made at the next available Board meeting following the receipt of the performance audit report as certified by SCO. If the complete Form SAB 50-06 is not received within the 60-day period, the Board shall rescind the Apportionment and require the return of the Apportionment plus any interest earned on State funds.
…

Note: Authority cited: Sections 17070.35 and 17072.13, Education Code.
Reference: Sections 17070.35, 17076.10 and 17077.40, Education Code.

Section 1859.168. Preliminary Charter School Apportionment Matching Share Requirement.
The applicant will be subject to the matching share requirements in ~~Section 1859.77.1 and~~ Education Code Section 17078.54(d) that may be paid through lease payments authorized by the Authority in lieu of the matching share. All lease payments shall be paid to the Board to be redeposited to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. Any funds deposited in either Account shall be first used to fund remaining site acquisition costs off the Unfunded List pursuant to Section 1859.163.3. Should no projects remain on the Unfunded List the Board may use the funds for purposes of this Article.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.
Reference: Sections 17078.54 and 17078.58, Education Code.

Section 1859.192. Career Technical Education Facilities Program Eligibility.

An applicant requesting funding for a Career Technical Education Facilities Project may submit Form SAB 50-10 to the OPSC if all the following criteria are met:
(a) For a new construction project, the applicant:
(1) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228.
(2) Has an active career technical advisory committee pursuant to Education Code Section 8070.
(3) The classrooms constructed for the Career Technical Education Facilities Project were not occupied prior to May 20, 2006.
(b) For a modernization project, the applicant:
(1) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228; or,
(2) Is a joint powers authority operating career technical education programs as of May 20, 2006.
(3) Has an active career technical advisory committee pursuant to Education Code Section 8070.
(4) The construction contracts for the Career Technical Education Facilities Project were executed on or after May 20, 2006.

(c) The applicant's Career Technical Education Facilities Program application has met all the requirements in Education Code Section 17078.72(i) and scored at least 105 points.
An applicant need not demonstrate New Construction Eligibility or Modernization Eligibility in order to participate in the Career Technical Education Facilities Program.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.
Reference: Sections 8070, 17078.72, 51224, 51225.3 and 51228, Education Code.

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV ~~05/20~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE.
   - Preliminary appraisal of property.
   - Approval letter from the Department of Toxic Substances Control.

2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE (site apportionment only).
   - Preliminary appraisal of property (site apportionment only).

3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
   - Site approval letter from the CDE.
   - Appraisal of district-owned site.
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
   - Site/plan approval letter from the CDE.
   - Appraisal of property if requesting site acquisition funds.
   - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
   - Cost estimate of proposed site development, if requesting site development funding.
   - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
   - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
   - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
   - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:

   - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
   - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

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

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

   - Form SAB 50-03 (if not previously submitted).
   - P&S for the project that were approved by the DSA.
   - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

- DSA approval letter for elevator to meet ~~handicapped~~ access compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet ~~handicapped~~ access compliance, if funding is requested.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

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

- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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

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

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

10. For Hybrid Applications as defined in Section 1859.2. For purposes of this funding application, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02, Form SAB 50-03 (if not previously submitted)
- All applicable Plans & Specifications for the project that were approved by the DSA
- Final Plan Approval Letter(s) from the DSA
- Final Plan Approval Letter(s) from the CDE
- Cost Estimate, contract(s), or Notice of Award(s) prorated according to the delineation of scope in all related Hybrid Applications, with an explanation of the proration methodology
- District certification that the demolition of spaces, utilized for like-kind replacement, will be completed by the time of the Notice of Completion, if the demolition does not require DSA approval.
- District certification of Hybrid Applications submitted or to be submitted that identifies all related Hybrid Applications and details clear delineation of scope attributable to each application.
- District certification that funds for one Hybrid Application will be used exclusively for that Hybrid Application and District acknowledgment that expenditures will be tracked and reported separately according to the cost proration.

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

tion 1859.82.3(b), check the appropriate box(es).

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

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

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

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

2. Type of Project

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

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

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

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

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

   - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
   - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
   - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
   - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

a. Therapy area in square feet as provided in Section 1859.72.
b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on
   a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

   1) Enter 50 percent of the actual cost.

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

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

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

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

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

6. Modernization Additional Grant Request

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

7. Excessive Cost Hardship Request

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

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

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

Additional Grant Request

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

Excessive Cost Hardship Request

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

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

9. Project Priority Funding Order

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

10. Hybrid Application Under the SFP

Indicate if this application is a Hybrid Application as defined in Section 1859.2, that shares or will share the same set(s) of DSA plans and specifications with other SFP funding application(s). If the answer is "yes," the School District must submit supporting documentation listed in Section 10 of the General Information section of this Form. Failure to report and provide this information may delay the processing of the application by the OPSC.

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

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

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

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

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

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

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

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

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

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

17. 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.

18. Project Progress Dates

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

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

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

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

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

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

23. Architect of Record or Licensed Architect Certification
The architect of record or the licensed architect must complete this section.

24. Architect of Record or Design Professional Certification
The architect of record or the appropriate design professional must complete this section.

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

1. Type of Application—Check Only One

- ☐ New Construction
- ☐ New Construction (Final Apportionment)
- ☐ New Construction (Final Charter School Apportionment)
- ☐ New Construction (Overcrowding Relief Grant)
- ☐ Rehabilitation (Final Charter School Apportionment)
- ☐ Modernization
- ☐ Modernization of California Schools for Deaf/Blind
- ☐ Facility Hardship [Section 1859.82.1]
  - ☐ Conceptual Approval [Section 1859.82.3(a)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Rehabilitation Costs: $ _____
- ☐ Seismic Mitigation [Section 1859.82.2]
  - ☐ Conceptual Approval [Section 1859.82.3(b)]
  - ☐ Replacement Site
  - ☐ Replacement School Building(s):
    - Toilets (sq. ft.) _____
    - Other (sq. ft.) _____
  - ☐ Seismic Rehabilitation Grant: $ _____

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
- ☐ Site Only (District owned)—New Construction [Section 1859.81.2]
- ☐ Site Only—Environmental Hardship [Section 1859.75.1]
- ☐ Design Only—New Construction [Section 1859.81.1]
- ☐ Design Only—New Construction with High Performance
- ☐ Design Only—Modernization
- ☐ Design Only—Modernization with High Performance
- ☐ Design Only—Modernization of California Schools for Deaf/Blind
- ☐ Design Only—Facility Hardship [Section 1859.82.1]
- ☐ Design Only—Seismic Mitigation [Section 1859.82.2]
- ☐ Advance Funding for Evaluation and RA

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____

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

From 2a above, how many are 50 Year or Older Pupil Grants?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

d. Is this a 6–8 school? ☐ Yes ☐ No
If you answered yes, how many K–6 pupils reported above are sixth graders? _____
Is this an Alternative Education School? ☐ Yes ☐ No

e. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No
If yes, enter date of successful bond election: _____
Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No
Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No If yes, enter date of successful bond election: _____

f. Charter School Facilities Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____
Ratio of 50 Years Old Classrooms/Square Footage: _____ %

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

h. ORG Projects Only

NAME OF ELIGIBLE SCHOOLSITE(S)	NUMBER OF PORTABLES BEINGREPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
	Total	

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

4. Type of Financial Hardship Request
☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)
☐ Submittal with school board resolution, pursuant to Section 1859.95.1 (Insufficient Bond Authority)

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

6. Modernization Additional Grant Request
a. ☐ Project Assistance
b. ☐ Energy Efficiency: _____ %
c. ☐ Site Development—60 percent utilities: $ _____
d. ☐ Automatic Fire Detection/Alarm System
e. ☐ High Performance Incentive (Indicate Points): _____

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

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

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

Additional Grant Request
a. ☐ High Performance Incentive (Indicate Points): _____

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

9. Project Priority Funding Order—New Construction Only
Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____
Project meets:
☐ Density requirement pursuant to Section 1859.92(c)(3).
☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Hybrid Application Under the SFP
☐ Yes ☐ No

11. Prior Approval Under the LPP
New Construction: 22/ _____
Modernization: 77/ _____

12. Prior Apportionment Under the SFP
Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

13. Preliminary Apportionment to Final Apportionment
Preliminary Apportionment Application Number: # _____

14. Alternative Developer Fee—New Construction Only
Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: $ _____

15. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

Construction Contract(s) for the project signed on:

_____ _____

16. Pending Reorganization Election—New Construction Only ☐ **Yes** ☐ **No**

17. Joint-Use Facility/Leased Property

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

18. Project Progress Dates

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

19. Prevailing Wage Monitoring and Enforcement Costs

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

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

20. 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: _____

21. Career Technical Education Funds Request

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

22. Overcrowding Relief Grant Narrative

_____
_____
_____
_____

23. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE	DATE

24. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE	DATE

25. Certification

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

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

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

The district will comply with all laws pertaining to the construction or modernization of its school building.; and,

- For modernization projects for school facilities constructed before January 1, 2012 and submitted to DSA on or after February 5, 2025, the district certifies that it has complied with Education Code Section 17584 requiring the inclusion of faucet aerators and water-conserving plumbing fixtures, as defined in Section 1101.3 of the Civil Code, in all bathrooms, as specified; and,
- If this is a Hybrid Application, the District certifies that additional related Hybrid Applications are subject to review by OPSC and approval by the State Allocation Board and future funding is not guaranteed; and,
- If the district is requesting an Additional Grant for Career Technical Education (CTE) Facilities or equipment, pursuant to Section 1859.78.10, the contracts for construction or acquisition of equipment were entered into on or after July 3, 2024.
    1. The district has requested a supplemental grant for Career Technical Education (CTE) facilities and certifies that the costs for the CTE component exceed the modernization funding provided in this request."

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

STATE OF CALIFORNIA
APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-10 (REV ~~10/14~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

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

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

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

Hybrid Application projects as defined in Section 1859.2. For purposes of this funding application, the following documents must be submitted with this form, in addition to the documents listed above (as appropriate):

- Cost Estimate, contract(s), or Notice of Award(s) prorated according to the delineation of scope in all related Hybrid Applications, with an explanation of the proration methodology.
- District certification that the demolition of spaces, utilized for like-kind replacement, will be completed by the time of the Notice of Completion, if the demolition does not require DSA approval.
- District certification of Hybrid Applications submitted or to be submitted that identifies all related Hybrid Applications and details clear delineation of scope attributable to each application.
- District certification that funds for one Hybrid Application will be used exclusively for that Hybrid Application and District acknowledgment that expenditures will be tracked and reported separately according to the cost proration.

SPECIFIC INSTRUCTIONS

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

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

2. Hybrid Applications Under the SFP
Indicate if this application is a Hybrid Application as defined in Section 1859.2, that shares or will share the same set(s) of DSA plans and specifications with other SFP funding application(s). If the answer is "yes", the School District must submit supporting documentation listed in the General Information section of this Form. Failure to report and provide this information may delay the processing of the application by the OPSC.

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

34. Reservation of Funds
Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d). Otherwise, check the box "No."

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

56. Number of CTE Classrooms
Enter the number of CTE classrooms specified in the CDE CTE Application.

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

~~7~~8. CDE Application Overall Score
Enter the score from the CDE CTE score letter for this project. (The applicant must have received a score of at least 105 points, as determined by the CDE pursuant to Section 1859.192(c).)

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

910. Eligible Costs
a. Enter 50 percent of the construction cost if constructing new building area, or modernizing or reconfiguring an existing building.
b. Enter 50 percent of the equipment cost pursuant to Education Code Section 17078.72(a).
c. If the request is for a CTEFP Project that is not a part of a qualifying SFP project, enter 50 percent of the site development costs that meet the require-

ments of Section 1859.193.

d. If the CTEFP Project is part of a qualifying SFP Project, enter 50 percent of the total SFP allowance for New Construction Grants for CTE classrooms pursuant to Section 1859.193(a)(1)(C).
e. Enter the total of a plus b plus c minus d.

~~10~~11. Cost Per Square Footage

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

~~11~~12. Project Assistance

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

~~12~~13. Project Progress Dates

Complete this section for new construction/modernization projects:

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

~~13~~14. Prevailing Wage Monitoring and Enforcement Costs

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

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

~~14~~15. Additional Grant for High Performance Incentive

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

~~15~~16. Certification

The district representative must complete this section.

STATE OF CALIFORNIA
APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-10 (REV ~~10/14~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

1. Type of Application—Check Only One

- ☐ New Construction Project—construct new school buildings and/or equipment
- ☐ Modernization Project—reconfigure existing school buildings and/or equipment

Separate HPI grant request [Section 1859.107]

- ☐ Add the HPI Grant
- ☐ Remove the HPI Grant

2. Hybrid Application Under the SFP

☐ Yes ☐ No

23. CTE Industry:

Sector: _____

Pathway(s): _____

_____

_____

34. Reservation of Funds: ☐ Yes ☐ No

45. Loan Request: ☐ Yes ☐ No

56. Number of CTE Classrooms in the CTEFP application _____

67. Qualifying SFP Project Application Number

Application Number: # _____
Project Tracking Number: # _____

78. CDE Application Overall Score: _____

Minimum Score: 105

89. CTE Facility Square Footage: _____

910. Eligible Costs

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

1011. Cost Per Square Foot: $ _____

1112. Project Assistance

☐ CTE Project Only—not part of a qualifying SFP project

1213. Project Progress Dates

a. Construction Contract signed on: _____
b. Notice to Proceed issued on: _____

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

1314. Prevailing Wage Monitoring and Enforcement Costs

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

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

1415. High Performance Incentive Additional Grant Request

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

1516. Certification

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

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

completion for the project; and,

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

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

STATE OF CALIFORNIA
ENROLLMENT CERTIFICATION/PROJECTION
SCHOOL FACILITY PROGRAM
SAB 50-01 (REV ~~05/09~~xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

To determine a district's initial eligibility for new construction funding under the School Facility Program (SFP), the district must provide enrollment information for the current and previous three or seven years, as appropriate, on this form. After the initial submittal, this form need only be resubmitted when the district requests additional new construction funding in a new enrollment year, as a result of a reorganization election that affects either the district's enrollment or existing school building capacity, or as a result of a special education program transfer.

Pupil Enrollment Projection Options

Districts may submit either a fifth-year or a tenth-year enrollment projection. If utilizing the fifth-year enrollment projection, a district must provide the current and three previous years' enrollment information. If utilizing the tenth-year enrollment projection, a district must provide the current and seven previous years' enrollment information. Districts must utilize either the fifth-year or the tenth-year projection for all grade groupings and High School Attendance Areas (HSAA) or Super HSAAs in the district.

A high school district, unified school district, elementary school district, or county superintendent of schools may file on a HSAA basis or Super HSAAs as provided under Education Code Section 17071.76 and Section 1859.41. In that case, the enrollment used on this form is the current and three or seven previous years' pupil enrollment or residence in the HSAA or Super HSAA.

Districts filing on a HSAA or Super HSAA basis may report pupil enrollment by either the HSAA in which the pupils attend school or by the HSAA in which pupils reside. Districts reporting enrollment using residency data must submit additional documentation outlined below.

The following options are available to project enrollment:

For Districtwide or HSAA Attendance Reporting:

- Fifth-Year Projection
  - Districts must report the current and three previous years' enrollment data.
  - The fifth-year enrollment projection may be augmented with any of the following: modified weighting mechanisms, birth-attendance rates, dwelling units, and a district Student Yield Factor.
- Tenth-Year Projection: Districts must report the current and seven previous years' enrollment data.

For HSAA Residency Reporting (New 06/08):

- Fifth-Year Projection: Districts must report the current and three previous years' enrollment data.
- Tenth-Year Projection: Districts must report the current and seven previous years' enrollment data.

For HSAA Residency Reporting [For Critically Overcrowded Schools (COS) HSAA districts filing pursuant to Section 1859.147 (e)(2)]:

- Fifth-Year Projection: Districts must report the current and three previous years' enrollment data.

Augmentations to the Fifth-Year Enrollment Projection

A district that is requesting a fifth-year enrollment projection and reporting on a districtwide or HSAA pupil attendance basis may utilize the following augmentations to the enrollment projection:

- Modified Weighting Mechanisms

  If the district is requesting to utilize modified or alternate weighting mechanisms pursuant to Section 1859.42.1(c), the district must submit additional K-12 and continuation high school enrollment information for the 14 years prior to the four years of data reported on this form, for a total of 18 years of enrollment data.

  If the district is requesting to utilize a district-specific alternate weighting method, it must show that the proposed alternate weighting mechanism provides a more accurate projection based on historical data as outlined in Section 1859.42.1(c).

- Birth-Attendance Rate Adjustment
  If the district is requesting to use the birth-attendance rate based on county birth data, enter the county births by residence as reported by the Department of Health Services (DHS) for the current and eight previous years in Part F of this form.

  If the district is requesting a birth-attendance rate adjustment based on birth data for ZIP codes served by the district, the district must report the births by residence as reported by the DHS for ZIP Codes served by the district for the current and eight previous years. When submitting this form, the district must provide all ZIP Codes served by the district and indicate the ZIP Codes, if any, for which the district is not reporting birth data pursuant to Section 1859.42.1(b)(2)(B).

- Dwelling Unit Augmentation
  Districts requesting a dwelling unit augmentation must provide all of the following:
  - The approval dates of the maps by the local planning commission or approval authority and
  - The number of dwelling units to be built within each subdivision excluding all dwelling units that have either 1) been occupied; or,
    2) had construction permits pulled that are twelve months or older from the date the permit was pulled. (Note: A district must select only one option—the Date of Occupancy or permits pulled, plus twelve months—as the point in time to stop reporting dwelling units for all tracts being submitted. A district may select the alternate option the following submittal year if desired.); and,
  - One of the following:
    1. An approved and valid tentative or final subdivision map with the local planning commission or approval authority stamp located on the map, or
    2. An approved and valid tentative or final subdivision map with supporting documentation, or
    3. A spreadsheet or the Office of Public School Construction(OPSC) dwelling unit worksheet listing all of the subdivisions reported on the Form SAB 50-01 with supporting documentation. If the district wishes to utilize this option, please note that when the district representative signs the Form SAB 50-01, he/she is certifying that the tract maps are on file at the district office and available for OPSC review if requested.

Supporting documentation is defined as one of the following:

- Local planning commission or approval authority meeting minutes detailing the approval of the map. If the approval was given an extension, please provide the most current meeting minutes indicating the approval of the extension request. Dwelling units contained in expired maps may not be reported on the Form SAB 50-01, or

- A letter from the local planning commission or approval authority indicating that the tract map is approved and valid as of the signature date of the Form SAB 50-01, or
- Any other reasonable documentation from the local planning commission or approval authority that indicates the tract map is approved and currently valid.

- Student Yield Factor
  - If the district is requesting an augmentation of its enrollment projection due to pupils residing in new dwelling units and it is not using the State yield factors (refer to Part H), the district must provide a copy of the study supporting the Student Yield Factor. The district's study should determine the elementary, middle and high school pupils generated by new residential units, in each grade category of pupils enrolled in the district. This study should be based on the historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed in which the school district is located.

HSAA Residency Reporting

- If the district is currently, or anticipates for the future, reporting residency data pursuant to Section 1859.41.1(b) or 1859.147(e)(2) (refer to Part A), it must submit a copy of the governing board-approved attendance map and High School Attendance Area Residency Reporting Worksheet. By signing this form, the district certifies that the pupil enrollment and residency data used to support the submitted map and worksheet is available at the district for OPSC verification.
- To determine the new construction eligibility for a district filing on a HSAA basis and seeking COS project justification pursuant to Section 1859.147(e)(2), one Form SAB 50-01 based on enrollment as reported to the California Department of Education (CDE) and one based on the residence of the pupils must be filed for each HSAA which includes a Preliminary Apportionment for a COS project.

Additional Documentation

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

- Specific enrollment data for districts with current enrollment that is less than 300 if the district is requesting an enrollment projection based on five-year average enrollment data (refer to Part A instructions).
- Upon transfer of any Special Education Local Plan Area (SELPA) facilities, the school districts are required to submit a letter to the OPSC, signed by each school district involved, including the following:
  - Grant deed or other legal documentation indicating the facilities have been transferred,
  - Name of school,
  - Building square footage and number of classrooms being transferred,
  - The initial occupancy date of the facility,
  - Date of transfer,
  - Acknowledgement that the grantee may owe the State funds,
  - Financial hardship status of each school district at time of initial application and at time of transfer,
  - OPSC application number(s) of Application for Funding (Form SAB 50-04),
  - Acknowledgment that the certifications made, pursuant to Education Code Sections 17070.77, 17070.755, 17070.75 and 17070.80, by the grantor on the Form SAB 50-04 will be assumed by the grantee, and
  - Request for a payment plan, if needed.

This form is not used for modernization funding applications.

SPECIFIC INSTRUCTIONS

Check the box for either the fifth-year enrollment projection or the tenth-year enrollment projection.

If the district is reporting on an HSAA basis, check the appropriate box to indicate if the district is reporting HSAA attendance data, HSAA residency data, or HSAA residency data for a COS project justification pursuant to Section 1859.147(e)(2).

If the district is requesting modified or alternate weighting mechanisms, check the appropriate box. If requesting an alternate weighting mechanism, enter the alternate weights in the box to the right.

Part A. K-12 Pupil Data – Enrollment/Residency

As an option, school districts with less than 300 current enrollment may report the previous five year average for any grade level for any year when the enrollment for that grade level has decreased by more than 50 percent from the previous year. If this option is used, the district must identify each grade level where this option is used on Form SAB 50-01 and attach the appropriate enrollment documentation to support this request.

Enrollment Data (To be completed by school districts or the county superintendent of schools.)

The information needed to complete this form is based on the latest California Basic Education Data Systems (CBEDS) that is available approximately October 15th of each year. Applications filed on or after November 1st must include the current school year enrollment. Report the current year and the three or seven prior years' K–12 enrollment, as appropriate. High school districts report the unduplicated enrollment data for grades served by the district and all feeder elementary school grades for the current year and the previous three or seven years, as appropriate.

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

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

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

Do not include any of the following:

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

Residency Data [To be completed by a HSAA district establishing or updating eligibility pursuant to Section 1859.41.1 (b).]
The information needed to complete this section is based on the pupil residence within the HSAA or Super HSAA boundaries for the pupils reported in the latest CBEDS that is available approximately October 15th of each year. Applications filed on or after November 1st must include the current school year enrollment by pupil residence in the HSAA or Super HSAA. Report the current year and the three or seven prior years' K–12 pupils, as appropriate, that are enrolled and reside within the HSAA or Super HSAA boundaries. High school districts report the unduplicated pupil residency data for grades served by the HSAA and all feeder elementary school grades in the HSAA for the current year and the previous three or seven years, as appropriate.

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

The pupil residency data must include all of the following, if any:

- Off -track and on-track students attending multi-track year round schools
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and appearing on the district's current CBEDS report and who are enrolled in the same grade levels or type served by the district regardless if the district chartered the school
- Students attending magnet schools
- Community school students and
- Students attending independent study

Do not include any of the following:

- Students living outside the district's boundaries but attending schools in the district
- Students living in the district's boundaries but attending schools in other districts
- Students attending regional occupational programs
- Students attending preschool programs
- Other students not generally considered K–12 students including adult education students
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and who are enrolled in the same grade levels or type served by the district regardless if the district chartered the school but the Charter School does not appear on the district's current CBEDS report
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries but are enrolled in grade levels or type not served by the district
- Students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries
- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students
- Special Day Class pupils or
- Continuation high school pupils

Residency Data [For COS HSAA districts seeking justification for the conversion of a Preliminary Apportionment to a Final Apportionment pursuant to Section 1859.147(e)(2).]
The information used to complete this form is based on the latest enrollment as reported on the CBEDS that is available October of each year, and pupil residency within the HSAA boundaries. Report the current year and the three prior years' K–12 pupils that are both enrolled and reside within the HSAA boundaries. For HSAA districts filing pursuant to Section 1859.147(e)(2)(A), only the current year K–12 pupils must be reported.

Do not include any of the following:

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

Part B. Pupils Attending Schools Chartered by Another District
Of the data reported in Part A of this form, indicate the aggregate pupil enrollment attending schools chartered by another district which are located within your district boundaries for the current year and the three or seven prior years, as appropriate. If the district is reporting pupils attending schools chartered by another district for the current year, then the district must submit a separate letter with the following information:

- The total Charter School enrollment listed by each of the K–12 grade levels reported for the current year.
- A list of the other school district(s) that chartered school(s) within your boundaries. Include the Charter School name(s) and total school enrollment.

For the previous years, report the total enrollment for pupils attending schools chartered by another district, if known. If the information is not available, enter N/A. In this case, the OPSC will adjust the previous years' enrollment data based on a prorated basis of the rate of growth or decline of the previous years' enrollment.

Enter 0 if there are no pupils attending schools chartered by another district within your district boundaries for the current or previous years.

Districts reporting enrollment by HSAA residency should not report any pupils in this section.

Part C. Continuation High School (To be completed by school districts only.)
If reporting pupil enrollment data, report continuation high school pupils attending schools in the district or HSAA or Super HSAA for the current year and the three or seven prior years, as appropriate. If reporting HSAA pupil residency data, report continuation high school pupils residing in the HSAA or Super HSAA for the current year and the three or seven prior years, as appropriate. For purposes of projecting the enrollment, these pupils will be added to the enrollment data in Part A.

Part D. Special Day Class Pupils (To be completed by school districts or the county superintendent of schools.)
Report the pupils three to twenty-two years old enrolled or residing, as appropriate, within the district or HSAA or Super HSAA boundaries, attending the special day classes as shown and reported within the ~~California Special Education Management Information System to the CDE in December prior to the latest CBEDS report~~ California Longitudinal Pupil Achievement Data System (CALPADS) to the CDE in October of the latest CBEDS enrollment report collected on Census Day (the first Wednesday of October). Report pupils as provided in Section 1859.2 for Non-severe

Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs.

Part E. Special Day Class Enrollment (To be completed by county superintendent of schools only.)
Report the total Special Day Class pupils for the three or seven previous years, as appropriate, adjusted by the total pupils lost or gained due to a title transfer of a Special Education Program for each year.

Part F. Birth Data
If requesting an adjustment to the enrollment projections based on changes in the birth-attendance rate, check the appropriate box to indicate county birth data or birth data by ZIP Codes served by the district. Enter county births by residence or district ZIP code births by residence as reported by the DHS for the current and eight previous years. If birth data is not available, check the "Estimate" box for the applicable year(s) and report the birth number as determined per Section 1859.42.1(b)(4). When submitting this form, if reporting district births by ZIP Code, provide a separate letter reporting all ZIP Codes served by the district and indicate the ZIP Codes, if any, for which the district is not reporting birth data pursuant to Section 1859.42.1(b)(2)(B).

Part G. New Dwelling Units (To be completed by school districts only.) The district may augment the enrollment projection based on the number of pupils that are anticipated as a result of proposed dwelling units included in approved and valid tentative or final subdivision maps. The district must submit the dwelling unit information and documentation outlined in the General Information section of this form. Report the determined number of dwelling units in Part G.

Part H. District Student Yield Factor (To be completed by school districts only.)
Report the district's Student Yield Factor as defined in Section 1859.2, if different than the statewide average Student Yield Factors. The statewide average Student Yield Factors are as follows:

- Elementary School District 0.5 students per dwelling unit
- High School District 0.2 students per dwelling unit
- Unified School District 0.7 students per dwelling unit
-

Should the district wish to use its own Student Yield Factor, a copy of the district's study that justifies the Student Yield Factor must be submitted with this form. Please see the General Information section for additional instructions.

Part I. Projected Enrollment
The methodology for calculating the district's projected enrollment is outlined in Sections 1859.42, 1859.42.1 and 1859.43.

STATE OF CALIFORNIA
ENROLLMENT CERTIFICATION/PROJECTION
SCHOOL FACILITY PROGRAM
SAB 50-01 (REV ~~05/09~~ XX/XX)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

Check one: **Fifth-Year Enrollment Projection** ☐ **Tenth-Year Enrollment Projection**

HSAA Districts Only - Check one: ☐ **Attendance** ☐ **Residency**

☐ **Residency - COS Districts Only** - (Fifth Year Projection Only)

☐ **Modified Weighting** (Fifth-Year Projection Only)
☐ **Alternate Weighting -** (Fill in boxes to the right):

3rd Prev. to 2nd Prev.	2nd Prev. to Prev.	Previous to Current

Part A. K-12 Pupil Data

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

Part B. Pupils Attending Schools Chartered By Another District

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part C. Continuation High School Pupils - (Districts Only)

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
9								
10								
11								
12								
TOTAL	0	0	0	0	0	0	0	0

Part D. Special Day Class Pupils - (Districts or County Superintendent of Schools)

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

Part E. Special Day Class Pupils - (County Superintendent of Schools Only)

7th Prev. /	6th Prev. /	5th Prev. /	4th Prev. /	3rd Prev. /	2nd Prev. /	Previous /	Current /

Part F. Birth Data - (Fifth-Year Projection Only)

☐ County Birth Data ☐ Birth Data by District ZIP Codes ☐ Estimate ☐ Estimate ☐ Estimate

8th Prev.	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part G. Number of New Dwelling Units
(Fifth-Year Projection Only)

Part H. District Student Yield Factor
(Fifth-Year Projection Only)

Part I. Projected Enrollment

1. Fifth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL
			0

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

2. Tenth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL
			0

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			0
Severe			0
TOTAL	0	0	

I certify, as the District Representative, that the information reported on this form and, when applicable, the High School Attendance Area Residency Reporting Worksheet attached, is true and correct and that:
• I am designated as an authorized district representative by the governing board of the district.
• If the district is requesting an augmentation in the enrollment projection pursuant to Regulation Section 1859.42.1 (a), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be contracted. All subdivision maps used for augmentation of enrollment are available at the district for review by the Office of Public School Construction (OPSC).
• This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE)

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE	TELEPHONE NUMBER

E-MAIL ADDRESS

STATE OF CALIFORNIA
GRANT AGREEMENT
SCHOOL FACILITY PROGRAM
(Rev. ~~10/22~~ XX/XX)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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, 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 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.
“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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

[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.

Office of Public School Construction Application Number: _____

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, 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.

(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 project plans is the minimum work required to mitigate the _____ (health and safety or seismic) threat, which includes any other work triggered by the

Office of Public School Construction Application Number: _____

(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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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,

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number: _____

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 and must be returned to the state whether the project has savings or was overspent.
(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.

Office of Public School Construction Application Number: _____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number: _____

(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).

Office of Public School Construction Application Number: _____

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)

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
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: • 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	

*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: _____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

*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: _____

4. Modernization - 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 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: • 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
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: _____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number: _____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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)

*****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.

Office of Public School Construction Application Number: _____

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: • 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	

Office of Public School Construction Application Number: _____

ENGINEERING COSTS		
Type of Expenditure		Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • 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

Office of Public School Construction Application Number: _____

	To be eligible must be supported by time cards or time logs.	
s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number: _____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number: _____

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)	
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: • 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) &

Office of Public School Construction Application Number: _____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: _____

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: • 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 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student textbooks.	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • Computers • Printers	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not an eligible cost for a facility hardship rehabilitation project unless specifically approved by DSA.	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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

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

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, 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 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.
“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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

[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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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)

Office of Public School Construction Application Number: _____

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,

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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. A separate audit report shall be submitted for each audited project. Multiple projects cannot be combined in one audit report. 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: Education Code Section 41024 and 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

Office of Public School Construction Application Number: _____

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 and must be returned to the state whether the project has savings or was overspent.
(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.

Office of Public School Construction Application Number: _____

(Authority: Education Code Section 17076.10)

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).

Office of Public School Construction Application Number: _____

(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).

Office of Public School Construction Application Number: _____

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)

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
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: • 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	
l.	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: • 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	Ed. Code Section 17077.35

Office of Public School Construction Application Number: _____

	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.	

*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: _____

2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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: • 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	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses 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: • Residential Tenant Occupant Moving expenses Rental Assistance – payment not to exceed $5,250 Last Resort Housing	Ed. Code Sections 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

3. New Construction - Adjusted Grant
Charter Schools Facilities 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	
g.**	General Site Development within school property lines (Including but not limited to): • 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.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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)

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
j.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.76(c)
l.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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: • Projectors • Smart Boards • Freezers • Refrigerators • Stoves • Exercise equipment – Only if available for use by all students	
m.	Furniture and Equipment: • 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*

Office of Public School Construction Application Number: _____

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.	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: • 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

*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: _____

4. Modernization - 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 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: • 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
j.	Preliminary Site Tests	
k.	Engineering Fees	
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: • Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating.	Ed Code Section 17077.35

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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.	

*****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: _____

5. Modernization - 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: • 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: • 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

Office of Public School Construction Application Number: _____

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.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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. 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 17074.25 & CSAM Procedure 770
j.	Furniture and Equipment: • Desks	Ed Code Section 17074.25

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• 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*

Office of Public School Construction Application Number: _____

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.	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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	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.	

*****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.

Office of Public School Construction Application Number: _____

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: • 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	

Office of Public School Construction Application Number: _____

~~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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114

Office of Public School Construction Application Number: _____

s.**	General Site Development *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* within school property lines (Including but not limited to): • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(b) for detail). Including: • 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 *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • Site Clearance • Demolition • Rerouting Utility Lines	SFP Reg. Section 1859.193(a)&(b)(3)

Office of Public School Construction Application Number: _____

	• 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 a Career Technical Education Facilities Program project *(Not allowed as part of Career Technical Educational Facilities Project included in a New Construction Grant)* (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	SFP Reg. Section 1859.193(a)&(b)(4)
x.	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.	Approved by CDE & Ed Code Section 17078.72(a)

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

Office of Public School Construction Application Number: _____

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)	
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: • 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) &

Office of Public School Construction Application Number: _____

	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.	Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114
s.**	General Site Development within school property lines (Including but not limited to): • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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: • 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)

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

DESIGN COSTS		
	Type of Expenditure	Authority
	• 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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
I.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000. This includes expenditures for the following: • 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: 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	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	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 lessor of replacement cost or estimated cost of moving by professional mover. • 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (Including but not limited to): • 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.	Inspections – For services provided during construction of project.	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
i.**	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage • Gas	SFP Reg. Section 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: _____

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: • 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 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: _____

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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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

Office of Public School Construction Application Number: _____

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: • 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.

Office of Public School Construction Application Number: _____

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: • 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.	

Office of Public School Construction Application Number: _____

	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: • 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 Plan • Expenses for Voluntary Cleanup Agreement and/or School Cleanup Agreement	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	Relocation Assistance	
k.	Relocation Assistance – as long as expenditures conform to Title 25, CCR, Section 6000 . This includes expenditures for the following: • 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: 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 lessor of replacement cost or estimated cost of moving by professional mover.	Ed. Code Section(s) 17072.13, 17072.35 & CA Code of Reg., Title 25, Section 6000 & SFP Reg. Section 1859.82

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		1859.79.2 & 1859.82
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & SFP Reg. Section 1859.82
g.**	General Site Development within school property lines (including, but not limited to): • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
		Reg. Section 1859.82
i.	Off-Site Development costs on up to two immediately adjacent sides of the site (see SFP Regulation Section 1859.76(b) for detail). Including: • 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.**	Service Site Development costs within school property lines (see SFP Regulation Section 1859.76(a) for detail). Including: • 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.**	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: • Water • Sewage	SFP Reg. Sections 1859.76(c) & 1859.82

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	• Gas • Electric • Communication systems	
l.	Furniture and Equipment that meet all of the criteria as described in the California School Accounting Manual (CSAM), Procedure 770 as follows: • 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.	Furniture and Equipment: • 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: • 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: • 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

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
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: • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed $21,000. • Must be work that involves a skilled trade. To be eligible must be supported by time cards or time logs.	PCC Section 20114 & 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.

Office of Public School Construction Application Number: _____

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
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	

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities 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.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for 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	

5. Modernization – 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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~f.~~ g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25
~~g.~~ h.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • Computers • Printers • Computer Carts • Teacher and student text books.	

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• Landscape equipment Mowers, etc. • School maintenance equipment Floor polisher/scrubber, etc. • Cleaning & janitorial supplies • Band equipment/Uniforms • Mascot Uniforms	
~~i.~~ j.	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

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	
~~h.~~ i.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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

Office of Public School Construction Application Number: _____

	Type of Expenditure	Authority
	• 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP Reg. Section 1859.82
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • Computers • Printers	

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
	• 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	

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not an eligible cost for a facility hardship rehabilitation project unless specifically approved by DSA.	

Office of Public School Construction Application Number:

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	

Office of Public School Construction Application Number: _____

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.	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & SFP

Office of Public School Construction Application Number: _____

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
~~h.~~ i.	Items not considered Furniture and Equipment because it is considered operational or supplies in nature are not eligible, including: • 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

Office of Public School Construction Application Number: _____

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	

Office of Public School Construction Application Number: _____

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.	Fees paid to a Certified Public Accounting firm to conduct the closeout audit. These costs are considered operational/administrative in nature and therefore are not eligible.	
~~g.~~ h.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
~~h.~~ i.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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.

Office of Public School Construction Application Number: _____

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

From: Tamara Caspar (Jack Schreder and Associates Inc)
To: Harris-Martinez, Chelsea@DGS
Subject: CALPADS Special Education Pupil Data
Date: Friday, August 29, 2025 11:17:27 AM
Attachments: CALPADS 1.1 2018-2019.pdf
Dataquest 2018-19.pdf
CALPADS 1.1 2019-2020.pdf
Dataquest 2019-20.pdf
CALPADS 1.1 2020-2021.pdf
Dataquest 2020-21.pdf

CAUTION: This email originated from a NON-State email address. Do not click links or open attachments unless you are certain of the sender's authenticity.

Hello Chelsea,

Thank you for your time yesterday to discuss CALPADS special education pupil data . As mentioned, the Garfield Elementary SD does not currently house SDC student. When reviewing their CALPADS reports special education students are noted however, these students are RSP. We have several District's that report the SDC and RSP students in the special education category of the CALPADS. I've attached 3 years of Garfield's CALPADS and Dataquest reports for review.

Please let me know if you have any questions. Hope you have a wonderful long weekend!

Thank you,
Tamara

Tamara Caspar
Senior Consultant
Pronouns: she/her/hers
Jack Schreder & Associates, Inc.
4094 C Street
Sacramento, CA 95819
(916) 441-0986 Telephone

September 12, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third Street
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING THE AUGUST 28, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the fifteenth Proposition 2 Stakeholder meeting held on August 28, 2025. Below is a summary of our comments and concerns:

Five-Year School Facilities Master Plan

- We appreciate the flexibility given with the 5-year facilities master plan (FMP) requirement, in that school districts would not need to submit a FMP ever year, but rather could certify that there are no 'material changes' to the FMP as long as the submittal is within the current 5-year FMP timeline.

- We also appreciate the guidelines and technical assistance that will be available to school districts, especially the small districts or those with fewer resources.

Proposed Regulatory Amendments for General Updates to the School Facility Program

- We concur with OPSC's proposed updates regarding special education data enrollment reporting on the *Enrollment Certification/ Projection* (Form SAB 50-01) to align with current practice and eliminate outdated references to previous enrollment reporting systems and timelines.

- Regarding the proposed changes to the SFP regulations (*Section 1859.2 Definitions and Section 1859.60 Calculation) to Determine Modernization Baseline Eligibility*, we urge OPSC to reconsider the allowance of a district to use *any enrollment data after Census Day* of any given year to report enrollment for modernization eligibility purposes. The requirement for enrollment for modernization eligibility updates to not be recognized until November 1st of a given enrollment year may result in a district being disadvantaged.

The CALPADS Census Day (or 'count' day) is the first Wednesday of October, meaning it could be October 1-7. This means that by the time that November 1st comes, there have already been 3 to 4 weeks of missed opportunity for a district to submit their current eligibility and/or a funding application using that eligibility. Specifically, as we saw in October of 2024, those 3-4 weeks made the difference between being on the *Workload* list or going back onto an *Applications Received Beyond Bond Authority* list. We do not believe that aligning the new construction and modernization eligibility submittal date requirements in regulation should be the priority when it could penalize a district in this way. Also, the stakeholder item noted that for enrollment prior to November 1st, "CDE has not yet verified that data", however the data is not CDE-verified until months later, with the certification deadline in mid-December; this rationale for when to allow enrollment to be recognized appears to be incorrect. We propose that for the period between Census Day and October 31, districts should be allowed to use the prior year ***OR*** the current year's enrollment for modernization eligibility purposes.

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

Sincerely,

Jessica Love
Hancock Park & DeLong

September 12, 2025

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

Re: Proposition 2 Implementation Stakeholder Meeting #15

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the August 28, 2025, Implementation Stakeholder Meeting #15.

Five-Year School Facilities Master Plan

Proposed 2 CCR Section 1859.18(d)(2)(A) and 1859.18(d)(2)(B) – OPSC proposes that the school facilities inventory must include "the square footage of each building that is currently used for instructional purposes." Los Angeles Unified requests clarification on what use is considered to be "instructional purposes." For example, will the buildings need to contain classrooms or would buildings such as libraries, food services, or MPRs be considered "instructional purposes?"
Proposed 2 CCR Section 1859.18.1(f)(1) – OPSC proposes language that states "A complete Master Plan must be submitted with the 100 percent Form SAB 50-06." Los Angeles Unified proposes "100 percent Form SAB 50-06" be replaced with "Final Expenditure Report Form SAB 50-06."

Global School Facility Program Regulation Amendments

Section 1859.2 Definitions and Selection 1859.60 Calculation to Determine Modernization Baseline Eligibility – On page 87, OPSC clarifies and discusses what is meant by "latest CBEDS report and "enrollment reporting year," noting that Forms SAB 50-03 and SAB 50-01 submitted before November 1st with current-year enrollment are not acceptable because the data has not been verified by CDE. However, selecting November 1st as the first acceptable date for using current school year data will not necessarily mean that the data has been "verified" by CDE.

According to CDE's Data Reporting Office, "verified" enrollment data for the school year is not released until the summer following the school year (e.g., enrollment data for school year 2024-2025 was not released until Summer 2025). For this reason, Los Angeles Unified believes OPSC's current interpretation that enrollment data for the current year will have been verified by CDE by November 1st, is incorrect. By extension, using November 1st as the starting date for current year enrollment usage may produce inaccurate data. Los Angeles Unified suggests OPSC coordinate with CDE to conduct further research into whether November 1st is an appropriate verified date for current school year data.

Proposed Form SAB 50-04 Section 10 – OPSC proposes an addition to the Form SAB 50-04 that prompts the form filler to indicate whether the application is a "Hybrid Application Under the SFP." Los Angeles Unified suggests the expansion of this section to include two additional prompts:

> Have other application(s) requesting additional types of SFP funding already been submitted?
> ☐ YES ☐ NO
> If yes, provide the Application Number(s) of the related application(s): _____

The inclusion of these additional prompts will signal to OPSC which previous applications should be taken into consideration when processing a funding application, or will notify OPSC that a district intends to submit additional applications in the future.

Proposed Form SAB 50-10 Section 2 – Los Angeles Unified suggests the additional prompts listed above regarding hybrid applications, also be included in the proposed Form SAB 50-10.

Sincerely,

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

Rebecca Kirk, Executive Director
Office of Public School Construction
707 Third Street, Sixth Floor
West Sacramento, California 95605

March 9, 2026

Re: Proposed Form SAB 50-01 Instructions for Enrollment Reporting

Dear Ms. Kirk:

On behalf of the Los Angeles Unified School District, I write to provide additional observations on instructions for the SAB Form 50-01, including the amended instructions for Form SAB 50-01 that were proposed by OPSC for stakeholder meeting #15 (August 28, 2025).

Reporting SDC Enrollment Grouped by Severity and Grade Level

In the August 28, 2025, stakeholder materials, OPSC proposed the following new language in the instructions for Part D of Form SAB 50-01 regarding Special Day Class (SDC) enrollment data (see page 124 of the stakeholder meeting materials):

> "Report the pupils…attending the special day classes as shown and reported within the California Longitudinal Pupil Achievement Data System (CALPADS) to the CDE in October of the latest CBEDS enrollment report collected on Census Day (the first Wednesday in October). Report pupils as provided in Section 1859.2 for Non-Severely Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs."

Within those materials, on page 84, OPSC further advised that the needed SDC enrollment data can be obtained from the DataQuest "Special Education Enrollment by Program Setting" (SEEPS) report.

The Part D instruction appears to assume that local educational agencies report SDC enrollment to CALPADS and that CALPADS maintains SDC as a defined classification within its data structure. However, the CDE Data Reporting Office has informed us that they "don't separately disaggregate for special day classes". CALPADS, and therefore the SEEPS report, addresses special education enrollment data *generally*, but not SDC enrollment *specifically*. (CDE Special Education Division has confirmed that SDC enrollment is not the same as special-education enrollment, since not all special education students attend special day classes.)

Because CALPADS does not collect SDC data, the SEEPS report is also unable to report on the severe and non-severe categories within SDC. Instead, the SEEPS report provides information on general special-education enrollment by *instructional program settings*:

- Enrollment in "regular class 80 percent or more of the day"

- Enrollment in “regular class 40 to 79 percent of the day”
- Enrollment in "regular class 39 percent or less of the day”
- Enrollment in “separate school & other settings”
- Enrollment in “preschool setting”
- Enrollment “missing/unknown”

These program settings do not correspond to severity as defined in the Education Code and the Code of Federal Regulations. The terms “Non-Severely Disabled Individuals with Exceptional Needs” and “Severely Disabled Individuals with Exceptional Needs” are defined in SFP regulations section 1859.2 by reference to Education Code section 56030.5 and 34 Code of Federal Regulations Part 300.8. These authorities classify pupils primarily based on *type of disability* (i.e., autism, deafness, blindness, or other qualifying disabilities) which in turn determines severity classification.[1]

Finally, the DataQuest SEEPS report does not provide grade-level enrollment data, which are needed so that the SDC enrollment for each grade level can be excluded from the total enrollment for that grade level when completing Part A of Form SAB 50-01, as is required by the Part A instructions.

As a result, the use of the SEEPS report to obtain necessary SDC enrollment data does not align with regulatory requirements.

Timing and Data Source Considerations Related to Part A Instructions for K-12 Enrollment Reporting

Timing will likely present an additional problem for Form SAB 50-01, as the form’s Part A instructions state that current enrollment data are “available approximately October 15 of each year.” Although these data are *locally* available by that date, they are not yet publicly available *from CDE*, whose Data Reporting Office has informed us that “the annual enrollment data should be updated [on DataQuest] in May (possibly April)” and that the SEEPS report is “typically release[d] … the summer after the school year” when the data were collected. If DataQuest is the required data source, the timing of these releases will prevent compliance with the requirement that districts include current-year data when reporting enrollment on the SAB 50-01 form beginning November 1 each year.

Moreover, the data eventually published in DataQuest enrollment reports are not always identical to the initial enrollment counts reported to CDE, since the data are updated between October 15 and the date they are published. This too will prevent compliance with the Part A instructions requiring that data reported on the SAB 50-01 be the same as what were “available approximately October 15th.”

[1] According to Education Code Section 56030.5, “’Severely disabled’ means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe intellectual disability, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800), as it read on January 1, 1980.” A pupil with exceptional needs who has a type of disability not named in Education Code Section 56030.5 but included in 34 Code of Federal Regulations Part 300.8 is generally classified as nonseverely disabled.

Proposed Solutions

We propose two solutions (and welcome others) to the challenges discussed above:

One possible approach would be for CDE to collect and report SDC enrollment data grouped by severity and grade level. In addition, if districts are expected to include current-year CDE data when reporting enrollment on the Form SAB 50-01 beginning each November 1, the Census Day data should be published on DataQuest before November. The Part D instruction could then be revised as follows:

> "Report the number of pupils…attending special day classes on Census Day (the first Wednesday in October) as reported to the California Longitudinal Pupil Achievement Data System (CALPADS) and published in CDE's DataQuest. Report the enrollment separately as provided in Section 1859.2 for Non-Severely Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs."

Another option to consider would be to allow districts to use locally maintained enrollment data when completing the Form SAB 50-01. One advantage of this approach is that CDE would not need to collect additional data or develop a new SDC report. It would also allow districts to include current-year enrollment numbers on the Form SAB 50-01 shortly after Census Day each October. The Part D instruction could then read as follows:

> "Report the number of pupils…attending special day classes on Census Day (the first Wednesday in October) as shown in auditable district records. Report the enrollment separately as provided in Section 1859.2 for Non-Severely Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs."

Finally, we want to note that several other instructions in Form SAB 50-01 (including those for Part A) still reference the California Basic Educational Data System (CBEDS), which has largely been replaced by CALPADS. Updating those references may help improve clarity and consistency with current data system usage.

We would welcome any further discussion of these or other possible approaches to reporting enrollment data under the School Facility Program.

Thank you for the opportunity to share these observations.

Sincerely,

Amy Meenan
Deputy Director, Facilities Legislation, Grants and Funding
Facilities Services Division

Cc: File
Horwitz, S.
Watanabe, M.
Jones, L.

ATTACHMENT B1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
June 25, 2026

PROPOSED REVISIONS TO THE FACILITY INSPECTION TOOL

PURPOSE

To continue to discuss and receive stakeholder feedback regarding potential revisions to the Facility Inspection Tool (FIT) as a result of audit recommendations issued by the California State Auditor (State Auditor) in November 2024.

AUTHORITY

See Attachment B1a.

DESCRIPTION

This report continues discussion of the FIT and potential revisions related to audit recommendations issued by the State Auditor. A prior stakeholder meeting was held on October 30, 2025. This report addresses feedback that was not answered at the October 30 meeting, responds to stakeholder feedback following that meeting, and provides considerations and potential updates related to the State Auditor's recommendations to update the FIT.

In this item, the Office of Public School Construction (OPSC) has provided examples of potential changes to the FIT; however, at this time OPSC has not chosen which recommendations to move forward and they are presented for discussion purposes only.

BACKGROUND

The FIT is a visual inspection tool to aid in ensuring that all California school children have access to clean, safe, and functional school facilities. The FIT is comprised of eight categories to create a score or ranking. These eight categories include the 15 components outlined in Education Code Section 170002(d)(1). The FIT is an optional tool for use by school districts for purposes of evaluating facilities. The current version of the FIT is on Attachment B1b.

Stakeholder Feedback
On October 30, 2025, OPSC held a public meeting to discuss the audit recommendations issued by the State Auditor related to updating the FIT to increase the accuracy of FIT reporting. OPSC seeks stakeholder input on any topics presented in this item. The full text of the prior stakeholder meeting item can be found at the link below:
October 30, 2025 OPSC FIT Stakeholder Meeting

The recording from the stakeholder meeting is available at the link below:
October 30, 2025 OPSC FIT Stakeholder Meeting - Recording

BACKGROUND (cont.)

The following section of this report presents and considers updates to the FIT in accordance with the State Auditor's recommendations as well as stakeholder feedback.

STAFF ANALYSIS/DISCUSSION

Summary of Stakeholder Feedback
OPSC received multiple comments from the previous stakeholder meeting regarding the State Auditor's recommendations to update the FIT.

The full text of stakeholder feedback may be found on Attachment B1g.

Stakeholder Feedback	OPSC Response
1. One stakeholder suggested that indoor air quality must be addressed in the FIT even in the absence of mechanical heating, ventilation, and air conditioning (HVAC). Further, the stakeholder indicated that existing FIT language is ambiguous regarding indication of poor indoor air quality if an HVAC system or component does not exist in the area evaluated. The stakeholder suggested that language should be clarified to state that an inspector should record whether an area *relies* on mechanical or natural ventilation, and in either case, assess its indoor air quality.	**1.** OPSC appreciates the stakeholder's feedback and has included possible clarifying language within the FIT instructions on Attachment B1f for the inspector to add whether an area relies on mechanical or natural ventilation within the comments.
2. Existing FIT details relating to indoor air quality should be augmented by details calling for readily accessible objective data. The current visual inspection approach has limitations because significant issues like indoor air quality are not readily detectable by visual inspection.	**2.** OPSC appreciates the stakeholder's feedback and has included potential additional language on Attachment B1f for the inspector to indicate in the comments whether devices for monitoring temperature and humidity are present and what they showed at the time of inspection.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
2. (cont.) The stakeholder indicated that the State Auditor's report suggests that subjectivity in the scoring scale does not adequately quantify deficiencies, allowing for avoidance of accountability. Further, the stakeholder suggested that the existence or absence of readily accessible and objective data should be taken into account on the FIT, such as annual HVAC inspection reports and devices for monitoring air quality, temperature, and humidity levels.	**2. (cont.)**
3. The stakeholder suggested that the FIT and reporting based on the FIT (such as State Accountability Report Cards) should include a comprehensible disclaimer about the FIT's limitations.	**3.** The FIT is not a mandatory form, and as a result, is not submitted to OPSC for evaluation or review. School districts are not required to use this tool, and may use an appropriate locally created inspection tool in lieu of the FIT. Additionally, OPSC does not have involvement in State Accountability Report Cards prepared by local educational agencies. The FIT currently indicates that it "is designed to identify areas of a school site that are in need of repair based on a visual inspection of the site," which accurately reflects the FIT's intent and visual inspection approach. OPSC welcomes any suggestions regarding potential disclaimer language.
4. A stakeholder suggested that OPSC consider ways to better improve data collection, retention, and transparency related to the FIT, and expressed concern regarding the lack of data tracking around the FIT or local equivalents at either the	**4.** The FIT is an optional tool for school districts to use in evaluating their facilities. As OPSC does not track, receive completed FIT or local equivalent evaluations, or report on this tool, OPSC encourages school districts to keep records of their annual FIT

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
4. (cont.) state or local level.	**4. (cont.)** inspections.
5. At the October 30, 2025 stakeholder meeting, a stakeholder suggested that the presence of hazardous materials, such as chemical waste and flammable materials, poses a threat to pupils and staff and should be marked as an Extreme Deficiency (D).	**5.** In response, OPSC has prepared a Hazardous Materials Detail worksheet on Attachment B1e for stakeholder consideration in an effort to evaluate the hazardous materials category in greater detail.

Summary of State Auditor's Recommended Changes to the FIT
In the November 2024 audit report (Attachment B1c), the State Auditor recommended that DGS engage its stakeholder process by October 2025 to update the FIT, with a target completion date of October 2026, to "increase the accuracy of FIT reporting" by including the following additional elements in a new version of the FIT:

- "A broader range of deficiency ratings that specifically differentiates *cosmetic deficiencies*, *minor deficiencies*, *moderate deficiencies*, and *extreme deficiencies*. Further, DGS should adjust the weighting of the various deficiency ratings to provide a more accurate assessment of each school's compliance with Good Repair Standards. DGS should also provide multiple examples for each section and deficiency level. These examples could include detailed descriptions or photographs that exhibit the differences of severity in common deficiencies. For example, photographs could show a small hole in a carpet, which could be considered cosmetic, and a larger rip, which could pose a trip hazard and therefore warrant a more severe deficiency rating.
- Guidance about scoring individual locations that contain multiple deficiencies in the same section.
- An update of the scoring system that removes the aggregation of FIT sections into category-level reporting and clarifies how such changes will affect overall scores. For example, the *Systems* category currently includes HVAC, sewer, and gas. A *good* score on two of those subcategories could hide problems in a third that scores *poor* because the overall *Systems* category score would likely average out to *good* or *fair*.
- The inclusion of guidance in the FIT on the assessment of specialized learning environments. This guidance should include but not be limited to woodshops, welding shops, and agricultural areas."

The State Auditor's report indicates that the 18 schools in its review self-reported FIT scores in their School Accountability Report Cards that were higher than the scores the auditors assigned when they conducted inspections. The State Auditor's report further indicated that OPSC should make the aforementioned revisions to the FIT "to increase

STAFF ANALYSIS/DISCUSSION (cont.)

its effectiveness as an inspection tool. Specifically, because the FIT does not adequately consider the severity of deficiencies and does not account for the existence of multiple deficiencies in the same area, the FIT's scores may not adequately communicate the magnitude of the cleanliness and maintenance concerns at schools." Additionally, the State Auditor's report indicated that the FIT "lacks any guidance on assessing specialized classrooms often found in high schools, such as woodshops, automotive classrooms, and agricultural areas" and "offers limited guidance about hazardous chemicals."

Potential Amendments to the FIT based upon State Auditor Recommendations and Stakeholder Feedback

State Auditor Recommendation - Deficiency Ratings
The State Auditor recommended that OPSC adopt a broader range of deficiency ratings, suggesting cosmetic deficiencies, minor deficiencies, moderate deficiencies, and extreme deficiencies.

Based on these recommendations, OPSC has prepared potential expansions to the Part II, Evaluation Detail section of the FIT's User Instructions, shown below for stakeholder consideration. Additions to the current version of the Part II, Evaluation Detail section of the FIT's User Instructions are underlined:

OK	**No Deficiency – Good Repair:** Mark "OK" if all statements in the Good Repair Standard are true, and there is no indication of a deficiency in the specific category.
MD	**Minor Deficiency:** Mark "MD" if one or more statement(s) in the Good Repair Standard for the specific category is not true, and if the deficiency is minor and cosmetic. For instance, if there are stained curtains, rugs, scratch marks, or otherwise minor and non-hazardous damage, these would be a "Minor Deficiency".
D	**Deficiency:** Mark "D" if one or more statement(s) in the Good Repair Standard for the specific category is not true and is not just a cosmetically related or minor deficiency, or if there is other clear evidence of the need for repair or corrective action.
X	**Extreme Deficiency:** Indicate "X" if the area has a deficiency that is considered an "Extreme Deficiency" in the Good Repair Standard or there is a condition that qualifies as an extreme deficiency but is not noted in the Good Repair Standard and poses a health or safety issue.
NA	**Not Applicable:** If the Good Repair Standard category (building system or component) does not exist in the area evaluated, mark "NA".

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed addition of a “Minor Deficiency (MD)” rating is intended to monitor deficiencies that may be minor or cosmetic in nature, and pose no health or safety concerns. OPSC notes that the addition of “MD” is intended for purposes of stained curtains, rugs, scratch marks, etc. The intention of this addition is to establish clarification between an “MD” and “D” evaluation detail, supporting accurate and complete data about the status and condition of school facilities to enhance school districts’ ability to make informed decisions related to their facilities and public transparency.

In addition to the modified deficiency ratings, the State Auditor recommended that OPSC adjust the weighting of various ratings to provide a more accurate assessment of each school’s compliance with Good Repair Standards. For purposes of this stakeholder meeting, OPSC is presenting the concept of the additional “MD” rating and will address any potential weighting changes in a subsequent stakeholder meeting.

State Auditor Recommendations - Examples of Deficiency Ratings and Specialized Learning Environments Guidance

Alongside updated deficiency ratings, the State Auditor suggested that OPSC provide multiple examples for each section and deficiency level, with examples that could be detailed descriptions or photographs that “exhibit the differences of severity in common deficiencies.”

Additionally, the State Auditor recommended that OPSC include guidance in the FIT on the assessment of specialized learning environments, such as woodshops, welding shops, and agricultural areas.

Related to these recommendations, OPSC is requesting feedback related to development of a potential resource guide that will expand on instructions for specialized learning environments, and would include visual examples for the various ratings for each category. Rather than lengthening the FIT instructions with more detailed examples and guidance, OPSC suggests this resource guide can provide additional detail to supplement the FIT instructions.

State Auditor Recommendation - Guidance for Scoring Individual Locations with Multiple Deficiencies in the Same Section

OPSC acknowledges that it may be beneficial for individuals evaluating facilities to have guidance related to individual locations that contain multiple deficiencies.

One option could be to instruct evaluators to indicate an action plan within the comment section provided for any specific building/areas that receive one or more Deficiency scores. If an individual location contains multiple deficiencies, the school district should report in the comments the following:

STAFF ANALYSIS/DISCUSSION (cont.)

1. The maintenance or repair needed to meet Good Repair Standards.
2. An action plan to address maintenance or timing of the repair.
3. Any work orders associated with the maintenance or repair.

The school district would then compare the FIT year-to-year, comparing the multiple deficiencies of the year prior to the FIT within the current year.

OPSC appreciates stakeholder feedback on this consideration for evaluating multiple deficiencies.

State Auditor Recommendation - Scoring System Considerations

The State Auditor recommended that within Part III of the FIT, OPSC update the scoring system and remove the aggregation of FIT sections in category-level reporting and clarify how this change may affect overall scores.

Side-by-side comparisons of the existing FIT (Current FIT) and an example of the FIT with the suggested State Auditor updates (Recommended FIT) may be seen on Attachment B1d.

The State Auditor's Recommended FIT includes amendments to the existing FIT and additional components for stakeholder consideration:

1. Categories have been removed, and total percentages per category have been removed.
2. The ranking system is based upon each section's rank, rather than the average of the sections comprising each category.
3. Part III has been renamed to Section Totals and Ranking instead of Category Totals and Ranking.
4. An additional Evaluation Detail is included in the Proposed FIT, noted as a Minor Deficiency, or "MD." Please note that for purposes of Attachment B1d, the total number of "MD"s in the Recommended FIT were absorbed into the number of Deficiencies, or "D"s in the Current FIT. This does not impact the percentages.

Comparison A

Comparison A on Attachment B1d uses the data presented on the Example of an Updated FIT as seen in Appendix B of the State Auditor's audit report (Attachment B1c), to compare the Current FIT with the Recommended FIT.

Using the same data from the State Auditor's Example of an Updated FIT, the Current FIT scoring system yields an average percentage of the eight categories of 61.41 percent, which is a Poor overall school rating. Using the same data, the Recommended FIT yields an average percentage of the 15 sections of 65.93 percent, which still reflects a Poor overall school rating.

STAFF ANALYSIS/DISCUSSION (cont.)

Comparison B
OPSC created another side-by-side comparison of the Current FIT and the Recommended FIT with sample data that included additional Extreme Deficiencies. Comparison B on Attachment B1d uses a total of eight Extreme Deficiencies between the Current FIT and Recommended FIT to see how the recommended elimination of categories affects the overall rating when there are multiple Extreme Deficiencies.

The Current FIT averages a percentage of the eight categories of 46.2 percent, whereas the Recommended FIT averages a percentage of 45.26 percent, decreasing slightly.

OPSC welcomes stakeholder feedback on the State Auditor's Recommended FIT with this data provided.

Other Proposed Amendments to the FIT

Hazardous Materials Detail Sheet
On Attachment B1e, OPSC created a potential Hazardous Materials Detail worksheet, which could be a proposed (Optional) Part IIc of the FIT, used to evaluate the Hazardous Materials of each area. This additional section is comparable to the Current FIT, Part IIb, the Cleanliness Detail sheet. The intention of this sheet is in response to discussions during the previous stakeholder meeting presentation for the FIT, wherein multiple stakeholders cited the improper storage of hazardous materials as an issue that districts face.

In response to this, OPSC created a Hazardous Materials Detail sheet, a new Part IIc of the FIT, which could be used to evaluate whether hazardous materials are present and stored properly in each area, similar to how the existing Part IIb Cleanliness Detail worksheet breaks out how to evaluate the cleanliness of each area.

The instructions for the Hazardous Materials Detail worksheet maintain the same percentages as the Cleanliness Detail worksheet related to how to evaluate an area, between the safe (OK), Deficient (D), and Extreme Deficiency (X) ratings based upon the total "Yes" percentage of the review.

Some examples of details to evaluate are as follows:

- Hazardous materials are labeled properly.
- Chemical storage containers are intact with no evidence of chemical leakage from containers.
- Current and dated inventory lists are posted clearly.
- Potential sources of ignition are turned off.

STAFF ANALYSIS/DISCUSSION (cont.)

OPSC requests stakeholder feedback on this potential component.

Next Steps

OPSC invites stakeholder input on the specific FIT revisions recommended by the State Auditor. OPSC will review all feedback and will schedule a third stakeholder meeting for further discussion by notifying all interested parties through our email notification system. If you would like to subscribe to our email list, please visit this link:

https://public.govdelivery.com/accounts/CADGS/subscriber/topics?qsp=CADGS_4

Any stakeholder wishing to provide feedback should email OPSCCommunications@dgs.ca.gov by end of day, Friday, July 10, 2026.

ATTACHMENT B1a

AUTHORITY

Education Code (EC) Section 1240

The county superintendent of schools shall do all of the following:
(a) Superintend the schools of that county.
(b) Maintain responsibility for the fiscal oversight of each school district in that county pursuant to the authority granted by this code.
(c) (1) Visit and examine each school in the county at reasonable intervals to observe its operation and to learn of its problems. The county superintendent of schools annually may present a report of the state of the schools in the county, and of the county office of education, including, but not limited to, observations from visiting the schools, to the board of education and the board of supervisors of the county.
(2) (A) (i) Commencing with the 2021–22 fiscal year, the Superintendent shall identify a list of schools, which shall include charter schools, for which the county superintendent, or a designee, shall inspect annually, and about which the county superintendent, or a designee, shall submit an annual report, at a regularly scheduled November board meeting, to the governing board of each school district under the jurisdiction of the county superintendent, the county board of education of that county, and the board of supervisors of that county, that describes the state of the schools in the county. The list established in the 2021–22 fiscal year shall also be used as the list established in the 2022–23 and 2023–24 fiscal years. The list of schools established pursuant to this section shall be reestablished in the 2024–25 fiscal year and again every three fiscal years thereafter. Each list shall be established in accordance with clause (ii), and shall be used for inspections beginning the following fiscal year.
(ii) The list of schools pursuant to clause (i) shall be compiled as follows:
(I) The Superintendent shall include on the list all schools that were most recently identified for comprehensive support and improvement and additional targeted support and improvement pursuant to the federal Every Student Succeeds Act (Public Law 114-95) or identified as low performing under the federal Elementary and Secondary Education Act of 1965 (Public Law 89-10), or any subsequent amendments to that act. For the list established in the 2021–22, 2022–23, and 2023–24 fiscal years, the Superintendent shall use the list of schools identified in the 2019–20 fiscal year for comprehensive support and improvement and for additional targeted support and improvement.
(II) The Superintendent shall include on the list all schools where 15 percent or more of the teachers are holders of a permit or certificate, such as a temporary or short-term permit, a substitute permit, a waiver, an intern credential, or any other authorization that is a lesser certification than a preliminary or clear California teaching credential. With the exception of alternative schools, all schools within a local educational agency that fail to meet the requirements of Sections 44258.9 and 60900 shall be included on the list for the applicable reporting cycle.
(III) The list of schools compiled pursuant to clause (i) shall exclude alternative schools within the meaning of subdivision (d) of Section 52052 and other schools accepted for participation in the Dashboard Alternative School Status program by the department.
(iii) The annual report shall include the determinations for each school made by the county superintendent, or the county superintendent’s designee, regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, and the county superintendent, or the county

superintendent's designee, shall use a standardized template to report the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9, unless the current annual report being used by the county superintendent, or the county superintendent's designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(B) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(C) On a quarterly basis, the county superintendent, or the county superintendent's designee, shall report the results of the visits and reviews conducted that quarter to the governing board of the school district at a regularly scheduled meeting held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or the county superintendent's designee, for each school regarding the status of all of the circumstances listed in subparagraph (E) and teacher misassignments and teacher vacancies, as described in Section 44258.9. If the county superintendent, or the county superintendent's designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(D) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.

(E) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair, as required by Sections 17014, 17032.5, 17070.75, and 17089.

(F) The county superintendent may make the status determinations described in subparagraph (E) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and the availability of qualified reviewers.

(G) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent, among other things, may do any of the following:

(i) Return to the school to verify repairs.

(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the school district has not provided evidence of successful repairs within 30 days of the visit of the county superintendent or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on the internet website of the county superintendent. The report shall be removed from the internet website when the county superintendent verifies the repairs have been completed.
(H) For schools that are identified on the list established in the 2024–25 fiscal year pursuant to subparagraph (A), and only in the fiscal years in which that list is used, a county superintendent shall complete the textbook and instructional materials review conducted for purposes of this paragraph and subparagraph (A) of paragraph (3) of subdivision (i) by the eighth week of the school year. The county superintendent shall prioritize reviewing, within the first four weeks of the school year where practicable, schools for which the county superintendent has received information from a survey, a complaint filed pursuant to Section 35186, or any other reliable source that the school does not have sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i), or that a facility of the school poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089.
…

EC Section 17002

The following terms wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:
(a) “Apportionment” means a reservation of funds necessary to finance the cost of any project approved by the board for lease to an applicant school district.
(b) “Board” means the State Allocation Board.
(c) “Cost of project” includes, but is not limited to, the cost of all real estate property rights, and easements acquired, and the cost of developing the site and streets and utilities immediately adjacent thereto, the cost of construction, reconstruction, or modernization of buildings and the furnishing and equipping, including the purchase of educational technology hardware, of those buildings, the supporting wiring and cabling, and the technological modernization of existing buildings to support that hardware, the cost of plans, specifications, surveys, and estimates of costs, and other expenses that are necessary or incidental to the financing of the project. For purposes of this section, “educational technology hardware” includes, but is not limited to, computers, telephones, televisions, and video recording equipment.
(d) (1) “Good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to a school facility inspection and evaluation instrument developed by the Office of Public School Construction and approved by the board or a local evaluation instrument that meets the same criteria. Until the school facility inspection and evaluation instrument is approved by the board, “good repair” means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the interim evaluation instrument developed by the Office of Public School Construction or a local evaluation instrument that meets the same criteria as the interim evaluation instrument. The

school facility inspection and evaluation instrument and local evaluation instruments that meet the minimum criteria of this subdivision shall not require capital enhancements beyond the standards to which the facility was designed and constructed. In order to provide that school facilities are reviewed to be clean, safe, and functional, the school facility inspection and evaluation instrument and local evaluation instruments shall include at least the following criteria:
(A) Gas systems and pipes appear and smell safe, functional, and free of leaks.
(B) Mechanical systems, including heating, ventilation, and air-conditioning systems, satisfy the following:
(i) Are functional and unobstructed.
(ii) Appear to supply adequate amount of air to all classrooms, work spaces, and facilities.
(iii) Maintain interior temperatures within normally acceptable ranges.
(C) Doors and windows are intact, functional, and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
(D) Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to pupils, staff, or others. Locks and other security hardware function as designed.
(E) Interior surfaces, including walls, floors, and ceilings, are free of safety hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.
(F) Hazardous and flammable materials are stored properly. No evidence of peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or asbestos exposure are evident. There is no apparent evidence of hazardous materials that may pose a threat to the health and safety of pupils or staff.
(G) Structures, including posts, beams, supports for portable classrooms and ramps, and other structural building members appear intact, secure, and functional as designed. Ceilings and floors are not sloping or sagging beyond their intended design. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines structural components.
(H) Fire sprinklers, fire extinguishers, emergency alarm systems, and all emergency equipment and systems appear to be functioning properly. Fire alarm pull stations are clearly visible. Fire extinguishers are current and placed in all required areas, including every classroom and assembly area. Emergency exits are clearly marked and unobstructed.
(I) Electrical systems, components, and equipment, including switches, junction boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly covered and guarded from pupil access, and appear to be working properly.
(J) Lighting appears to be adequate and working properly. Lights do not flicker, dim, or malfunction, and there is no unusual hum or noise from light fixtures. Exterior lights onsite appear to be working properly.
(K) No visible or odorous indicators of pest or vermin infestation are evident.
(L) Interior and exterior drinking fountains are functional, accessible, and free of leaks. Drinking fountain water pressure is adequate. Fountain water is clear and without unusual taste or odor, and moss, mold, or excessive staining is not evident.
(M) Restrooms and restroom fixtures satisfy the following:
(i) Are functional.
(ii) Appear to be maintained and stocked with supplies regularly.
(iii) Appear to be accessible to pupils during the schoolday.
(iv) Appear to be in compliance with Section 35292.5.

(N) The sanitary sewer system controls odor as designed, displays no signs of stoppage, backup, or flooding, in the facilities or on school grounds, and appears to be functioning properly.
(O) Roofs, gutters, roof drains, and downspouts appear to be functioning properly and are free of visible damage and evidence of disrepair when observed from the ground inside and outside the building.
(P) The school grounds do not exhibit signs of drainage problems, such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets.
(Q) Playground equipment and exterior fixtures, seating, tables, and equipment are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.
(R) School grounds, fields, walkways, and parking lot surfaces are free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.
(S) Overall cleanliness of the school grounds, buildings, common areas, and individual rooms demonstrates that all areas appear to have been cleaned regularly and are free of accumulated refuse and unabated graffiti. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that the school is in session.
(2) (A) On or before January 1, 2007, the Office of Public School Construction shall develop the school facility inspection and evaluation instrument and instructions for users. The school facility inspection and evaluation instrument and local evaluation instruments that meet the minimum criteria of this subdivision shall include a system that will evaluate each facility, based on the criteria listed in paragraph (1), on a scale of “good,” “fair,” or “poor,” as developed by the Office of Public School Construction, and provide an overall summary of the conditions at each school on a scale of “exemplary,” “good,” “fair,” or “poor.”
(B) On or before July 1, 2007, the Office of Public School Construction, in consultation with county offices of education, shall define objective criteria for determining the overall summary of the conditions of schools.
(C) For purposes of this paragraph, “users” means local educational agencies that participate in either of the programs established pursuant to this chapter, Chapter 12.5 (commencing with Section 17070.10), or Section 17582.
(e) “Lease” includes a lease with an option to purchase.
(f) “Project” means the facility being constructed or acquired by the state for rental to the applicant school district and may include the reconstruction or modernization of existing buildings, construction of new buildings, the grading and development of sites, acquisition of sites therefor and any easements or rights-of-way pertinent thereto or necessary for its full use including the development of streets and utilities.
(g) “Property” includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.
(Amended by Stats. 2009, Ch. 88, Sec. 20. (AB 176) Effective January 1, 2010.)

Senate Bill (SB) 129 (Chapter 69, Budget Act of 2021 – Skinner)

SEC. 243.
…
(a) The Office of Public School Construction shall consult with stakeholders such as local educational agency facilities staff, classified employees providing custodial services,

certificated employees, local and state public health officials, and other experts in clean, safe, and functional school facilities. The Office of Public School Construction shall consider current standards for school facilities, including, but not limited to, the Association of Physical Plant Administrator's Operational Guidelines for Educational Facilities and both local and state public health guidance and standards.

(c) The State Allocation Board shall adopt an updated Facility Inspection Tool prior to June 30, 2022, for use beginning July 1, 2022.

GENERAL INFORMATION

The Facility Inspection Tool (FIT) has been developed by the Office of Public School Construction to determine if a school facility is in "good repair" as defined by Education Code (EC) Section 17002(d)(1) and to rate the facility pursuant to EC Section 17002(d)(2). The tool is designed to identify areas of a school site that are in need of repair based upon a visual inspection of the site. In addition, the EC specifies the tool should not be used to require capital enhancements beyond the standards to which the facility was designed and constructed.

Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional. As part of the school accountability report card, school districts and county offices of education are required to make specified assessments of school conditions including the safety, cleanliness, and adequacy of school facilities and needed maintenance to ensure good repair. In addition, beginning with the 2005/2006 fiscal year, school districts and county offices of education must certify that a facility inspection system has been established to ensure that each of its facilities is maintained in good repair in order to participate in the School Facility Program and the Deferred Maintenance Program. This tool is intended to assist school districts and county offices of education in that determination.

County superintendents are required to annually visit the schools in the county of his or her office as determined by EC Section 1240. Further, EC Section 1240(c)(2)(I), states the priority objective of the visits made shall be to determine the status of the condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by EC Section 17592.72(c) and the accuracy of data reported on the school accountability report card with the respect to the safety, cleanliness, and adequacy of school facilities, including good repair as required by EC Sections 17014, 17032.5, 17070.75, and 17089. This tool is also intended to assist county offices of education in performing these functions.

The EC also allows individual entities to adopt a local evaluation instrument to be used in lieu of the FIT provided the local instrument meets the criteria specified in EC Section 17002(d) and as implemented in the FIT. Any evaluation instrument adopted by the local educational agency for purpose of determining whether a school facility is maintained in good repair may include any number of additional items but must minimally include the criteria and rating scheme contained in the FIT.

USER INSTRUCTIONS

The FIT is comprised of three parts as follows:

Part I, Good Repair Standard outlines the school facility systems and components, as specified in EC Section 17002(d)(1), that should be considered in the inspection of a school facility to ensure it is maintained in a manner that assures it is clean, safe and functional. Each of the 15 sections in the Good Repair Standard provides a description of a minimum standard of good repair for various school facility categories. Each section also provides examples of clean, safe and functional conditions. The list of examples is not exhaustive. If an evaluator notes a condition that is not mentioned in the examples but constitutes a deficiency, the evaluator can note such deficiency in the applicable category as "other."

Some of the conditions cited in the Good Repair Standard represent items that are critical to the health and safety of pupils and staff. Any deficiencies in these items require immediate attention and, if left unmitigated, could cause severe and immediate injury, illness or death of the occupants. They constitute extreme deficiencies and indicate that the particular building system evaluated failed to meet the standard of good repair at that school site. These critical conditions are identified with underlined text followed by an (X) on the Good Repair Standard. If the underlined statement is not true, then there is an extreme deficiency (to be marked as an "X" on the Evaluation Detail) resulting in a "poor" rating for the applicable category. It is important to note that the list of extreme deficiencies noted in the Good Repair Standard is not exhaustive. Any other deficiency not included in the criteria but meeting the definition above can be noted by the evaluator and generate a poor rating.

Part II, Evaluation Detail is a site inspection template to be used to evaluate the areas of a school on a category by category basis. The design of the inspection template allows for the determination of the scope of conditions across campus. In evaluating each area or space, the user should review each of the 15 categories identified in the Good Repair Standard and make a determination of whether a particular area is in good repair. Once the determination is made, it should be recorded on the Evaluation Detail, as follows:

OK	**No Deficiency - Good Repair:** Mark "OK" if all statements in the Good Repair Standard are true, and there is no indication of a deficiency in the specific category.
D	**Deficiency:** Mark "D" if one or more statement(s) in the Good Repair Standard for the specific category is not true, or if there is other clear evidence of the need for repair.
X	**Extreme Deficiency**: Indicate "X" if the area has a deficiency that is considered an "Extreme Deficiency" in the Good Repair Standard or there is a condition that qualifies as an extreme deficiency but is not noted in the Good Repair Standard.
NA	**Not Applicable:** If the Good Repair Standard category (building system or component) does not exist in the area evaluated, mark "NA".

Below are suggested methods for evaluating various systems and areas:

- **Gas** and **Sewer** are major building systems that may span the entire school campus but may not be evident as applicable building systems in each classroom or common areas. However, because a deficiency in either of these systems could become evident and present a health and safety threat anywhere on campus, the user should not mark "NA" and should instead include an evaluation of these systems in each building space.
- **Roofs** can be easily evaluated for stand alone areas, such as portable classrooms. For permanent buildings containing several areas to be evaluated, roofs should be considered as parts of individual areas in order to accurately account for a scope of any roofing deficiency. For example, a 10 classroom building contains damaged gutters on one side of the building, spanning across five classrooms. Therefore, an evaluator should mark five classrooms as deficient in the roof category and the other five classrooms as in good repair, assuming there are no other visible deficiencies related to roofing.
- **Overall Cleanliness** is intended to be used to evaluate the cleanliness of each space. For example, a user should note a deficiency due to dirty surfaces in Overall Cleanliness, rather than **Interior Surfaces**. At the same time, the user should note such deficiency only in Overall Cleanliness in order to avoid accounting for such deficiency twice, i.e. in two sections.
- The tool is designed to evaluate stand-alone restrooms as separate areas. However, restrooms contained within other spaces, such as a kindergarten classroom or a library, can be evaluated as part of that area under Restrooms. If the area evaluated does not contain a restroom, Restrooms should be marked "NA."
- **Drinking fountains** can exist within individual classrooms or areas, right outside of classrooms or restrooms or other areas, or as stand alone fixtures on playgrounds and sports fields. If a drinking fountain or a set of fountains is located inside a building or immediately outside the area being evaluated, it should be included in the evaluation of that area under Drinking Fountains. If a fountain is located on the school grounds, it should be evaluated as part of that outside space. If there is no drinking fountain in the area evaluated, Drinking Fountains should be marked "NA."
- **Playgrounds/School Grounds**, should be evaluated as separate areas by dividing a campus into sections with defined borders. In this case, several sections of the good repair criteria would not apply to the evaluation, as they do not exist outside of physical building areas, such as **Structural Damage** and **Fire Safety**, for example.

Part III includes the **Category Totals and Ranking**, the **Overall Rating**, and a section for **Comments and Rating Explanation**.

Once the inspector completes the site inspection, he or she must total the number of areas evaluated. The inspector must also count all of the spaces deemed in good repair, deficient, extremely deficient, or not applicable under each of the 15 sections. Next, the evaluator must determine the condition of each section by taking the ratio of the number of areas deemed in good repair to the number of areas being evaluated (after subtracting non-applicable spaces from the total number of areas evaluated). If any of the 15 sections received a rating of extreme deficiency, the ratio (i.e., the percentage of good repair) for that section and the category the section is in should default to zero. The total percent per category (A through H) is determined by the total of all percentages of systems in good repair divided by the number of sections in that category. For example, to determine the total percent for the Structural category, add the percentages for the Structural Damage and Roof sections and divide the result by two.

Next, the overall school site score is determined by computing the average percentage rating of the eight categories (i.e., the total of all percentages divided by eight). Finally, the rater should determine the overall School Rating by applying the Percentage Range in the table provided in Part III to the average percentage calculated and taking into consideration the Rating Description provided in the same table.

*Although the FIT is designed to evaluate each school site within a reasonable range of facility conditions, it is possible that an evaluator may identify critical facility conditions that result in an Overall School Rating that does not reflect the urgency and severity of those deficiencies and/or does not match the rating's Description in Part III. In such instances, the evaluator may reduce the resulting school score by one or more grade categories and describe the reasons for the reduction in the space provided for Comments and Rating Explanation.

When completing Part III of the FIT, the inspector should note the date and time of the inspection as well as weather conditions and any other pertinent inspection information in the specific areas provided and utilize the Comments and Rating Explanation Section if needed.
When completing Part III of the FIT, the school district should be provided the opportunity to provide comments and utilize the Comments and Rating Explanation Section if needed.

PART I: GOOD REPAIR STANDARD

(X): If underlined statement is not true, then this is an extreme deficiency (marked as an "X") on the Evaluation Detail resulting in a "poor" rating for the applicable category.

Gas Leaks
Gas systems and pipes appear safe, functional, and free of leaks.
Examples include but are not limited to the following:

a. There is no odor that would indicate a gas leak. (X)
b. Gas pipes are not broken and appear to be in good working order. (X)
c. Other

Mechanical Systems
Heating, ventilation, and air conditioning systems (HVAC) as applicable are functional and unobstructed. Examples include but are not limited to the following:

a. The HVAC system is operable. (X)
b. The facilities are ventilated (via mechanical or natural ventilation).
c. The ventilation units are unobstructed and vents and grills are without evidence of excessive dirt or dust.
d. There appears to be an adequate air supply to all classrooms, work spaces, and facilities (i.e. no strong odor is present, air is not stuffy)
e. Interior temperatures appear to be maintained within normally accepted ranges.
f. The ventilation units are not generating any excessive noise or vibrations.
g. Other

Sewer
Sewer line stoppage is not evident. Examples include but are not limited to the following:

a. There are no obvious signs of flooding caused by sewer line back-up in the facilities or on the school grounds. (X)
b. The sanitary system controls odors as designed.
c. Other

Interior Surfaces (Floors, Ceilings, Walls, and Window Casings)
Interior surfaces appear to be clean, safe, and functional. Examples include but are not limited to the following:

a. Walls are free of hazards from tears and holes.
b. Flooring is free of hazards from torn carpeting, missing floor tiles, holes.
c. Ceiling is free of hazards from missing ceiling tiles and holes.
d. There is no evidence of water damage (e.g. no condensation, dampness, staining, warping, peeling, mineral deposits, etc.)
e. Other

Overall Cleanliness
School grounds, buildings, common areas, surfaces, and individual rooms appear to have been cleaned regularly. Examples include but are not limited to the following:
a. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.
b. An area should appear to be clean with minimal dirt, dust, or buildup. Floors and carpets should appear to have been swept or cleaned within the last week. Light fixtures and all bulbs are working properly. Facilities area adequately stocked and odor free. (OK)
c. An area marked as "Deficiency" would appear to not have been cleaned in the last two weeks and carpet may look dull, matted, or stained. Corners of the room may have a recognizable amount of dirt or grime buildup. Floors do not appear to have been swept or vacuumed in two weeks. Some light fixtures are dirty and fewer than five percent of the bulbs have burned out. Daily trash has not been taken out. (D)
d. An area marked as having an "Extreme Deficiency" would appear to be dirty, dingy, or scuffed with an evident buildup of dust, dirt, stains, or trash. Floors have not been swept or vacuumed in over two weeks. Light fixtures are dirty and more than five percent of the bulbs have burned out. There is trash overflow and the area being evaluated has a foul odor. (X)
e. Area(s) evaluated is free of unabated graffiti.
f. Other

Part IIb (Optional) - The Cleanliness Detail worksheet may be used to evaluate the Overall Cleanliness of each area. Based on Part IIb, use the following to complete Part IIa:
The district may choose how to report maintenance and custodial staff. The district may report staffing at the site or district level. Staffing may be based on assigned staff or represented as Full-Time Equivalent increments.
a. If 75.0 percent or more of the review is "Yes", the area should be rated clean (OK).
b. If 50 - 74.9 percent of the review is "Yes", the area should be rated "Deficient (D)".
c. If 49.9 percent or less of the review is "Yes", the area should be rated Extreme Deficiency (X)

1. Floors swept, vacuumed, and/or mopped. Free of spots stains, and build up.
2. Walls and Doors free of spots and grime.
3. Desk and Counters clean.
4. Furniture dusted and clean.
5. Baseboards and window sills dusted and clean.
6. Light fixtures clean.
7. Sink clean and drains working properly.
8. Trash cans are empty and clean. The ground is free of trash. Floors and furniture are free of gum and/or other food residue.
9. Windows are free from damage, clean, and in working condition.
10. Water fountains, including handles/buttons, are clean and in working condition.
11. Toilets and bathroom sinks are clean and in working condition.
12. Mirrors and Hand Dryers are clean, intact, and in working condition.
13. Bathroom supplies are stocked and in working condition.
14. Area is free of graffitti.
15. Landscaping - Maintained sufficiently to not hinder student and staff.

Pest/Vermin Infestation
Pest or vermin infestation are not evident. Examples include but are not limited to the following:
a. There is no evidence of a major pest or vermin infestation. (X)
b. There are no holes in the walls, floors, or ceilings.
c. Rodent droppings or insect skins are not evident.
d. Odor caused by a pest or vermin infestation is not evident.
e. There are no live rodents observed.
f. Other

Electrical (Interior and Exterior)
1. There is no evidence that any portion of the school has a power failure. (X)

2. Electrical systems, components, and equipment appear to be working properly.
a. There are no exposed electrical wires. Electrical equipment is properly covered and secured from pupil access. (X)
b. Outlets, access panels, switch plates, junction boxes and fixtures are properly covered and secured from pupil access.
c. Other

3. Lighting appears to be adequate and working properly, including exterior lights. Examples include but are not limited to the following:
a. Lighting appears to be adequate.
b. Lighting is not flickering.
c. There is no unusual hum or noise from the light fixtures.
d. Other

Restrooms
Restrooms in the vicinity of the area being evaluated appear to be accessible during school hours, clean, functional and in compliance with SB 892 (EC Section 35292.5) and AB 367 (EC Section 35292.6). The following are examples of compliance with SB 892 and AB 367:

a. Restrooms are maintained and cleaned regularly.
b. Restrooms are fully operational.
c. Restrooms are stocked with toilet paper, menstrual products, soap, and paper towels.
d. Restrooms are open during school hours.
e. Other

Sinks/Fountains (Inside and Outside)
Drinking fountains appear to be accessible and functioning as intended. Examples include but are not limited to the following:
a. Drinking fountains are accessible.
b. Water pressure is adequate.
c. A leak is not evident.
d. There is no moss, mold, or excessive staining on the fixtures.
e. The water is clear and without unusual taste or odor.
f. Other

Fire Safety
The fire equipment and emergency systems appear to be functioning properly. Examples include but are not limited to the following:
a. The fire sprinklers appear to be in working order (e.g., there are no missing or damaged sprinkler heads). (X)
b. Emergency alarms appear to be functional. (X)
c. Emergency exit signs function as designed, exits are unobstructed. (X)
d. Fire extinguishers are current and placed in all required areas.
e. Fire alarms pull stations are clearly visible.
f. Other

Hazardous Materials (Interior and Exterior)
There does not appear to be evidence of hazardous materials that may pose a threat to pupils or staff. Examples include but are not limited to the following:
a. Hazardous chemicals, chemical waste, and flammable materials are stored properly (e.g. locked and labeled properly). (X)
b. Paint is not peeling, chipping, or cracking.
c. There does not appear to be damaged tiles or other circumstances that may indicate asbestos exposure.
d. Surfaces (including floors, ceilings, walls, window casings, HVAC grills) appear to be free of mildew, mold odor and visible mold.
e. Other

Structural Damage
There does not appear to be structural damage that has created or could create hazardous or uninhabitable conditions. Examples include but are not limited to the following:

a. Severe cracks are not evident. (X)
b. Ceilings & floors are not sloping or sagging beyond their intended design. (X)
c. Posts, beams, supports for portable classrooms, ramps, and other structural building members appear to be intact, secure and functional as designed. (X)
d. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines the structural components. (X)
e. Other

When completing Part III of the FIT, the inspector should note the date and time of the

Roofs (observed from the ground, inside/outside the building)
Roof systems appear to be functioning properly. Examples include but are not limited to the following:
a. Roofs, gutters, roof drains, and down spouts are free of visible damage.
b. Roofs, gutters, roof drains, and down spouts are intact.
c. Other

Playground/School Grounds
The playground equipment and school grounds in the vicinity of the area being evaluated evaluated appear to be clean, safe, and functional. Examples include but are not limited to the following:
a. Significant cracks, trip hazards, holes and deterioration are not found.
b. Open “S” hooks, protruding bolt ends, and sharp points/edges are not found in the playground equipment.
c. Seating, tables, and equipment are functional and free of significant cracks.
d. There are no signs of drainage problems, such as flooded areas, eroded soil, water damage to asphalt, or clogged storm drain inlets.
e. Other

Windows/Doors/Gates/Fences (Interior and exterior)
Conditions that pose a safety and/or security risk are not evident. Examples include but are include but are not limited to the following:
a. There is no exposed broken glass accessible to pupils and staff. (X)
b. Exterior doors and gates are functioning and do not pose a security risk. (X)
c. Windows are intact and free of cracks.
d. Windows are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
e. Doors are intact.
f. Doors are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
g. Gates and fences appear to be functional.
h. Gates and fences are intact and free of holes and other conditions that could present a safety hazard to pupils, staff, or others.
i. Other

PART IIa: EVALUATION DETAIL Date of Inspection: _____ School Name: _____

Building / Area Name	Estimated Square Footage	1 GAS LEAKS	2 MECH/HVAC	3 SEWER	4 INTERIOR SURFACES	5 OVERALL CLEANLINESS	6 PEST/VERMIN INFESTATION	7 ELECTRICAL	8 RESTROOM	9 SINKS/ FOUNTAINS	10 FIRE SAFETY	11 HAZARDOUS MATERIALS	12 STRUCTURAL DAMAGE	13 ROOFS	14 PLAYGROUND/ SCHOOL GROUNDS	15 WINDOWS/ DOORS/ GATES/FENCES
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
		COMMENTS:														
District's Plan to Address:																
Deficiencies Noted in Prior Year?																

Marks: **OK** = Good Repair; **D** = Deficiency; **X** = Extreme Deficiency; **NA** = Not Applicable

Use additional Area Lines as necessary.

PART IIb: CLEANLINESS DETAIL

NUMBER OF MAINTENANCE STAFF IN THE DISTRICT OR AT SITE (SPECIFY): _____ Date of Inspection: _____ School Name: _____

NUMBER OF CUSTODIAL STAFF ASSIGNED TO SITE: _____

Building / Area Name	Area Characteristics (Grade level served, events, traffic volume, public usage, etc.)	1 Floors	2 Walls & Doors	3 Desks & Counters	4 Furniture	5 Baseboards /Window Sill	6 Light Fixtures	7 Sinks	8 Trash / Refuse	9 Windows	10 Water Fountains	11 Toilets	12 Mirrors & Hand Dryers	13 Bathroom Supplies	14 Graffiti	15 Landscaping	Rating
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
		COMMENTS:															
District's Plan to Address:																	
Deficiency Noted in Prior Year?																	

Use additional Area Lines as necessary.

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION		COUNTY	
SCHOOL SITE		SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE: NUMBER OF RESTROOMS ON SITE:
INSPECTOR'S NAME	INSPECTOR'S TITLE	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)	
TOTAL ESTIMATED BUILDING VOLUME (CUBIC FEET):	TIME OF INSPECTION	SITE ENROLLMENT	
TOTAL ESTIMATED SITE SQUARE FOOTAGE / ACREAGE: TOTAL ESTIMATED BUILDING SQUARE FOOTAGE:	WEATHER CONDITION AT TIME OF INSPECTION		

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED ↓	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "OK"s:															
	Number of "D"s:															
	Number of "X"s:															
	Number of N/As:															
Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)*																
Total Percent per Category (average of above)*																
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%																

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: **DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE** → _____ **SCHOOL RATING**** → _____

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75.%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

INSPECTOR'S COMMENTS AND RATING EXPLANATION:

DISTRICT'S RESPONSES TO REPORT (Attach additional pages if necessary):

Custodial Staffing and Cleanliness Standards

Significant Maintenance Deficiencies at Some Schools May Place Students' Safety and Learning at Risk

November 2024

REPORT 2023-122

CALIFORNIA STATE AUDITOR
621 Capitol Mall, Suite 1200 | Sacramento | CA | 95814

916.445.0255 | TTY **916.445.0033**

For complaints of state employee misconduct,
contact us through the **Whistleblower Hotline**:
1.800.952.5665

Don't want to miss any of our reports? Subscribe to our email list at **auditor.ca.gov**

For questions regarding the contents of this report, please contact our Communications Office at 916.445.0255

This report is also available online at www.auditor.ca.gov | Alternative format reports available upon request | Permission is granted to reproduce reports

Grant Parks *State Auditor*

Mike Tilden *Chief Deputy*

November 19, 2024
2023-122

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

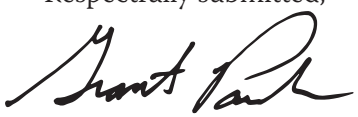
Dear Governor and Legislative Leaders:

As directed by the Joint Legislative Audit Committee, my office conducted an audit of California Public School Custodial Cleanliness Standards, which included assessing the conditions of 18 public schools across six school districts: Calaveras Unified School District, Chico Unified School District, Fresno Unified School District, Los Angeles Unified School District, Palo Verde Unified School District, and Santa Maria-Bonita School District. Our evaluation focused on the custodial cleanliness standards and staffing at these public schools, and we determined that the schools had numerous maintenance deficiencies that may place students' safety and learning at risk.

My office found that many schools are not meeting State standards for cleanliness and maintenance, exposing children to unsafe and unhealthful conditions that can affect their academic success. For example, we found improperly stored hazardous cleaning supplies in multiple schools we visited. We also observed among the schools we visited leaky roofs, structural deterioration, stained ceiling tiles, and fire safety issues, such as classrooms with missing fire extinguishers. We noted that schools lack a funding source dedicated to facilities maintenance because the school funding formula is based solely on attendance and student characteristics. We recommend that the Legislature consider developing a funding category for maintenance separate from the current school funding formula.

We also found that oversight of school facilities needs improvement. Using the same Facility Inspection Tool (FIT) that schools use to evaluate facility conditions, my office generally scored the schools lower than the schools scored themselves on their School Accountability Report Cards, and our FIT scores were generally lower than those from their respective county Offices of Education. Because the report cards are a way for the school to provide information on school conditions to the public, there may be an incentive for schools to rate themselves generously. Additional oversight of this process is necessary. Finally, we identified potential improvements to the FIT itself so that it will better reflect school conditions and be a better means of communicating information on school cleanliness and maintenance to the public.

Respectfully submitted,



GRANT PARKS
California State Auditor

ATTACHMENT B1c

Selected Abbreviations Used in This Report

APPA	Association of Physical Plant Administrators
CDE	California Department of Education
DGS	Department of General Services
FIT	Facility Inspection Tool
FMPs	Facilities Master Plans
FTE	full-time equivalent
HVAC	heating, ventilation, and air conditioning
LAO	Legislative Analyst's Office
LCFF	Local Control Funding Formula
NCES	National Center for Education Statistics
SARC	School Accountability Report Card

Contents

Summary 1

Introduction 3

The School Districts We Reviewed Did Not Comply With Facility Requirements, Risking Student Learning and Safety 11

Without Effective Oversight, School Facilities Will Remain in Poor Condition 31

The FIT's Deficiency Rating System Does Not Accurately Reflect School Conditions 41

Other Areas We Reviewed 47

Recommendations 52

Appendix A
FIT Scoring Comparisons 55

Appendix B
Example of an Updated FIT 73

Appendix C
Scope and Methodology 75

Responses to the Audit
California Government Operations Agency 79

Department of General Services 80

California State Auditor's Comments on the Response From the Department of General Services 85

Fresno County Office of Education 87

California State Auditor's Comments on the Response From the Fresno County Office of Education 89

Fresno Unified School District 91

California State Auditor's Comments on the Response From the Fresno Unified School District 93

Los Angeles Unified School District 95

California State Auditor's Comments on the Response From the Los Angeles Unified School District 103

ATTACHMENT B1c

Summary

Key Findings and Recommendations

Over the past 20 years, at least a dozen studies have demonstrated an adverse link between inadequate conditions at K-12 public schools and outcomes for students. These studies have found that when schools defer maintenance or fail to clean their facilities adequately, students can exhibit increased rates of absenteeism, more frequent illnesses, and lower average test scores. In an effort to ensure that students receive the maximum benefits from their education, schools conduct annual assessments of their campuses' cleanliness, maintenance, and safety. The assessments—which schools perform using the Facility Inspection Tool (FIT)—compare the facilities at each school against Good Repair Standards that state law describes.

Our review found the following:

- None of the 18 schools we inspected in six school districts throughout the State maintained their facilities in a manner that meets every State standard for good repair. We most commonly assigned *poor* scores to their safety, structures, and interiors. Some of the deficiencies we identified—such as hazardous cleaning chemicals and propane tanks stored in classrooms—posed significant risks to students, and schools corrected those immediately. The deferred maintenance we identified, which included leaky roofs and stained ceiling tiles, may be in part because school districts no longer receive funding specifically dedicated to the maintenance of school facilities. Instead, maintenance costs are one of many competing priorities that school districts must address with their available funding.

- The 18 schools in our review self-reported FIT scores in their school accountability report cards that were often higher than the scores we assigned when we conducted our inspections. County offices of education and school districts—the entities to which state law assigns responsibility for overseeing the condition of the school facilities—have not consistently provided monitoring to ensure that school districts report reliable information.

- The Department of General Services' (DGS) Office of Public School Construction should make certain adjustments to the FIT to increase its effectiveness as an inspection tool. Specifically, because the FIT does not adequately consider the severity of deficiencies and does not account for the existence of multiple deficiencies in the same area, the FIT's scores may not adequately communicate the magnitude of the cleanliness and maintenance concerns at schools. In addition, the FIT does not provide guidance on assessing the specialized classrooms often found in high schools, such as woodshops, automotive classrooms, and agricultural areas.

To address these findings, we have provided recommendations to the Legislature and to DGS. Our recommendations are designed to increase oversight of school facility conditions, provide dedicated funding for school maintenance, and ensure that the FIT provides adequate, accurate feedback on school cleanliness and maintenance.

Agency Perspective

DGS generally agreed with our recommendations. Because we did not make recommendations to the California Department of Education, the school districts, or county offices of education, no written response was required or expected from them; however, we did receive responses from Fresno Unified, Los Angeles Unified, and the Fresno County Office of Education. The Fresno County Office of Education raised concerns about redacted material, and Fresno Unified and Los Angeles Unified agreed in part but raised some concerns with our recommendations.

Introduction

Background

In academic year 2023–24, California's approximately 10,000 public K-12 schools served more than five million students. Ensuring that these schools' facilities are both safe and suitable for learning is critical to the health and education of the students who attend them. In the past 20 years, research has demonstrated an adverse link between inadequate facility conditions at public schools and student educational outcomes. For example, several studies found that poor cleanliness and maintenance conditions at public schools—such as dirty interior surfaces or old and poorly maintained buildings—correspond with increased rates of absenteeism and illness among students.[1,2] Further, one study found that student absenteeism is more likely to occur at schools with visible mold and building condition problems, noting this association was most apparent in schools in lower socioeconomic districts.[3]

Research has also shown that the condition of public school facilities is linked to students' academic performance. Specifically, when school facility conditions improve, so do performance outcomes, such as graduation rates. Unfortunately, the inverse is also true. For example, one study in Texas measured student academic performance against the age and condition of high schools. The study concluded that students who attended schools meeting the highest standard for facility conditions—which the study refers to as *excellent*, meaning no major repairs were needed—graduated at higher rates and scored higher on standardized tests than did students who attended schools in need of repair.[4] Figure 1 shows some of the negative outcomes that can be associated with certain types of deficiencies.

The *Williams* Case

In 2000, nearly 100 California school children filed a class action lawsuit against the State of California, the State Board of Education, the California Department of Education (CDE), and the California Superintendent of Public Instruction. The lawsuit alleged that these entities failed to meet a constitutional duty to ensure that all public school children have equal access to the basic educational tools they need to learn, including resources and facilities. The case, *Eliezer Williams et al. v. State of California et al. (Williams)* was settled in 2004. The settlement included a package of legislative proposals to ensure, in part, that students would have well-maintained schools.

1 Elinor Simons, et al, "The Impact of School Building Conditions on Student Absenteeism in Upstate New York," *American Journal of Public Health*, September 2010.

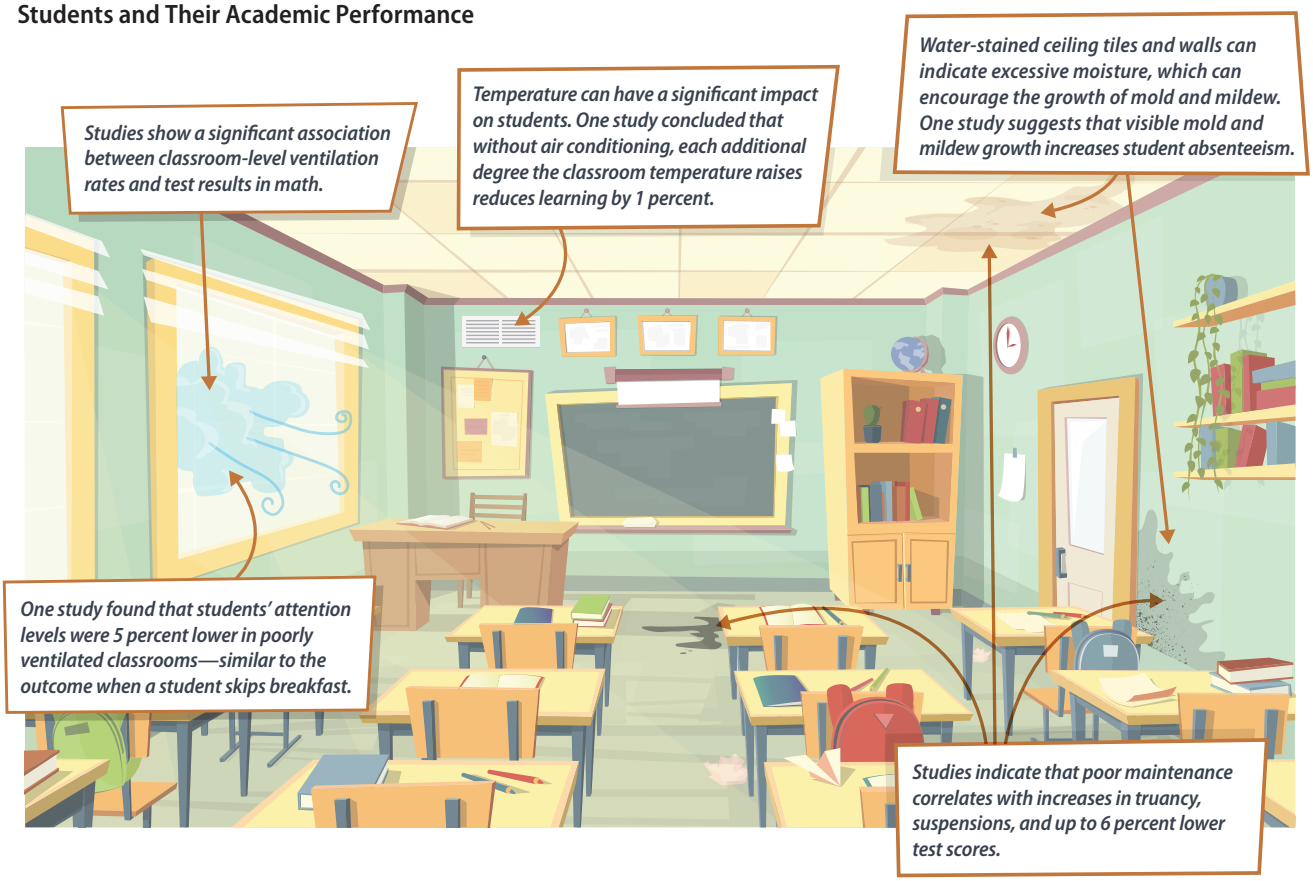
2 Jack Buckley, et al, "Los Angeles Unified School District School Facilities and Academic Performance," *National Clearinghouse for Educational Facilities*, 2004.

3 Stephen Boese and John Shaw, "New York State School Facilities and Student Health, Achievement, and Attendance: A Data Analysis Report," *Healthy Schools Network, Inc.*, 2005.

4 James Maurice Blincoe, "The Age and Condition of Texas High Schools as Related to Student Academic Achievement," doctoral dissertation, University of Texas at Austin, 2008.

ATTACHMENT B1c

Figure 1
Poor Classroom Cleanliness and Maintenance Can Negatively Affect Students and Their Academic Performance



Source: Several academic studies on various maintenance and cleanliness deficiencies and the negative effects they can have in a school setting.

Following the *Williams* settlement, the Office of Public School Construction, which is under the authority of the Department of General Services (DGS), developed the Facility Inspection Tool (FIT) to provide a means of assessing the maintenance, cleanliness, and safety of school facilities. State law requires that school districts (districts) use the FIT, or an alternative tool they create which meets the same criteria, to perform such evaluations every year. The districts must publish the results of their annual FIT evaluation of each school in that school's School Accountability Report Card (SARC). We describe the FIT in more detail in the next section.

After the *Williams* settlement, the Legislature appropriated $800 million in increased funding to address critical facility repairs at certain schools with poor academic performance (*Williams* schools) and increased oversight of *Williams* schools. Specifically, following the *Williams* settlement, the Legislature amended state law to require county superintendents to conduct annual inspections of all *Williams* schools within the districts that their county offices of education oversee. As part of these inspections, the county superintendents must determine the accuracy of the data the schools report on their SARCs regarding the safety,

cleanliness, and adequacy of their facilities, including whether those facilities are in good repair. Finally, the *Williams* settlement required every district to use a uniform complaint process to identify and remedy complaints about emergency or urgent facility-related conditions (*Williams* complaints).

The FIT

State law requires districts to use the FIT or a similar tool to annually determine the adequacy of school facilities, identify needed maintenance, and ensure that schools are in good repair. State law defines *good repair* and outlines the school facility systems and components that inspectors should consider when assessing school facilities. For a school to meet the Good Repair Standards, the school must be maintained in a manner that assures it is clean, safe, and functional.

The FIT consists of 15 sections that identify the systems and components that an inspection of a school facility must consider. An inspector, who might be a school employee, district employee, or consultant, uses the FIT to evaluate the areas of a school on a section-by-section basis.[5] Examples of FIT sections include *Interior Surfaces, Overall Cleanliness,* and *Electrical Systems*. Table 1 describes the 15 FIT sections and shows the eight categories into which they are grouped for SARC reporting. An inspector must use each of the 15 sections to evaluate locations such as classrooms, playgrounds, and restrooms, unless a particular section is not applicable to a location. For example, an inspector would generally not review a tennis court or running track under the *Roofs* section because these locations tend to be uncovered. An inspector might perform reviews at different times throughout the year, such as just after a deep cleaning during a winter break or at the end of a school day, which might affect observed school conditions in that moment.

FIT Ratings

- ***OK:*** All statements in the section's Good Repair Standards are true, and there is no indication of a deficiency.
- ***Deficient:*** One or more statement(s) in the Good Repair Standards for the section is not true, or there is other clear evidence of the need for repair.
- ***Extreme Deficiency:*** One or more of the extreme deficiencies described in the Good Repair Standards for the section are present; there is a condition that qualifies as an extreme deficiency but is not noted in the Good Repair Standards; or there are one or more deficiencies that meet the definition of an extreme deficiency: a deficiency that is critical to the health and safety of pupils and staff and that, if left unmitigated, could cause severe and immediate injury, illness, or death.
- ***Not Applicable:*** The Good Repair Standards section (building system or component) is not relevant in the evaluated area.

Source: The FIT.

After evaluating the conditions present in each location, the inspector makes a determination of whether a particular area is in good repair by assigning one of four possible FIT scores. The text box defines these scores. For example, a drinking fountain would be scored *OK* if it was accessible, functioning as intended, and did not have a deficiency, such as mold or excessive staining on the fixtures. An inspector would assign a *deficient* rating for a roof if the roof or its

[5] The FIT does not require that an inspection be conducted by someone with specific skills or abilities.

fixtures, such as gutters, had visible damage. Ratings of *extreme deficiency* require immediate attention and can include gas pipes that are broken or do not appear to be in good working order.

Table 1
The FIT Requires an Inspector to Evaluate School Sites According to 15 Sections Grouped Into SARC Categories

SARC CATEGORY	FIT SECTION	CRITERIA
Systems	*Gas*	Gas systems and pipes appear safe, functional, and free of leaks.
	Mechanical Systems (HVAC)	Heating, ventilation, and air conditioning (HVAC) systems as applicable are functional and unobstructed.
	Sewer	Sewer line stoppage is not evident.
Interior	*Interior Surfaces*	Interior surfaces appear to be clean, safe, and functional.
Cleanliness	*Overall Cleanliness*	School grounds, buildings, common areas, surfaces, and individual rooms appear to have been cleaned regularly.
	Pest/Vermin Infestation	Pest or vermin infestation are not evident.
Electrical	*Electrical*	There is no evidence that any portion of the school has a power failure. Electrical systems, components, and equipment appear to be working properly. Lighting appears to be adequate and working properly, including exterior lights.
Restrooms/Fountains	*Restrooms*	Restrooms in the vicinity of the area appear to be accessible during school hours, clean, functional and in compliance with state law.
	Sinks/Drinking Fountains	Drinking fountains appear to be accessible and functioning as intended.
*Safety**	*Fire Safety*	The fire safety equipment and emergency systems appear to be functioning properly.
	Hazardous Materials	There does not appear to be evidence of hazardous materials that may pose a threat to pupils or staff.
Structural	*Structural Damage*	There does not appear to be structural damage that has created or could create hazardous or uninhabitable conditions.
	Roofs	Roof systems appear to be functioning properly.
External	*Playgrounds/ School Grounds*	The playground equipment and school grounds in the vicinity of the area being evaluated appear to be clean, safe, and functional.
	Windows/Doors/Gates/Fences	Conditions that pose a safety and/or security risk are not evident.

Source: The FIT.

* Figure 2 uses the *Safety* category to illustrate how FIT sections comprise SARC categories.

Using the individual scores for locations throughout the school, the inspector must then assign the school an overall score, which the school publishes in its SARC. Figure 2 shows the process the inspector must follow to determine the school's average FIT score for each section reported in the SARC. The inspector then uses this information to assign the school's overall FIT score—*exemplary, good, fair,* or *poor*—as the text box describes. For more information about how schools complete these calculations, see Figure 2.

Figure 2
Example of Calculation of FIT Score for the SARC *Safety* Category

Step One: *After Conducting the Inspection, the Inspector Determines the Total Number of Areas That the Inspector Evaluated*

The inspector counts the evaluated areas—classrooms, and outdoor facilities such as fields and tennis courts.

AREAS EVALUATED
32

Step Two: *Determine the Number of Areas That Received Each Score*

The inspector then counts the number of areas that received each rating across the 15 sections. In this example, the inspector counts the number of ratings assigned to each area for the *Hazardous Materials* and *Fire Safety* sections and deducts any areas rated as *Not Applicable*.

RATINGS	FIT SECTION A: *HAZARDOUS MATERIALS*	FIT SECTION B: *FIRE SAFETY*
OK	17	31
	+	+
Deficient	15	1
	+	+
Extremely Deficient	0	0
	−	−
Not Applicable	0	0
	=	=
Total Number of Areas in Each Section:	32	32

Step Three: *Determine Section Scores*

The inspector then divides the number of areas with OK ratings by the total number of areas evaluated in each section.

FIT SECTION A: *HAZARDOUS MATERIALS*
17 ÷ 32 = 53 percent

FIT SECTION B: *FIRE SAFETY*
31 ÷ 32 = 97 percent

Step Four: *Determine the SARC Category's Score**

The inspector combines the scores for the sections included in the category. In this example, the inspector is calculating the score for the *Safety* category, which includes the *Hazardous Materials* and *Fire Safety* sections.

(Section A Score + Section B Score) ÷ Number of Sections =
(0.53 + 0.97) ÷ 2 = 0.75

The FIT classifies category scores from 75% to 89.99% as *fair*.

Category Score = 75%, *Fair*

Source: State Auditor.

* Table 1 shows how the FIT sections comprise SARC categories.

ATTACHMENT B1c

Funding for School Cleanliness and Maintenance

SARC Score

- ***Exemplary*** **(99-100 percent):** The school meets most or all of the Good Repair Standards. Deficiencies noted, if any, are not significant and/or affect a very small area of the school.
- ***Good*** **(90-98.99 percent):** The school is maintained in good repair with a number of noncritical deficiencies noted. These deficiencies are isolated, may be the result of minor wear and tear, and/or are in the process of being mitigated.
- ***Fair*** **(75-89.99 percent):** The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.
- ***Poor*** **(under 75 percent):** The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.

Source: The FIT.

A school's janitorial services and maintenance services differ significantly in terms of practice, purpose, and in some circumstances, funding sources. Janitorial services include daily cleaning tasks, such as emptying trash cans, vacuuming classrooms, and cleaning restrooms. In contrast, maintenance services focus on solving and preventing problems, such as replacing deteriorating wood or filling in potholes in the school parking lot. Districts pay for janitorial staff salaries and supplies through their general funds. However, the School Facility Program (facilities program) may provide funding for school facility projects.[6]

Funded largely by $42 billion in voter-approved bonds, the facilities program assists districts with funding facility modernization and alteration. The State Allocation Board (Allocation Board)—which the Office of Public School Construction staffs—is responsible for the distribution of grant funds under the facilities program. Once the Allocation Board determines that a school district is eligible, the district may obtain funding for improvements such as modernization projects. These projects can include replacing a school's roof or other major infrastructure. However, school districts must meet a variety of eligibility requirements before receiving funding from the facilities program. For example, modernization projects require districts to provide 40 percent of the necessary funding themselves, with certain exceptions for demonstrated financial hardship. As of 2024, the facilities program had about $370 million available.

According to the Public Policy Institute of California, factors such as local property taxes, voters' willingness to approve bonds, and a district's ability to successfully complete the application process for the facilities program significantly influence the funding available to the district. For example, districts that participate in the facilities program must create a restricted fund for maintenance. State law generally requires that districts deposit a minimum of 3 percent of their total general fund expenditures into this fund each fiscal year for 20 years after their receipt of facilities program funds. Districts use the funds they deposit into this restricted account to make necessary repairs to projects that were funded in part through the facilities program and to ensure that projects funded by the facilities fund are maintained in good repair at all times.

[6] The Leroy F. Greene School Facilities Act of 1998 established funding for the facilities program.

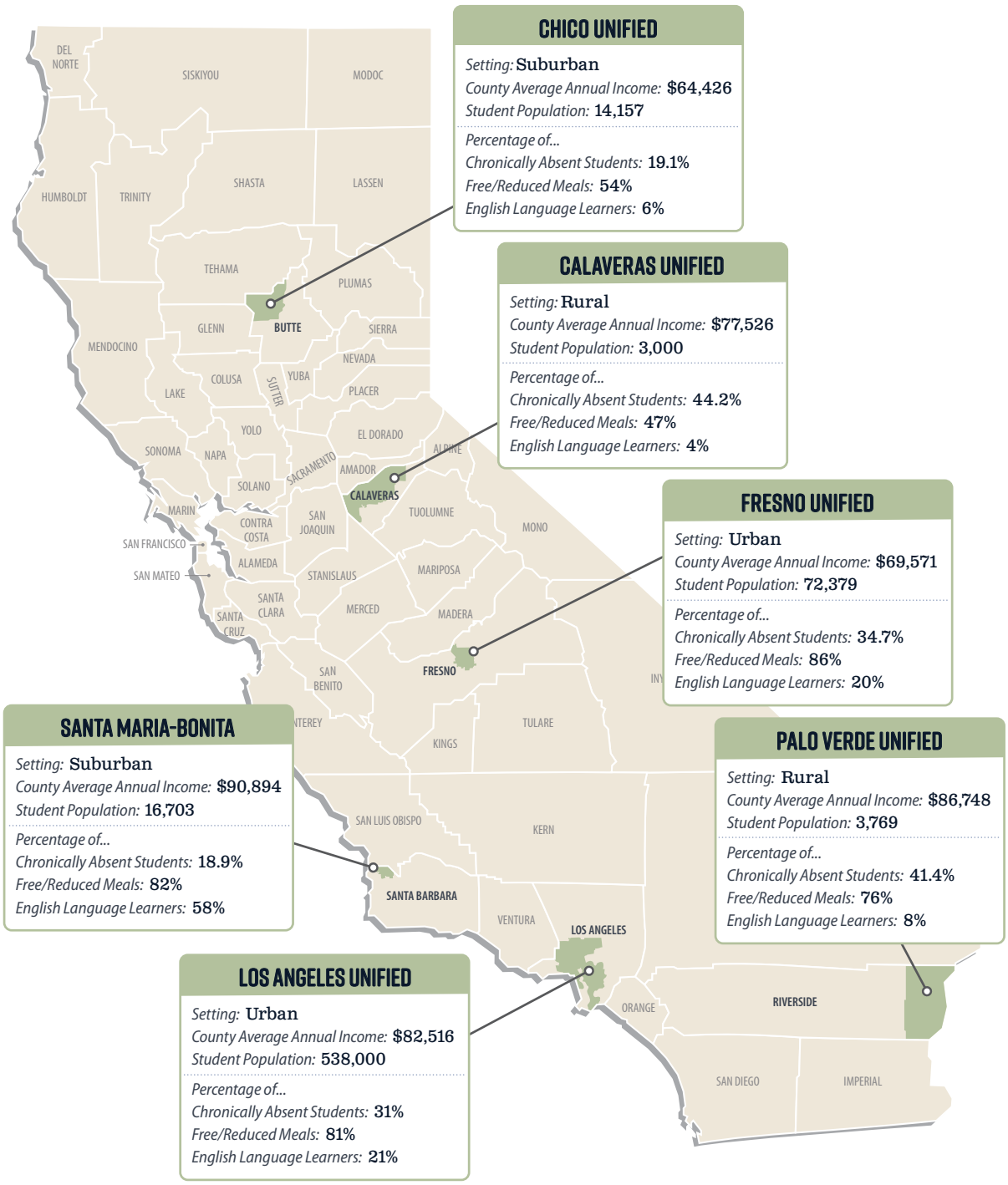
School districts may create additional restricted funds, such as a deferred maintenance account. State law allows the governing board of a district to establish such a fund for major repair or replacement of school facilities' systems and components, such as plumbing, heating, and roofing.

Districts Selected for This Audit

We considered a wide range of factors when selecting the districts we reviewed for this audit. Using data from CDE, the U.S. Census, and reviewed SARCs, we selected districts with varying enrollment levels, absence rates, and population socioeconomic statuses. We also considered factors such as average county incomes, student demographics, the percentages of students enrolled in free or reduced meals, and geographic locations. We ultimately selected the following six districts: Calaveras Unified School District (Calaveras Unified), Chico Unified School District (Chico Unified), Fresno Unified School District (Fresno Unified), Los Angeles Unified School District (Los Angeles Unified), Palo Verde Unified School District (Palo Verde Unified), and Santa Maria-Bonita School District (Santa Maria-Bonita). Figure 3 provides information related to each of our selected districts. We inspected three schools per district, for a total of 18 inspections.

ATTACHMENT B1c

Figure 3
Map and Details for Each Selected District



Source: CDE and U.S. census data.

The School Districts We Reviewed Did Not Comply With Facility Requirements, Risking Student Learning and Safety

Key Points

- All 18 schools we reviewed across California failed to meet the Good Repair Standards set by state law. Our inspections most commonly assigned these 18 schools *poor* or *fair* scores in the *Safety* and *Interior* categories. Many of the deficiencies we identified were the result of deferred maintenance.

- Since fiscal year 2013–14, the State has not allocated districts funding specifically for the maintenance of school facilities. Instead, maintenance costs compete with other priorities, such as instruction or special education, that districts must align with the funding they receive through the State's Local Control Funding Formula (LCFF) and from local sources.

Our Selected Districts Face a Variety of Maintenance, Safety, and Cleanliness Challenges

State law requires districts to assess the safety, cleanliness, and adequacy of school facilities, including identifying any maintenance necessary to ensure the facilities are in good repair. Further, under state law, a district's governing board or superintendent is responsible for visiting schools and carefully examining school needs and conditions. Nonetheless, as Table 2 demonstrates, all 18 schools we inspected failed to meet various elements of the Good Repair Standards in state law.

Our inspections most commonly assigned schools *poor* or *fair* scores to areas involving the FIT's *Safety* and *Interior* categories. Some of these scores resulted from general maintenance and cleanliness problems. However, other low scores resulted from significant safety deficiencies, such as the presence of unsecured hazardous materials in classrooms. Figure 4 shows the inspection process we followed at each school to determine the scores we assigned.

The causes of these deficiencies varied. For example, districts told us that they have policies against having unsecured hazardous materials in classrooms. They explained that in many cases, teachers brought in the hazardous materials we observed—such as cleaning wipes and bug spray. However, some of the hazardous materials we found in the classrooms, including industrial-strength cleaners, were district-issued. We observed during reinspections that after we brought our observations to the districts' attention, they corrected the deficiencies. Thus, we believe the core cause of these types of deficiencies is likely neither a lack of policies nor a lack of enforcement of those policies; rather, it is inadequate oversight. In other words, the districts are not addressing problems like hazardous materials in the classrooms because they are not performing the oversight necessary to know those problems exist.

ATTACHMENT B1c

Table 2
Each of the School Districts We Inspected Had Multiple Schools That Did Not Meet the Good Repair Standards

FIT/SARC CATEGORY	CALAVERAS UNIFIED	FRESNO UNIFIED	SANTA MARIA-BONITA	CHICO UNIFIED	PALO VERDE UNIFIED	LOS ANGELES UNIFIED
Systems						XX
Interior	XXX	XXX	XXX	XXX	XXX	XXX
Cleanliness				X		XX
Electrical	XXX	XX	XX	XXX		XX
Restrooms/Fountains	XXX	X	X	XX	X	XXX
Safety	XXX	XXX	XXX	XXX	XXX	XXX
Structural	XXX			XXX		XX
External	XXX			XX	XX	XX
Total Number of *Fair* and *Poor* Scores	**18**	**9**	**9**	**17**	**9**	**19**

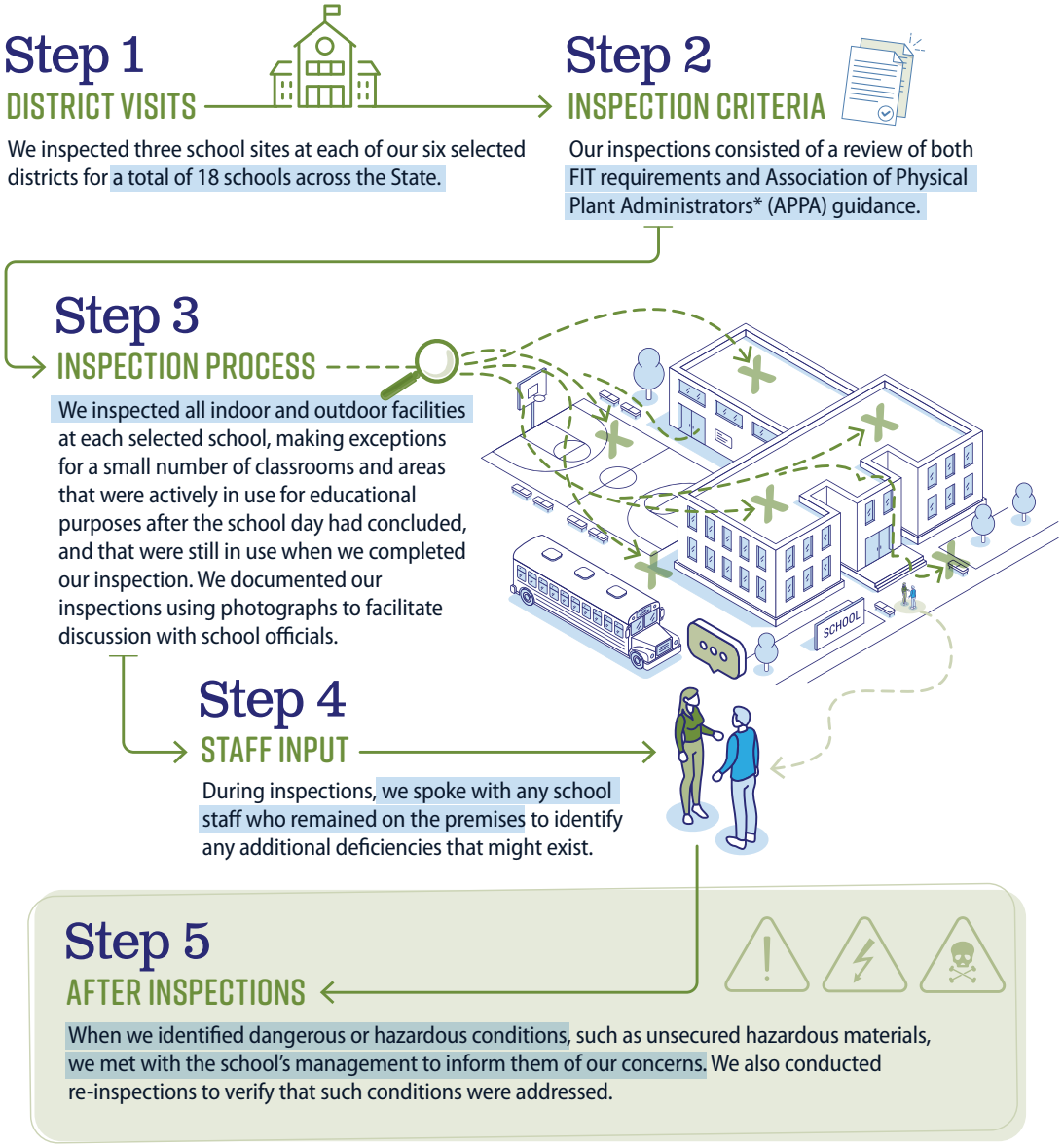
Source: State Auditor inspection of selected school sites.

Note: Each **X** represents one school that we inspected and rated as *fair* or *poor* in the related category. We inspected three schools in each district. Refer to Table 1 for a description of each of the eight categories, and consult Appendix A for each school's full scorecard.

In contrast, the districts explained that the overarching cause of the larger maintenance problems we identified is a lack of funding. Many of the deficiencies we observed will likely require significant time, investment, and specialized work to correct, which could be costly. For example, we noted 11 schools with nonfunctioning drinking fountains, which could require plumbing work. In addition, 14 of the schools we visited had evident roof problems that will likely require repair or replacement, and we observed stained ceiling tiles at all 18 schools, suggesting the possible need for even more roof work. Even a seemingly easy deficiency to fix, like daisy-chained power strips, may require significant expense to rectify: if a school's computer room does not have adequate power receptacles, that school will likely need to upgrade its electrical system.

The existence of maintenance and safety deficiencies increases risks to students and staff and can negatively affect educational outcomes. Throughout the pages that follow, we provide examples of the kinds of deficiencies that led to our assigning low scores to the schools we reviewed. Appendix A includes the school-reported scores on the SARC and the generally lower scores we calculated according to our own observations, for each of the 18 schools we visited.

Figure 4
Our Office Developed a School Site Inspection Process to Determine FIT Scores



Source: State Auditor.

* Refer to the section beginning on page 45 for more detail regarding the APPA.

Each of the 18 Schools We Inspected Had Safety Deficiencies

To satisfy the Good Repair Standards of the FIT, schools must properly store hazardous materials that may pose a threat to students or staff in locked containers or in areas that students cannot access. Table 3 breaks down the *Safety* scores for the schools we inspected. Failure to store hazardous materials as required results in a *deficiency* or an *extreme deficiency*, depending on the severity of the risk. For example, improperly stored hazardous chemicals and flammable materials could indicate an extreme deficiency. A deficiency is warranted when, for example, a school improperly stores aerosols or pesticides.

ATTACHMENT B1c

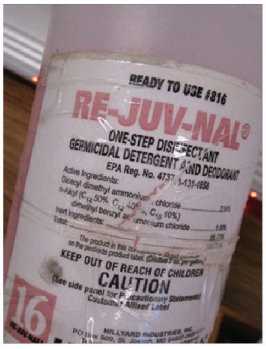
Table 3
Our Office Assigned a FIT *Safety* Score for Each School and Compared It to the School's Score

	***SAFETY* CATEGORY** (COMPOSED OF *FIRE SAFETY* AND *HAZARDOUS MATERIALS* SECTIONS)	
SCHOOL	**SCORE FROM SCHOOL**	**SCORE FROM STATE AUDITOR**
Jenny Lind Elementary School	*Good*	*Poor*
Toyon Middle School	*Fair*	*Poor*
Calaveras High School	*Fair*	*Poor*
Calwa Elementary School	*Good*	*Poor*
Edison Computech Middle School	*Good*	*Fair*
Fresno High School	*Good*	*Poor*
Adam Elementary School	*Good*	*Fair*
Rice Elementary School	*Good*	*Fair*
Fesler Junior High School	*Good*	*Fair*
Citrus Elementary School	*Good*	*Poor*
Chico Junior High School	*Good*	*Poor*
Pleasant Valley High School	*Good*	*Poor*
Ruth Brown Elementary School	*Good*	*Poor*
Margaret White Elementary School	*Good*	*Poor*
Palo Verde High School	*Good*	*Poor*
Grape Street Elementary School	*Good*	*Poor*
Rudecinda Sepulveda Dodson Middle School	*Good*	*Poor*
Manual Arts High School	*Good*	*Poor*

Source: State Auditor inspections and school SARCs.
Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

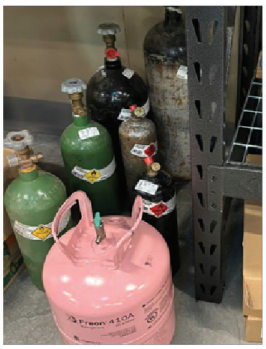
Of the 983 rooms we reviewed across the 18 schools, 359 had hazardous materials stored in an unsecured manner. The hazardous materials we identified included chemicals such as cleaning supplies, as Figure 5 shows. We also observed insect poisons. In one example, Palo Verde Unified had distributed a particular hazardous cleaning product to all of the schools we inspected, and that product was present in 51 classrooms. According to the manufacturer, contact with this cleaning product can cause irreparable eye damage, skin corrosion, and other serious conditions. When we informed the district of this hazard, it immediately removed the cleaning product, and it was not present upon a reinspection.

Figure 5
Unsecured Hazardous Materials Were a Significant Source of Deficiencies at Each of the Schools



We observed cleaning solutions like this one in classrooms throughout a district. The Material Safety Data Sheet for this product indicates that it is flammable and that contact with it causes irreversible eye damage and skin burns.

This cleaning solution, seen here in an elementary school, was found throughout classrooms in another district. It can cause serious skin corrosion and eye damage.



These canisters of pressurized gas were unsecured in an auto shop classroom at a high school. Unsecured pressurized canisters can become dangerous projectiles if the valve is dislodged.

Ajax cleaning powder, cleaning chemicals, and an unlabeled spray bottle were in an elementary school classroom. Such supplies can cause chemical burns as well as skin and lung irritation.

This cleaning solution was in a middle school classroom. The Material Safety Data Sheet indicates that it causes serious eye irritation, and may cause respiratory irritation.

Aerosol sprays were also found in numerous classrooms across all districts. The Material Safety Data Sheet for this product indicates that it is flammable and can irritate the lungs and skin.

Source: Auditor observation at Calaveras Unified, Palo Verde Unified, and Los Angeles Unified.

Note: Deficiencies in this FIT section, such as those used as examples above, included hazardous supplies that we found in unlocked areas and containers.

Although the districts consistently corrected the safety hazards we identified, their presence in so many classrooms raises concerns about what may be occurring at other schools throughout the State. For example, staff at several of the districts we reviewed informed us that teachers bring in their own cleaning supplies, despite being directed not to do so. Hazardous chemicals require careful and knowledgeable use, and storing them in an unsecured manner increases the risk of health consequences to students. When elementary school students, for example, have

ATTACHMENT B1c

access to toxic cleaners—as they did at all of the eight elementary schools we reviewed—the risk to their safety requires immediate action. The photo shows an example of a hazardous material we observed.

We observed this cleaning chemical in a kindergarten classroom at Ruth Brown Elementary School and in other classrooms throughout Palo Verde Unified.

Source: Auditor observation.

We observed this fire extinguisher locked behind glass but with no method to readily access it in a classroom in Jenny Lind Elementary School.

Source: Auditor observation.

In addition, researchers have determined that health and safety risks often correlate with weaker academic performance. The 21st Century School Fund measured the relationship between Los Angeles Unified school sites' compliance with the district's health and safety regulations and those sites' academic performance.[7] The study concluded that schools with the highest levels of compliance had 36 percent higher test scores than schools at the lower end of the compliance spectrum. The FIT's health and safety standards overlap with the health and safety regulations measured in this study.

In addition to unsecured chemical hazards, we also identified fire safety deficiencies at all of the schools we inspected. The risks arising from fire safety deficiencies are clear: they may cause fires or limit the ability to respond effectively to fire-related emergencies. Not only can fire and smoke cause bodily harm, they can also damage facilities to such a degree that students' educations are negatively affected.

Despite the importance of fire safety, deficiencies contributed to *poor* scores for Safety at 14 of the 18 schools we reviewed. For instance, four schools—one each in Calaveras Unified, Chico Unified, Palo Verde Unified, and Los Angeles Unified—had barbeques and propane tanks located inside of classrooms. According to state regulations, schools should store propane tanks—which are filled with flammable gas—in a location away from external heat sources and combustible materials, such as, in locked storage units outdoors, as retailers do. Moreover, these tanks should be protected from tampering by unauthorized persons.

Our inspections of the 18 schools also identified over 120 instances of obstructed fire extinguishers, missing fire extinguishers, and fire extinguishers without the gauges necessary to ensure that they are properly charged. The photo provides an example of an obstructed extinguisher. The number of problems we identified with fire extinguishers at the schools we inspected raises concerns about the possible existence of similar problems at schools statewide.

[7] Jack Buckley, et al, "Los Angeles Unified School District School Facilities and Academic Performance," *National Clearinghouse for Educational Facilities*, 2004.

Many of the Schools We Inspected Had Roof Deficiencies

Failing roofs can lead to a cascade of negative consequences. For example, roof leaks can cause water damage, mold, and mildew, all of which can require expensive remediation. Further, the U.S. Environmental Protection Agency has concluded that mold and mildew can negatively affect students' health, which may in turn increase their absences and lower their test scores. Table 4 provides a breakdown of the *Structural* scores we assigned to the schools we inspected.

Table 4
Our Office Assigned a FIT *Structural* Score for Each School and Compared It to the School's Score

	***STRUCTURAL* CATEGORY** (COMPOSED OF *STRUCTURAL DAMAGE* AND *ROOFS* SECTIONS)	
SCHOOL	**SCORE FROM SCHOOL**	**SCORE FROM STATE AUDITOR**
Jenny Lind Elementary School	*Good*	*Poor*
Toyon Middle School	*Good*	*Poor*
Calaveras High School	*Good*	*Poor*
Calwa Elementary School	*Good*	*Good*
Edison Computech Middle School	*Good*	*Good*
Fresno High School	*Good*	*Good*
Adam Elementary School	*Good*	*Good*
Rice Elementary School	*Good*	*Good*
Fesler Junior High School	*Good*	*Good*
Citrus Elementary School	*Good*	*Fair*
Chico Junior High School	*Good*	*Poor*
Pleasant Valley High School	*Good*	*Fair*
Ruth Brown Elementary School	*Good*	*Good*
Margaret White Elementary School	*Good*	*Good*
Palo Verde High School	*Good*	*Good*
Grape Street Elementary School	*Poor*	*Poor*
Rudecinda Sepulveda Dodson Middle School	*Good*	*Fair*
Manual Arts High School	*Good*	*Good*

Source: State Auditor inspections and school SARCs.
Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Nonetheless, we noted deficiencies with the roofs at 14 of the schools we visited. Those deficiencies, when sufficiently frequent, contributed to lower scores for a number of schools in the *Structural* category, as noted in Table 4. Figure 6 provides examples of some of these deficiencies. According to the FIT, roofs, gutters, and downspouts should appear to be functioning properly and not have visible damage. Many classrooms we inspected had water-damaged ceiling tiles that school staff told us could be the result of leaking roofs. The photo provides an example. Further, four schools, including Calaveras High School, had roofs that were visibly sparkling, indicating that the asphalt granules had worn off and that the roofs needed to be replaced. Asphalt granules are necessary to protect the watertight components of a shingle, and a lack of granules means that the roof is at the end of its life. School officials generally indicated that they were aware that the roofs required replacement but that sufficient funding was unavailable to address such major maintenance items.

We observed stained ceiling tiles like these in a classroom at Citrus Elementary School. Such stains can indicate roof problems.

Source: Auditor observation.

Each of the 18 Schools We Inspected Had Interior Surface Deficiencies

The FIT specifies that to satisfy the relevant Good Repair Standards, interior surfaces such as floors, ceilings, and window casings must appear clean, safe, and functional. Examples of deficiencies include torn or worn carpeting, water damage, and tears in walls, as the text box describes. These types of damaged interior surfaces can increase risk by exposing students and staff to mold and by creating tripping hazards, among other concerns. Studies have shown that attending schools with poorly maintained facilities, such as deteriorated interior surfaces, can negatively affect students' educational outcomes. All 18 schools we inspected had interior surface deficiencies that resulted in our assigning them a *poor* score in that category and section, as Table 5 shows.

Interior Surface Deficiencies, According to the FIT Guidebook

Ceilings

- Cracks, tears, holes, or water damage.
- Missing, damaged, loose, or stained ceiling tiles.
- Mildew or visible mold.

Walls

- Cracks, tears, holes, or water damage.
- Missing, damaged, or loose wall tiles.
- Damaged plaster or paint.

Flooring

- Cracks, tears, holes, or water damage.
- Missing, damaged, or loose floor tiles.
- Damaged or stained carpets.

Source: *The FIT Guidebook*, California Coalition For Adequate School Housing, October 2017.

Further, many classrooms had multiple deficiencies in the *Interior Surfaces* category. For example, 34 of 48 classrooms we inspected at Palo Verde High School in Palo Verde Unified had stained or damaged ceiling tiles, damaged walls, damaged floors, or a combination of these. Similarly, Citrus Elementary School in Chico Unified had 18 classrooms with multiple *Interior* deficiencies, such as stained or moldy ceiling tiles and damaged linoleum floors. Figure 7 provides examples of these types of deficiencies. Schools generally reported that such deficiencies were the result of a lack of adequate funding to perform needed maintenance.

Figure 6
The Schools We Inspected Had Numerous Deficiencies in the Roof Section of the FIT

Rotting wooden cladding pictured at the junior high school below represents a typical deficiency identified during inspections.

The roof at a high school below had a sparkly appearance indicating that it had lost a significant percentage of its asphalt granules and was at the end of its service life.

Source: Auditor observation at Calaveras Unified and Chico Unified.

ATTACHMENT B1c

Table 5
Our Office Assigned a FIT *Interior* Score for Each School and Compared It to the School's Score

	***INTERIOR* CATEGORY** (COMPOSED OF *INTERIOR SURFACES* SECTION)	
SCHOOL	**SCORE FROM SCHOOL**	**SCORE FROM STATE AUDITOR**
Jenny Lind Elementary School	*Poor*	*Poor*
Toyon Middle School	*Poor*	*Poor*
Calaveras High School	*Poor*	*Poor*
Calwa Elementary School	*Poor*	*Poor*
Edison Computech Middle School	*Good*	*Poor*
Fresno High School	*Poor*	*Poor*
Adam Elementary School	*Good*	*Poor*
Rice Elementary School	*Good*	*Poor*
Fesler Junior High School	*Good*	*Poor*
Citrus Elementary School	*Good*	*Poor*
Chico Junior High School	*Poor*	*Poor*
Pleasant Valley High School	*Good*	*Poor*
Ruth Brown Elementary School	*Fair*	*Poor*
Margaret White Elementary School	*Good*	*Poor*
Palo Verde High School	*Good*	*Poor*
Grape Street Elementary School	*Good*	*Poor*
Rudecinda Sepulveda Dodson Middle School	*Good*	*Poor*
Manual Arts High School	*Good*	*Poor*

Source: State Auditor inspections and school SARCs.
Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Three of the 18 Schools We Inspected Had Cleanliness Deficiencies That Resulted in *Fair* or *Poor* Scores

Finally, a lack of cleanliness in schools can lead to increased absenteeism. In fact, research has found that students are more likely to attend schools that meet certain staffing standards regarding the number of custodians per square foot.[8] The FIT states

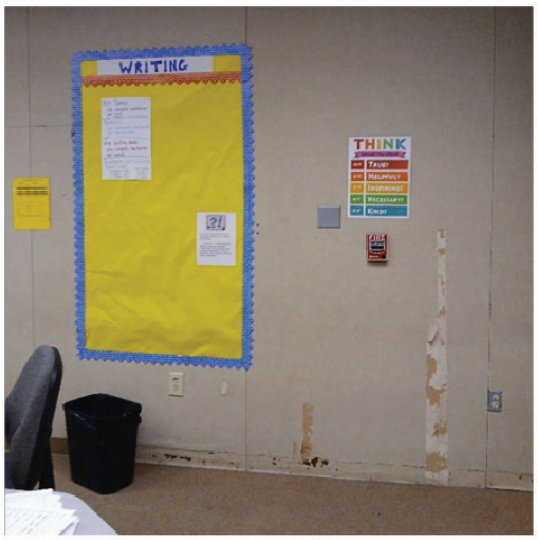
[8] David Branham, "The Wise Man Builds His House Upon the Rock: The Effects of Inadequate School Building Infrastructure on Student Attendance," *Social Science Quarterly*, 2004.

that school grounds and buildings should appear to have been cleaned regularly, with minimal buildup of dirt and no odors. Table 6 compares our observation of school cleanliness with schools' reported scores.

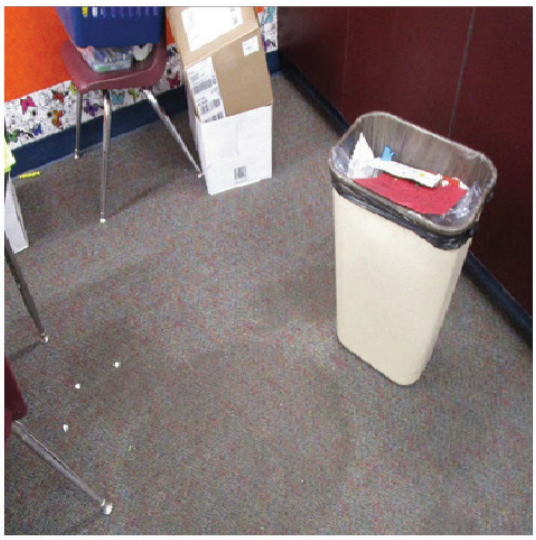
Figure 7
We Assigned *Poor* Ratings for the *Interior* Category at Each of the Schools We Inspected

This classroom contained a collapsed ceiling tile, with exposed insulation, and visible dampness.

Large or numerous incidences of ceiling staining and damage were common deficiencies.



Torn wallpaper, missing baseboards, and a stained carpet are visible in this classroom.



Stained carpet such as this example, located in an elementary classroom in Palo Verde Unified, were another common deficiency.

Source: Auditor observation at Calaveras Unified and Palo Verde Unified.

ATTACHMENT B1c

Table 6
Our Office Assigned a FIT *Cleanliness* Score for Each School and Compared It to the School's Score

	***CLEANLINESS* CATEGORY** (COMPOSED OF *OVERALL CLEANLINESS* AND *PESTS/VERMIN INFESTATIONS* SECTIONS)	
SCHOOL	**SCORE FROM SCHOOL**	**SCORE FROM STATE AUDITOR**
Jenny Lind Elementary School	*Good*	*Good*
Toyon Middle School	*Good*	*Good*
Calaveras High School	*Good*	*Good*
Calwa Elementary School	*Good*	*Good*
Edison Computech Middle School	*Good*	*Good*
Fresno High School	*Good*	*Good*
Adam Elementary School	*Good*	*Good*
Rice Elementary School	*Good*	*Good*
Fesler Junior High School	*Good*	*Good*
Citrus Elementary School	*Good*	*Good*
Chico Junior High School	*Good*	*Fair*
Pleasant Valley High School	*Good*	*Good*
Ruth Brown Elementary School	*Good*	*Good*
Margaret White Elementary School	*Good*	*Good*
Palo Verde High School	*Good*	*Good*
Grape Street Elementary School	*Good*	*Good*
Rudecinda Sepulveda Dodson Middle School	*Good*	*Fair*
Manual Arts High School	*Good*	*Poor*

Source: State Auditor inspections and school SARCs.

Note: The *Cleanliness* category refers to whether surfaces are dirty, whereas the *Interior* category, shown in Table 5, generally refers to whether surfaces are broken or otherwise in poor repair. Cracked walls would be noted in the *Interior* category.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

However, we assigned *fair* or *poor* scores in *Cleanliness* to three of the schools that we inspected: Chico Junior High School in Chico Unified, Rudecinda Sepulveda Dodson Middle School and Manual Arts High School in Los Angeles Unified, as Table 6 details. In each of these three schools, our inspection identified numerous deficiencies. For example, 57 of the classrooms we inspected at Manual Arts High School had grime and dust buildup on windowsills, baseboards, and floors. Some walls also appeared to be visibly dirty. Similarly, Chico Junior High School had grimy baseboards and visibly dirty exterior walls. Figure 8 provides examples of the deficiencies we noted at Manual Arts High School.

Figure 8
Manual Arts High School Exhibited Deficiencies in Its FIT *Cleanliness* Category

Above, dirty walls, baseboards, and floors at Manual Arts High School in Los Angeles Unified.

Above, a typical stained floor at Manual Arts High School.

Source: Auditor observation of Manual Arts High School.

We observed custodians cleaning at all three school sites. However, the cleaning deficiencies appeared long-standing in nature: for example, we found grime that was difficult to remove manually. School leadership at Manual Arts High School indicated that even though staff cleaned the school over the summer, some areas will look dirty because the school is old. The principal at Chico Junior High School noted that his leadership team pressure-washes the school exterior regularly but that the school's layout—consisting of dirt patches next to walkways—means that the exterior surfaces are often visibly dirty again within days. Both of these are logical rationales for the observed deficiencies. Nevertheless, the conditions are not clean.

ATTACHMENT B1c

In addition, we determined that Manual Arts High School and Rudecinda Sepulveda Dodson Middle School in Los Angeles Unified—along with Chico Junior High School and Pleasant Valley High School in Chico Unified—have not maintained sufficient custodial staffing to meet federal recommendations. The National Center for Education Statistics (NCES)—a federal agency that is part of the U.S. Department of Education—publishes cleaning standards, including custodial staffing benchmarks, in their best practice guidelines for school facilities. The NCES estimates that one custodian should be able to clean from 19,000 to 25,000 square feet per eight-hour shift while maintaining a standard that will ensure the health and comfort of students and staff. Our analysis indicates that the four schools we list above have assigned custodians to clean more than 25,000 square feet since academic year 2014–15, as Table 7 shows. Chico Unified staff noted that the custodial staffing records for our selected schools do not include substitute or roving custodians, which the district assigns to schools temporarily and on an as-needed basis. However, despite these staffing ratios, we found only one of the four schools to be *poor* in the *Cleanliness* category.

Calaveras Unified, Fresno Unified, Palo Verde Unified, and Santa Maria-Bonita generally assigned their custodians areas to clean that fell within NCES's best practices. Specifically, since academic year 2014–15, four of the 15 selected schools with data back to academic year 2014–15 increased the square footage they assigned per custodian, four schools did not change the assigned square footage, and seven decreased it. Perhaps as an effect of the current square footage assignments, very few of the schools we reviewed exhibited cleanliness problems. We provide additional information on custodial staffing levels in the Other Areas We Reviewed section of this report.

Under the LCFF, School Maintenance Competes With Other Priorities for Funding

The competing priorities schools face when allocating their resources, in part because of the elimination of a dedicated funding stream for maintenance, have likely contributed to the maintenance deficiencies we observed. A funding stream dedicated to a particular purpose is called *categorical funding*. For example, before fiscal year 2013–14, schools received *deferred maintenance* funding from the State, which provided $313 million to schools in fiscal year 2012–13. Indeed, school districts told us that maintenance often depends on the availability of funds. Since fiscal year 2013–14, school districts have received state resources through the LCFF. School districts receive LCFF resources through a formula that is based on average daily attendance in each grade, and that formula includes additional funding to support students who are English language learners, eligible for free or reduced price meals, or who are foster youth. According to the Brookings Institute, the LCFF sought to increase equity, efficiency, and flexibility in school funding by replacing categorical funding streams—that also included complicated formulas and spending restrictions—with unrestricted state aid that districts can use according to local needs and priorities.

Table 7
Schools and Districts With a Lower Ratio of Square Feet per Custodian Tended to Have Higher FIT *Cleanliness* Scores

DISTRICT / SCHOOL	FIT *CLEANLINESS* SCORE*	Square Feet Per Full-Time Custodian — ACADEMIC YEAR									OVERALL CHANGE
		2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	
Calaveras Unified†											
Jenny Lind Elementary School	*Good*	–	–	–	11,300	11,300	12,556	22,600	11,895	15,067	↑ 3,767
Toyon Middle School	*Good*	–	–	–	21,748	18,123	13,592	21,748	15,534	21,748	0
Calaveras High School	*Good*	–	–	–	17,858	**28,197**	20,606	**29,764**	24,352	12,756	↓ 5,102
Fresno Unified											
Calwa Elementary School	*Good*	18,887	16,188	16,188	16,188	16,188	16,188	16,737	16,737	16,737	↓ 2,150
Edison Computech Middle School	*Good*	18,561	19,001	19,001	19,001	19,001	19,001	19,001	19,241	19,241	↑ 680
Fresno High School	*Good*	19,839	18,490	18,490	18,490	18,490	18,490	19,141	20,260	18,927	↓ 912
Santa Maria-Bonita											
Adam Elementary School	*Good*	13,170	13,170	13,170	13,170	13,170	13,170	13,170	17,560	17,560	↑ 4,390
Rice Elementary School	*Good*	18,734	18,734	18,734	18,734	18,734	18,734	18,734	18,734	18,734	0
Fesler Junior High School	*Good*	18,407	18,407	18,407	18,407	18,407	18,407	18,407	18,407	18,407	0
Chico Unified											
Citrus Elementary School	*Good*	19,771	19,771	19,771	19,771	19,771	**39,541**	**39,541**	19,531	19,531	↓ 240
Chico Junior High School	*Fair*	**55,250**	**39,597**	**39,597**	**11,8791**	**39,597**	**39,597**	**39,597**	**59,395**	**39,597**	↓ 15,653
Pleasant Valley High School	*Good*	**54,411**	**38,865**	**38,865**	**34,007**	**39,025**	**39,025**	**39,025**	**36,222**	**41,925**	↓ 12,486
Palo Verde Unified											
Margaret White Elementary School	*Good*	12,741	12,741	12,741	15,574	14,449	14,449	14,449	13,523	12,667	↓ 74
Ruth Brown Elementary School	*Good*	11,733	11,733	11,733	15,195	14,097	14,097	14,097	13,194	12,359	↑ 626
Palo Verde High School	*Good*	**25,289**	**25,289**	**25,289**	**25,289**	23,482	23,482	23,482	21,917	20,547	↓ 4,742
Los Angeles Unified											
Grape Street Elementary School	*Good*	19,097	19,097	19,097	**28,646**	**28,646**	**28,646**	**28,646**	19,097	19,097	0
Rudecinda Sepulveda Dodson Middle School	*Fair*	**25,143**	**30,172**	**25,143**	**25,143**	**25,143**	**25,143**	**30,172**	**30,172**	**30,172**	↑ 5,029
Manual Arts High School	*Poor*	**30,166**	**33,936**	**38,784**	**38,784**	**38,784**	**38,784**	**30,166**	**30,166**	**30,166**	0

Source: Auditor observation, square footage documentation, and janitorial staffing documentation from selected districts.

Note: Amounts in red font indicate that the school exceeded 25,000 square feet per full-time custodian. The NCES estimates that one custodian should be able to clean from 19,000 to 25,000 square feet per eight-hour shift while maintaining a standard that will ensure the health and comfort of students and staff.

* All scores shown in the FIT *Cleanliness* score column are our own based on the inspections we conducted in spring 2024.

† Calaveras Unified staff explained that the district did not maintain relevant information before academic year 2017–18 and it could not provide information for academic years 2014–15 through 2016–17.

ATTACHMENT B1c

However, the LCFF does not include funding earmarked for building maintenance in its formula, and state funding for maintenance outside of the LCFF is minimal. As noted above, the LCFF is based on attendance and certain characteristics of students in districts; it does not include factors associated with facilities. Further, funds dispersed through the LCFF comprise the majority of funds that districts receive. According to the Public Policy Institute of California, the State's funding constitutes the majority of funding for schools, more than 60 percent in recent years. The remainder comes primarily from local sources. Among the six districts we visited, LCFF accounted for between 50 and 85 percent of the districts' budgets.

We found several other opportunities for maintenance funding, but they had significant limitations on both the use of funds and the amount of funding available. One such program is the California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Program. Funded with proceeds from California's large electric and gas investor-owned utilities, the program is available to local education agencies throughout the State who seek to assess, maintain, and upgrade their ventilation and plumbing systems. Unfortunately, these funds would only be applicable to one of the eight facilities categories reported in the SARC: the *Systems* category. Further, the program paused accepting applications after July 2024, citing concerns over funding availability and project completion timelines because all unused funds must be returned to the utilities by December of 2026. We found that 15 of the 18 schools we reviewed—all the schools we reviewed except for those in Los Angeles Unified—were awarded a total of more than $3 million in funding for plumbing or ventilation from the program, as of the July 2024 award list.

Another program is the California Energy Commission's (CEC) Energy Conservation Assistance Act-Educational Subaccount (ECAA-Ed) Zero-Interest Loan Program. Also available to local education entities across the State, ECAA-Ed funds could apply to a limited selection of SARC maintenance categories: the *Systems* and *Electrical* categories, particularly to upgrade lighting, heating, and ventilation systems. ECAA-Ed funds are composed of revolving loan funds, meaning they are replenished as borrowers repay them. CEC notes that the program has been oversubscribed, and because it does not have dispersible funds until it receives loan repayments, CEC is placing all new applications on a waiting list. Of the districts we reviewed, only Chico Unified received funds from this program in the last decade.

Finally, school districts and the State can and have proposed bonds for voter approval that may provide funding for school facilities. For example, in 2016 voters in Fresno County approved $225 million in bonds for improving educational and support facilities within Fresno Unified. In November, California voters supported a measure (Proposition 2) to raise $10 billion in bond funds for school and community college classroom upgrades, including $4 billion for the renovation of existing buildings and $3.3 billion for new construction. This ballot measure—for which final results are expected to be certified in December—is in line with a 2022 State Auditor report that estimated schools would need at least $7.4 billion to meet school district modernization funding requests through 2027 alone, and modernization does not address all elements to keep a school in good repair.[9] Further, according

[9] Report 2021-115, *School Facilities Program: California Needs Additional Funding and a More Equitable Approach for Modernizing Its School Facilities*, January 2022.

to the Legislative Analyst's Office (LAO), the measure requires school districts to provide between 35 and 45 percent of the funding for construction and renovation. Thus, school districts without the funding to set aside for these projects could be at a disadvantage.

The six school districts we reviewed spent significantly different amounts on custodial staff and maintenance. For all school districts that receive specific state funds related to the construction, modernization, reconstruction, alteration of, or addition to school buildings, state law requires those districts to set aside 3 percent of their general fund expenditures each year for maintenance. All six districts reported meeting that requirement. All six districts also stated that 3 percent was not sufficient to cover their maintenance costs. Further, during the period we reviewed—fiscal years 2021–22 and 2022–23—five of the districts increased their spending for the budget category "physical plant," which represents the activities necessary to maintain and operate the facilities. The increases for Calaveras Unified, Chico Unified, and Los Angeles Unified ranged from 4.9 percent to 17 percent. Fresno Unified increased its funding by 52 percent, while Santa Maria-Bonita increased maintenance-related funding by 62 percent, in large part because it chose to direct pandemic relief funding to maintenance.

The remaining district, Palo Verde Unified, reported a decrease in its maintenance expenditures between academic years 2021–22 and 2022–23, by 21 percent. However, the district's academic year 2023–24 budget shows that the district plans to double its expenditures on plant services—the budget area that includes facilities maintenance. According to the district, this budget includes significant projected expenditures from one-time funds related to a delayed shade structure project across school sites, additional security personnel and training, and planned heating, ventilation, and air conditioning (HVAC) system improvements.

Despite these increases in funding and one-time investments, schools in most of the districts contained two or more FIT categories that our inspections scored as *poor*, often related to *Interior Surfaces* and *Roofs*. However, FIT scores were higher at school districts that had additional funding to dedicate to maintenance. For example, our inspections gave Santa Maria-Bonita's schools the highest overall scores of any of the schools we reviewed, in part as a result of the district's investment of pandemic relief funds in maintenance. Fresno Unified increased its maintenance spending by 52 percent during the years we reviewed, which contributed to positive maintenance outcomes: two of its schools received overall *good* scores from our inspections.

Further, schools that received increased LCFF funding also had higher FIT scores. Under the LCFF, districts receive additional funding if their enrollment of English learners, free and reduced price lunch recipients, and foster youth exceeds 55 percent of total enrollment. Our inspections found that these same schools tended to have higher FIT scores. In fact, the three schools that our inspections identified as having the highest overall scores had student populations in which more than 90 percent of students were in categories that receive additional support. These results suggest that additional funding, dedicated to maintenance, would make a positive difference in FIT scores.

ATTACHMENT B1c

Officials at each of the school districts we spoke with stated that obtaining sufficient funding for maintenance was a continual challenge. The districts stated that the lack of dedicated funds, as well as tight budgets overall, meant that the districts often deferred maintenance in favor of other competing priorities. Fresno Unified was able to quantify the scope of its needs. A consultant that the district hired conducted a maintenance study that found the district would need to spend $2.49 billion to return its school sites to an "80 percent" maintenance standard. This standard means the schools would still have outstanding maintenance issues. For context, Fresno Unified's total general fund revenue for fiscal year 2023–24 was just over $1.7 billion.

Even with Proposition 2 funding, current State budget pressures will continue to require that school districts make choices regarding where to target limited funds. Kindergarten through grade 12 education represents $82 billion of California's $212 billion general fund budget for fiscal year 2024–25. In February 2024, the LAO estimated the State would face a $73 billion budget shortfall for the 2024–25 fiscal year. Although the enacted budget addresses this shortfall, the LAO estimates continued deficits in the years to come. Given that K-12 education makes up nearly 40 percent of the State's general fund, schools will likely continue to face budget pressure.

In addition, public school enrollment has fallen in recent years, which could reduce school budgets. The State's public schools have seen enrollment decrease by 368,000, or 6 percent, since academic year 2017–18. Table 8 shows enrollment statewide and at the school districts we reviewed. Because school attendance is a factor in calculating how the State distributes education funds, schools with significant decreases in enrollment may also receive a smaller share of state funding. For example, Los Angeles Unified's enrollment fell by 78,000 students—or about 17 percent—from academic year 2018–19 to academic year 2022–23. The other districts we reviewed have faced less severe enrollment declines, ranging from nearly 1 percent to 6.4 percent. Calaveras Unified's enrollment increased slightly—by 1 percent—but it experienced the greatest decline of all districts during the 2020–21 school year, over 6 percent.

Table 8
School District Enrollment Has Generally Declined

SCHOOL DISTRICT	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	PERCENT CHANGE
Calaveras Unified	2,870	2,814	2,875	2,685	2,854	2,900	1.05%
Chico Unified	12,203	12,242	12,362	11,911	11,996	12,088	– 0.94%
Fresno Unified	70,675	70,749	70,860	69,709	69,524	69,327	– 1.91%
Los Angeles Unified	467,007	453,276	440,365	419,443	397,583	389,420	– 16.61%
Palo Verde Unified	3,006	2,953	2,863	2,821	2,809	2,813	– 6.42%
Santa Maria-Bonita	17,122	16,940	16,959	16,665	16,569	16,703	– 2.45%
Statewide	6,220,413	6,186,278	6,163,001	6,002,523	5,892,240	5,852,544	– 5.91%

Source: CDE's California School Dashboard data.
Note: The percent change shows the decline in enrollment between academic years 2017–18 and 2022–23.

School districts have so far been able to generally increase budgets for both *classified staff*—such as custodians, staff, and personnel in school administration—and *certificated staff*—those with a teaching credential. Only Fresno Unified increased funding for classified staff and decreased it for certificated staff. Table 9 presents the classified and certificated staff budgets for the districts we reviewed. However, without additional dedicated funding for school maintenance, school districts may need to choose in the future between funding increasingly severe maintenance deficiencies and funding student learning, which is likely to be a difficult choice given how deeply the two are interrelated.

Table 9
Districts Generally Increased Classified Staff and Certificated Staff Salary Expenditures
(Amounts Rounded to the Nearest Thousand)

DISTRICT	FISCAL YEAR 2021–22 ACTUALS	FISCAL YEAR 2022–23 ACTUALS	PERCENT CHANGE
Classified Staff Salaries *(Includes Maintenance Staff Salaries)*			
Calaveras Unified	$5,639,000	$7,204,000	27.8%
Chico Unified	24,189,000	27,317,000	12.9%
Fresno Unified	164,336,000	190,896,000	16.2%
Los Angeles Unified	1,257,177,000	1,348,758,000	7.3%
Palo Verde Unified	7,160,000	8,633,000	20.6%
Santa Maria-Bonita	28,969,000	31,398,000	8.4%
Certificated Staff Salaries *(Includes Teacher Salaries)*			
Calaveras Unified	$12,460,000	$14,071,000	12.9%
Chico Unified	70,192,000	77,967,000	11.1%
Fresno Unified	521,093,000	519,899,000	– 0.2%
Los Angeles Unified	3,379,759,000	3,468,019,000	2.6%
Palo Verde Unified	15,654,000	16,575,000	5.9%
Santa Maria-Bonita	95,239,000	102,766,000	7.9%

Source: Financial budgets and actual expenditure documentation from selected districts.

ATTACHMENT B1c

Without Effective Oversight, School Facilities Will Remain in Poor Condition

Key Points

- The 18 schools in our review reported FIT scores in their SARCs that were significantly higher than the scores our inspection supported.
- County offices of education have oversight responsibilities related to ensuring the cleanliness, maintenance, and safety of *Williams* schools, and one of the ways they have not fulfilled those responsibilities is by not ensuring the accuracy of the schools' FIT reporting.
- The schools we visited appropriately posted information about the *Williams* complaint process and resolved the substantiated complaints about maintenance or cleanliness that they received. However, most of the schools we reviewed rarely, if ever, received *Williams* complaints regarding maintenance and cleanliness, despite the deficiencies we identified at their facilities.

Our Inspections Indicate That the SARC Scores for All 18 Schools We Visited Included Higher FIT Scores Than Conditions Warranted

All 18 schools we reviewed across six districts reported higher FIT scores than our inspections supported. On average, schools scored themselves about one score higher overall. For example, Rudecinda Sepulveda Dodson Middle School and Manual Arts High School, both in Los Angeles Unified, reported overall scores of *exemplary* in their SARCs. However, when we calculated those schools' scores according to our observations, we rated them *poor* overall. Seven of the other schools we inspected reported overall scores of *good*, while we rated them *fair* or *poor*. Appendix A provides further detail on district scores and our scores, by school.

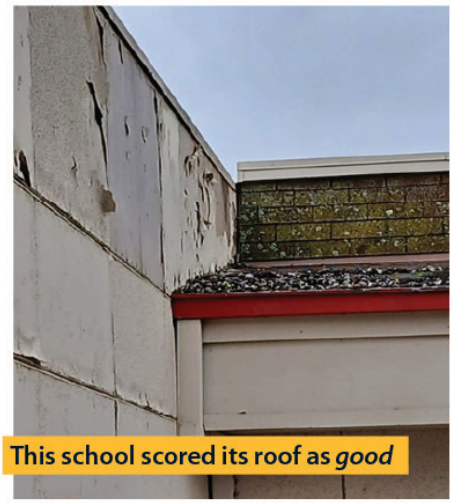
School officials generally asserted that the discrepancies between their scores and ours were the result of the timing of the inspections. Maintenance directors at several of the school districts we inspected stated that they conduct their FIT inspections during winter or summer breaks, when custodial staff conduct additional deep cleaning. However, we conducted our inspections in the spring and after school hours. Because our reviews occurred after class when school was in session and children were still on site, our inspections present a more realistic view of a school's day-to-day state; however, it is likely that schools in use will show greater wear and tear. Los Angeles Unified in particular noted that because our inspections of their schools occurred months after the district conducted its inspections, some of the problems we observed could have developed in that interval.

However, some of the problems we noted appeared to be longstanding. For example, Manual Arts High School in Los Angeles Unified had cracked tennis courts and asphalt, a trench dug across the running track, and rusty gutters. These deficiencies are unlikely to have appeared in the span of a few months. At Pleasant Valley High

ATTACHMENT B1c

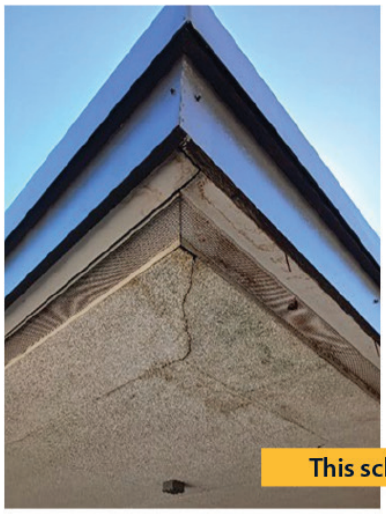
School in Chico Unified, roofs overhanging some walkways were actively dripping, displayed signs of water damage, and had related deficiencies, such as mold and rust. We also observed several roofs that had shiny roof shingles, a sign that the asphalt granules in the shingles have worn away and that the roof needs to be replaced. Figure 9 includes examples of maintenance deficiencies throughout the schools we inspected that likely were problems well before the districts' most recent inspections or ours.

Figure 9
We Identified Significant Maintenance Deficiencies at Many Schools That Were Not Reflected in Prior Scores



This roof was coated with piles of bird feces, and the siding was peeling.

The asphalt of one of the basketball courts was heavily cracked and had standing water.



This walkway overhang shows signs of water damage, including cracking, rust stains, and mold.

Many classrooms had stained and broken ceiling tiles, indicating a leaking roof.

Source: Auditor observation at selected schools.

School officials could not provide additional reasons for the discrepancies between their scores and ours; however, schools may have an incentive to rate themselves generously. As part of the SARC, the FIT provides information on schools' condition to parents, administrators, policymakers, and the public. Thus, school FIT scores can affect a school's reputation. For example, some parents may use this information in making educational decisions for their children, such as whether to send children to the local school or try to enroll them in a more distant school. The FIT may help inform policymakers' decisions about where to focus limited maintenance resources, should they choose to use it as such, but as we note previously, the need likely far outweighs available resources.

County Offices of Education Have Not Fulfilled Their Oversight Duties by Accurately Verifying *Williams* Schools' FIT Reporting

Seven of the 18 schools we selected for inspection were *Williams* schools.[10] As we discuss in the Introduction, state law requires county offices of education to visit and examine each school in the county—including *Williams* schools—at reasonable intervals to observe school operations and to learn of school problems. County offices of education are required to visit *Williams* schools at least annually and determine, among other issues, the state of school facilities, which include their FIT scores. While county offices performed their inspections at different points in the year, we performed our inspections in the spring while school was in session to represent the school's day-to-day state, which may also show greater wear and tear. We found that although county offices of education conducted facilities inspections at *Williams* schools, they did not identify the deficiencies that we found during our inspections; only the county's score for Santa Maria-Bonita matched ours. As Table 10 shows, the other county offices of education rated schools higher than we did, and three schools received higher scores from the county offices of education than from their respective districts.

Because the county offices of education are required to determine the accuracy of the data reported by the school districts, we expected that the counties' scores would closely align with ours. However, as Table 10 shows, that was not the case: two of the six county offices of education—Calaveras and Fresno—reported even higher overall scores for the *Williams* schools than the schools themselves reported. The Los Angeles County Office of Education's inspection rated the Manual Arts High School with an overall *good* score, which was lower than the SARC score of *exemplary* but higher than our rating of *poor*. The following year, the county office rated the school *exemplar*y. Figure 10 depicts concerns we identified at the Los Angeles Manual Arts High School that led to our assigning the school a lower score than both the district and the county did.

[10] Calaveras Unified had two Williams schools, Jenny Lind Elementary School and Toyon Middle School. The remaining districts we reviewed had one each.

ATTACHMENT B1c

Table 10
FIT Scores From County Offices of Education Generally Equalled or Exceeded District Ratings and Were Well Above the FIT Scores From the State Auditor

WILLIAMS SCHOOL	SCHOOL DISTRICT	OVERALL SCORE IN SCHOOL ACCOUNTABILITY REPORT CARD (ACADEMIC YEAR 2022–23)	OVERALL SCORE FROM THE COUNTY OFFICE OF EDUCATION* (ACADEMIC YEAR 2022–23)	OVERALL SCORE FROM THE STATE AUDITOR
Jenny Lind Elementary School	Calaveras Unified	*Fair*	*Exemplary*	*Poor*
Toyon Middle School	Calaveras Unified	*Fair*	*Exemplary*	*Poor*
Chico Junior High School	Chico Unified	*Good*	*Good*	*Poor*
Calwa Elementary School	Fresno Unified	*Good*	*Exemplary*	*Good*
Manual Arts High School	Los Angeles Unified	*Exemplary*	*Good*	*Poor*
Ruth Brown Elementary School	Palo Verde Unified	*Good*	*Good*	*Fair*
Fesler Junior High School	Santa Maria-Bonita	*Good*	*Good*	*Good*

Source: School districts' SARCs, county offices of educations' scores, and auditor inspection of selected school sites.

* The following county offices of education are responsible for the inspected districts:

- Calaveras Unified: Calaveras County
- Chico Unified: Butte County
- Fresno Unified: Fresno County
- Los Angeles Unified: Los Angeles County
- Palo Verde Unified: Riverside County
- Santa Maria-Bonita: Santa Barbara County

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

The Los Angeles county office said that, in general, the FIT captures the conditions of a school as a snapshot in time and may not reflect changes between inspections. The county also suggested that the FIT does not provide a scale that reflects the dynamic severity of a deficiency or the potential degradation of systems nearing the end of their lifecycles. We discuss the limitations of the FIT instrument, including the lack of a scale for severity, in a later section. Nonetheless, many of the deficiencies we identified appear to be longstanding—like uncontrolled water damage over time allowed to penetrate through exterior stucco walls—or frequently repeated—like daisy-chaining power strips when classrooms need additional outlets.

Figure 10
Our Inspections Identified Deficiencies Not Identified in County Inspection Reports at Manual Arts High School

Issue: **Propane tank in classroom, which represents a significant fire hazard**
Category: ***Safety***
Overall Category Score: ***Poor***

Issue: **Unsecured insect spray in reach of students**
Category: ***Safety***
Overall Category Score: ***Poor***

Issue: **Improper use of electrical cords, known as *daisy chaining*. This poses a fire and trip hazard.**
Category: ***Electrical***
Overall Category Score: ***Poor***

Source: Auditor observation at Manual Arts High School.

In addition, the Calaveras county office rated the two *Williams* schools it inspected higher than the schools rated themselves. For example, although the SARC for Jenny Lind Elementary School included an overall FIT score of *fair*, the Calaveras county office inspection resulted in an overall score of *exemplary*. In contrast, our inspection resulted in a *poor* score for the school overall, and we identified several items requiring repair—unlike either the SARC or the county's inspection—such as damaged roofs,

holes in the walls and floors, bowing walls with strong mildew odor, and nonworking sinks and drinking fountains. The Calaveras county office explained that although it uses the FIT during its site inspections, it focuses on documenting what it perceives to be significant safety or maintenance issues; consequently, its inspections may not provide detailed assessments and may result in higher scores. For example, in its 2022–23 FIT inspection of Jenny Lind Elementary School, the county office rated the school *exemplary*, with a score of 100 percent, regardless of the deficiencies it had noted, such as concrete damage to one of its buildings. We identified similar concrete damage in our inspections. Similarly, in its inspection for Toyon Middle School in the same year, the county's *exemplary* score did not reflect its own notes of deficiencies it had found, such as missing ceiling tiles. However, state law requires county offices of education to assess the safety, cleanliness, and adequacy of school facilities, including whether they meet Good Repair Standards, as we have done.

Further, some county offices of education have not been reporting *Williams* inspections as state law requires. According to state law, county offices of education must report their inspection findings annually to the school boards in their jurisdictions, to the county boards of education, and to the boards of supervisors for each county. State law also requires that county offices of education make quarterly reports to the school boards, describing the inspections they made that quarter and the accuracy of the schools' related SARCs, even when they performed no reviews during that quarter. However, as Table 11 shows, three of the six county offices of education we reviewed—Los Angeles, Riverside, and Santa Barbara—provided all required *Williams* reporting.

Table 11
County Offices of Education Could Not Always Demonstrate That They Met *Williams* Reporting Requirements In the Years We Reviewed

COUNTY OFFICE OF EDUCATION	DID THE COUNTY OFFICE CONDUCT *WILLIAMS* INSPECTIONS*	DID THE COUNTY OFFICE SUBMIT ANNUAL REPORTS?†	DID THE COUNTY OFFICE SUBMIT QUARTERLY REPORTS?‡
Butte	Yes	Yes	**Partially:** Did not report in all quarters
Calaveras	Yes	**Partially:** Did not report to all boards in all years	No
Fresno	Yes	**Partially:** Did not report to school board	No
Los Angeles	Yes	Yes	Yes
Riverside	Yes	Yes	Yes
Santa Barbara	Yes	Yes	Yes

Source: Interviews and supporting documentation from our selected county offices of education for the 2021–22 and 2022–23 academic years.

* County offices of education are required to perform annual inspections of *Williams* schools to verify the accuracy of the school SARCs and determine whether schools are in good repair or whether the condition of the school poses an emergency or urgent threat to health and safety.

† County offices of education are required to submit an annual report on their *Williams* inspections to each school district's board, to the county board of education, and to the county board of supervisors.

‡ County offices of education are required to report on a quarterly basis to the school district's board on results of *Williams* inspections or indicate whether visits were not conducted in that quarter.

Butte, Calaveras, and Fresno demonstrated partial compliance in submitting reports. For example, the Fresno county office reported annually to the County Board of Education and County Board of Supervisors, but it stated it does not present a report to each district's governing board; instead, the Fresno county office stated that the reports are available because they are public. Calaveras did not consistently make annual reports to the district board or County Board of Supervisors but instead made reports to the schools only. The remaining office—Butte—demonstrated that it submits annual reports as required, but its quarterly reporting to the school district governing board did not include SARC verifications or facilities conditions. Without adequate and timely reporting to school boards, county boards of education, and county boards of supervisors, these governing bodies may not have the information they need to make informed decisions on actions—such as budget allocations or work priorities—necessary to ensure the schools are in good repair.

The Williams Complaint Process Has Not Resulted in Districts Effectively Identifying Maintenance Deficiencies at the Schools We Reviewed

The schools we inspected have received few facilities-related *Williams* complaints. Following the settlement of the *Williams* case, the Legislature revised state law to require that districts post notices in classrooms—notices we routinely observed during our inspections—explaining how to obtain and file a complaint form and detailing the types of matters subject to the *Williams* complaint process. However, Table 12, which provides a breakdown of facilities-related *Williams* complaints at each of our selected districts, demonstrates that all six districts received an average of less than one such complaint per school site per year. One district—Chico Unified—had received none since academic year 2004–05. Districts use the *Williams* complaint process in part to identify and resolve deficiencies related to emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. Consequently, the absence of complaints and our own observations indicate that students and staff at school sites are not reporting deficiencies with sufficient frequency to ensure that the schools address the deficiencies. Thus, the *Williams* complaint process by itself is not an effective means of identifying and addressing school maintenance problems.

Nonetheless, when the schools we reviewed received *Williams* complaints related to maintenance problems, the schools generally handled those complaints effectively. Under state law, schools must remedy valid complaints within a reasonable time, not exceeding 30 working days from when schools received the complaint. Los Angeles Unified—the largest district in the State—reported having receiving more than 2,900 facilities-related *Williams* complaints since academic year 2013–14, and many of those complaints were related to air-conditioning systems. We reviewed a sample of 11 of these complaints—one from each fiscal year and all *Williams* complaints from our remaining selected schools and districts. We found that the schools remedied *Williams* complaints and issued resolution letters—a requirement of the process that informs individuals who made the complaints of the resolution to the complaint—within the time frames state law required. For example, district complaint files from Los Angeles Unified indicate that one of its schools remedied and formally responded to a *Williams* complaint related to deficient air conditioning

ATTACHMENT B1c

within five business days, well ahead of the required time frame in state law. In addition, the three other schools we selected that received a *Williams* complaint during the time frame of our audit remedied complaints and issued resolution letters within the time frames set forth in state law.

Table 12
The Williams Complaint Process Has Resulted in Few Cleanliness or Maintenance Complaints at the School Districts We Reviewed

	CALAVERAS UNIFIED	CHICO UNIFIED	FRESNO UNIFIED	LOS ANGELES UNIFIED	PALO VERDE UNIFIED	SANTA MARIA-BONITA
Total *Williams* Cleanliness or Maintenance Complaints (Districtwide)	1	0	10	2,923*	1	14
Total Number of Complaints at Our Selected Schools	1	0	0	1	1	1
Total Number of Complaints We Reviewed	1	0	0	11	1	1
Average Complaints Per Year (Districtwide)	<1	0	<1	292	<1	<1
Average Complaints Per Year at Our Selected Schools	<1	0	<1	0	<1	0
Percentage of Reviewed Complaints Addressed Adequately	100%	NA†	NA†	100%	100%	100%

Source: Calaveras Unified, Chico Unified, Fresno Unified, Los Angeles Unified, Palo Verde Unified, and Santa Maria-Bonita.

Note: The number of fiscal years that districts retained *Williams* records varied: Chico Unified, Palo Verde Unified and Santa Maria-Bonita maintained records for 20 years, Calaveras Unified for 17, Fresno Unified for 14, and Los Angeles Unified for 10.

* Because Los Angeles Unified has more than 1,000 school sites, 2,923 complaints over 10 years indicates that its schools receive less than one complaint per year. The vast majority of these complaints were related to air-conditioner *deficiencies*.

† The schools selected in this district received zero maintenance-related *Williams* complaints during the time frame we requested complaints.

The Districts We Reviewed Did Not Conduct Oversight Visits to Schools to Examine Conditions as State Law Requires

The districts we reviewed had limited oversight that was ultimately not effective, according to our observations. State law requires district governing boards to ensure that the SARC for each school is issued annually, and we found SARCs to be available for all schools we reviewed. State law also requires district superintendents, their assistants, or the district's school board to visit each school in the district at least once each term. During these visits, superintendents or the school board are expected to examine the management, needs, and conditions of each school.

Some districts stated that school board officials visited sites periodically, while others noted different methods for addressing these requirements. For example, Palo Verde Unified stated that the school board president and superintendent walk

each site quarterly and share verbal feedback with sites. Similarly, Los Angeles Unified described engaging in visits that focused on data collection and engagement, during which district staff meet with site administrators, like school principals, who can raise issues such as those stemming from the physical needs of the school. Three districts—Calaveras Unified, Fresno Unified, and Santa Maria-Bonita—use third-party consultants to perform annual site inspections with the FIT, and Chico Unified stated that it observes conditions at schools as part of activities conducted throughout the year.

Despite these efforts, the results of our inspections indicate that none of the current systems in place for identifying maintenance problems in schools are functioning well. While districts may be making sure SARCs are available, that information is not useful if schools report scores on the FIT that do not reflect current conditions. Also, county offices of education are not casting a critical eye on FIT scores for schools they oversee, the *Williams* complaint process results in few identified problems, and district leadership are generally unaware of safety concerns. Without effective monitoring, students, parents, and decision-makers do not have access to accurate information about the quality of school facilities or the risks to student health or academic outcomes.

One potential solution to address this lack of oversight is to include schoolsite councils in the FIT process. State law requires that schools that receive certain federal and state funds must have a *schoolsite council*. In practice, most public schools in California likely have one. These councils are required to be composed of the school principal, teachers, school personnel, and parents of students attending the school; in secondary schools, the council should also include students. State law charges these councils with reviewing schools' achievement plans, including proposed expenditures. As possible additional oversight of the FIT process, the councils could also be charged with reviewing the FIT scores to ensure accuracy—for example, by spot-checking a selection of rooms. Students, parents, and guardians may have stronger incentives to be critical of school conditions and the impact those conditions may have on student learning. Coupled with the improvements to the FIT we describe later, such an approach could provide greater accountability by improving the accuracy of FIT scores.

ATTACHMENT B1c

The FIT's Deficiency Rating System Does Not Accurately Reflect School Conditions

Key Points

- The FIT does not adequately represent the severity of deficiencies and does not account for the existence of multiple deficiencies in the same area.
- The FIT lacks any guidance on assessing specialized classrooms often found in high schools, such as woodshops, automotive classrooms, and agricultural areas.
- Although designed to ensure college cleanliness, guidelines from the APPA (formerly known as the Association of Physical Plant Administrators) illustrate how small changes to the FIT could increase the level of detail the scores convey.[11]

The FIT Does Not Sufficiently Account for the Severity and Number of Deficiencies

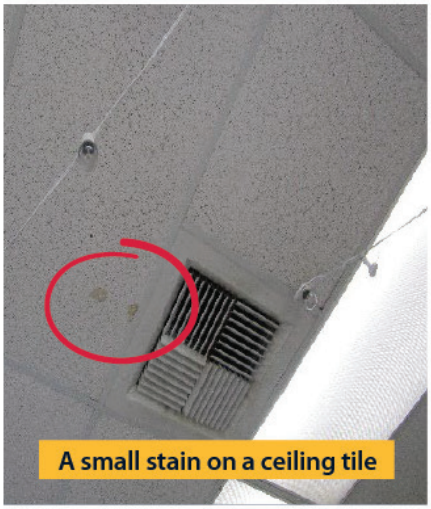
The FIT's rating scale is insufficient to account for the severity of deficiencies identified during a FIT inspection. When a school identifies a problem during its FIT inspection, the school must rate that problem as either a *deficiency* or an *extreme deficiency*. For each section within the FIT, both the FIT instrument and the guidance offer examples of what would constitute a deficiency. For example, stained ceiling tiles, cracking paint, or a broken water fountain would all be considered deficiencies. However, although the FIT offers a definition of an *extreme deficiency*—one that requires immediate attention and that, if left unmitigated, could cause injury, illness, or death of occupants—the FIT provides few examples. In six FIT sections—*Interior Surfaces*, *Overall Cleanliness*, *Restrooms*, *Sinks/Fountains*, *Roofs*, and *Playgrounds/School Grounds*—we identified no examples of what constitutes an extreme deficiency in either the FIT or the guidance.

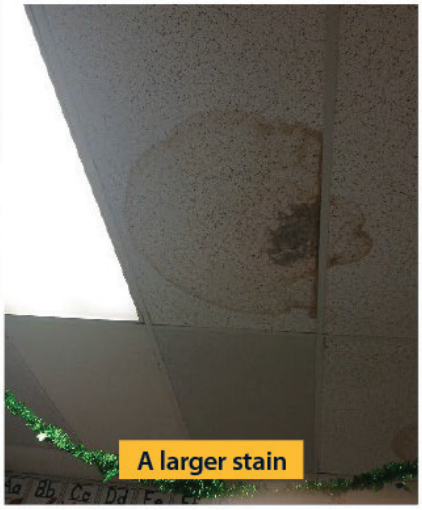
This lack of guidance may cause those conducting FIT inspections to be reluctant to rate any deficiency as an *extreme deficiency*. In fact, none of the FIT inspections for the schools we reviewed included any *extreme deficiencies*, and we generally avoided using that score as well because of the lack of sufficient guidance. Figure 11 provides examples of FIT deficiencies that would be labeled as a *regular deficiency*. The photograph on the top right shows many stained ceiling tiles as well as a missing tile. This could have been rated as an *extreme deficiency*, but because the FIT does not define extreme deficiencies for interior surfaces, we chose to rate it as a regular deficiency.

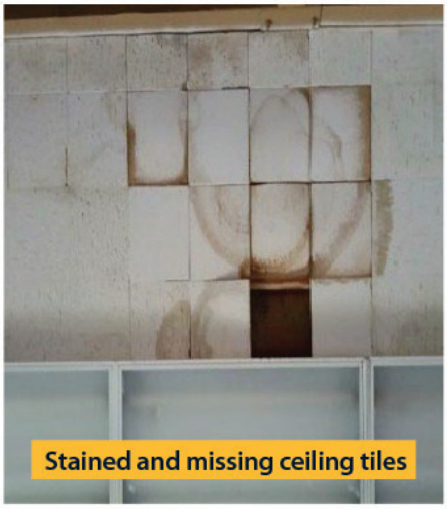
[11] The APPA is a membership and certification organization for educational facilities professionals. It publishes operational guidelines related to maintenance, custodial work, and grounds for educational facilities. It also maintains a *Body of Knowledge (the BOK)*, a peer-reviewed database that "develops, updates, and disseminates the foundational content required by facilities professionals at colleges, universities, schools, museums, and other nonprofit, educational organizations."

ATTACHMENT B1c

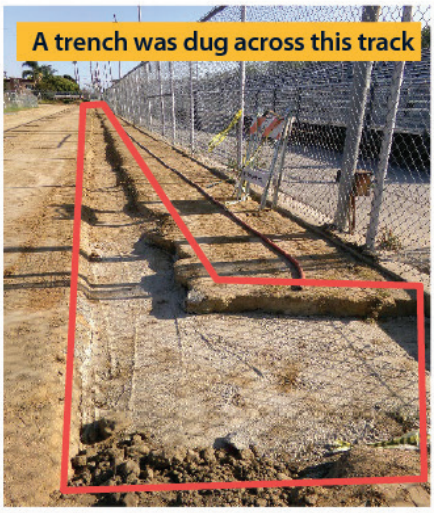
Figure 11
The FIT Scoring System Does Not Sufficiently Account for the Severity of the Deficiencies We Observed







- FIT deficiencies may only be categorized as a *deficiency* or an *extreme deficiency*.
- *Extreme deficiencies* are listed by example in the FIT or may be additionally identified by the inspector if there is "a condition that qualifies as an extreme deficiency, but is not noted in the Good Repair Standard."
- The *Interior Surfaces* FIT section does not contain any examples of an *extreme deficiency*. Therefore, the three examples above would all be rated as a *deficiency* unless the inspector elected to use the catch-all exception to adjust the rating.



The same inadequacy can be demonstrated by the *playgrounds/school grounds* section, which also does not contain examples of *extreme deficiencies*. Above, the minor crack in the concrete, the damaged bench, and the open and unsecured trench on a high school track would all be considered simply *deficiencies*.

Source: Auditor observation at selected schools.

Further, the FIT does not account for the number of deficiencies in its rating scale. A classroom that has one stained ceiling tile would receive a *deficient* rating in the *Interior Surfaces* section and category, while a classroom with multiple stained ceiling tiles, a torn carpet, and peeling paint would also receive a single *deficient* rating in that same category. We followed the FIT methodology in developing our scores for each school; however, if we had instead counted each deficiency in a category and location separately, our scores would likely have been lower. For example, at Fresno High School in Fresno Unified, we identified 11 rooms with between two and five hazardous material deficiencies per room. Following the FIT's requirements, we gave the room with two deficiencies the same score as the room with five deficiencies. However, the safety risk posed by the classrooms with multiple hazardous material deficiencies can be greater because of the larger range and availability of hazards.

When combined, the lack of guidance on what constitutes an *extreme deficiency* and the lack of ratings to account for the frequency of deficiencies can obscure larger problems. For example, our inspection found that five of Palo Verde High School's seven drinking fountains were either dirty or inoperable. Palo Verde Unified did note that it has water bottle stations at most drinking fountains and asserted that, in a later visit to the high school, all were operable. In the record-breaking heat California has experienced in 2024, one nonworking drinking fountain might be inconvenient; however, several nonworking fountains could pose a health hazard to students who lack adequate access to water. We identified more than 60 inoperative water fountains across the 18 schools we reviewed.

A scoring scale that does not account for the number of deficiencies or adequately account for the severity of deficiencies penalizes those schools with few problems by scoring them at the same level as those with multiple problems. More importantly, the scale makes it difficult for decision-makers to identify and address schools that have significant, severe deficiencies and for parents and families to make informed decisions about the schools their children will attend.

The FIT Does Not Provide the Guidance Necessary to Rate Specialized Learning Environments and Offers Limited Guidance About Hazardous Chemicals

Although the FIT offers guidance for inspecting areas such as playgrounds, it lacks similar guidance for areas used for specialized instruction. For example, most of the high schools and middle schools we inspected had one or more specialized classrooms used for culinary, automotive, electrical, or wood shop courses. We also observed classrooms that schools used to provide instruction on welding, agriculture, and heating ventilation and air conditioning (HVAC). Without specific instructions on how to apply the Good Repair Standards to these areas, inspectors must rely on the FIT's general guidance and their own judgment.

However, as Figure 12 shows, these specialized environments can pose unique dangers to students: they often involve power tool use, contact with various chemicals, and other hazards. For example, during our inspection of a welding classroom at Calaveras High School in Calaveras Unified, we identified a tank of argon gas that was actively venting into a closed and unoccupied classroom. Argon gas poses a significant

suffocation hazard because it is odorless, colorless, and heavier than air. We immediately contacted the school's principal, and the school ensured that the argon tank was closed. Nevertheless, this lapse demonstrates the sorts of hazards that can occur in specialized environments, involving both locations and hazards that the FIT does not currently address.

Figure 12
The FIT Does Not Reflect the Needs of Specialized Learning Environments

Source: Auditor observation at selected schools.

DGS's Office of Public School Construction last updated the FIT's form in April 2022, but the office has not updated the guidance on hazardous materials such as cleaning supplies since 2017. In the years since 2020, school sites have had to adapt to the realities of post-pandemic life, in which disinfection and cleaning are an expectation.

For example, teachers we spoke with at Adam and Rice Elementary Schools said that in recent years, they began keeping cleaning supplies, such as sanitizing wipes and district-issued cleaning sprays, in their classrooms in an effort to prevent the spread of infection. In fact, we identified unlocked and readily accessible cleaning supplies throughout the school sites we reviewed.

From the perspective of the FIT and related guidance, the accessibility of these supplies would be considered *deficiencies* because the labels included language to keep the materials out of reach of children, and in some cases such access would represent *extreme deficiencies* because of the risks they pose. However, it may be unrealistic to expect schools to remove all cleaning supplies, considering the continued needs for cleaning associated with COVID-19 and other illnesses. Without more refined guidance on the FIT, incorporating post-pandemic disinfection expectations, schools may be equally penalized on the FIT for having easy access to relatively harmless cleaning wipes as they would be for having unsecured cleaning agents that are caustic and can cause irreversible eye damage. DGS did not object specifically to the suggestions to update the FIT but noted that doing so is a lengthy process that requires input from many stakeholders, including DGS, education administrators, and others involved with school cleanliness and maintenance.

The APPA Guidelines Illustrate How Minor Adjustments to the FIT Could Provide Stakeholders With More Information

The multilevel rating system from the APPA illustrates how adjustments to the FIT could result in district facilities' managers and students' families receiving more detailed and accurate information. The APPA uses a 1 to 5 scale to describe the cleanliness of locations. Level 1 is the highest score and is described as *orderly spotlessness*; level 5 is described as *unkempt neglect*. When we applied the APPA scale to the schools we visited, we found that the resulting scores generally aligned with the FIT scores we had assigned to the schools; however, the APPA scores better highlighted specific issues within the schools. For example, every school we inspected received a *poor* score in the FIT's *Interior Surfaces* section, which includes walls, floors, and ceilings. Under the APPA, this score would have been split into three categories: *Floors*, *Vertical and Horizontal Surfaces*, and *Ceiling* and *Lighting*. Nine of the 18 selected schools received a level 5 APPA score in the *Ceiling* and *Lighting* category, and the average score in the category was level 4, which the APPA describes as *moderate dinginess*.

Schools may benefit more from the FIT if it incorporates the enhanced specificity and detail of the APPA rating scale. State law requires all California public schools to report annually in each school's SARC on the safety, cleanliness, and adequacy of school facilities and to describe any needed maintenance to ensure good repair. Most of our selected schools' SARCs include details of the FIT deficiencies found, including the maintenance needed to ensure that the facilities are in good repair. Chico Junior High School, for example, reported in the 2013–14 school year that stained ceiling tiles in five classrooms needed repair, and the school also listed the work order number for the repairs. On the other hand, in its 2015–16 SARC, Grape Street Elementary School reported that the condition of its *Interior Surfaces* was

rated *poor*, but the school did not report the deficiencies found, the affected buildings or classrooms, or any specific actions taken or to be taken to ensure good repair. The APPA guidelines evaluate similar conditions but require more detail, splitting what would be one section under the FIT into several elements. Specifically, applying APPA to our inspection of Grape Street Elementary found that the school's interior surface deficiencies related to its ceilings and lighting were more significant and widespread than deficiencies related to its floors, walls, or other interior fixtures.

According to the NCES, when communities and districts have accurate and complete data about the status and condition of school facilities, they make better plans and are able to direct spending where it will have the most beneficial effects. As we discuss above, a *poor* score in the *Interiors* category could indicate minor damage to a small portion of the campus, or it could indicate consistent and severe damage to floors, walls, and ceilings. Adding more detail to the FIT scores could provide schools, districts, and students' families with more specific data about the condition of campus buildings, which would allow them to make more informed decisions.

With more accurate reporting of deficiencies found in the FIT inspections, schools and districts may be able to better prioritize and plan work to address problems and ensure that the schools are in good repair. State law requires all California school districts to report annually in each school's SARC on any needed maintenance to ensure good repair. Most of our selected schools' SARCs include details of the FIT deficiencies found, including the maintenance needed to ensure that the facilities are in good repair. For example, Chico Junior High School reported on ceiling tiles, as noted above, and also listed work order numbers for the repairs. Overall, we found that schools and districts that reported the details of the maintenance needed to meet the Good Repair Standards tended to receive higher FIT scores but that schools and districts that did not report these details tended to receive lower FIT scores.

Using FIT data to update Facilities Master Plans (FMPs) may make it easier for districts to prioritize ongoing and newly identified maintenance and repair needs. According to CDE, creating an FMP can benefit a district by helping it establish a program of continuous comprehensive planning and financing of school facilities, which is essential to ensuring that school facilities are in good repair. CDE further states that an FMP must be monitored continually and updated frequently to be an effective planning tool. Although five of our six selected districts have created FMPs, the plans vary in their level of detail, accessibility, and the extent to which they are updated. For example, Santa Maria-Bonita's FMP was most recently published in 2023, and it includes interactive graphs and other diagrams that show readers projected costs and needed repairs. In comparison, Fresno Unified has not published an update to its FMP since 2016, and that update was specific to the district's high schools. When districts do not distribute, update, or ensure the accuracy of their facilities data, school boards and their communities may struggle to access all the information needed to make informed decisions about school facilities. If districts were to use recent FIT data to regularly update their FMPs, this information could help schools and communities make more meaningful choices about how to prioritize maintenance and repairs.

Other Areas We Reviewed

To address the audit objectives approved by the Joint Legislative Audit Committee (Audit Committee), we reviewed students-to-custodial staffing ratios and the availability of cleaning supplies at the six districts we reviewed. We also looked for best practices among the districts we reviewed and in four other states.

The Ratio of Students to Custodians Decreased At Most of the Schools We Reviewed

We found that the number of students per full-time custodian at 13 of the 18 schools decreased during the periods we reviewed, as shown in Table 13. Our review did not identify any legal requirements related to the number of students to custodians that each school should employ. Further, neither the APPA guidelines nor the NCES guidelines recommend a specific ratio of students to custodians. Finally, those guidelines we were able to identify that included the ratio of students to custodians were part of other formulas that also included square footage, number of teachers, and other details.

One of the factors resulting in a decreased ratio of students to custodians at some schools was the declining student enrollment at five of our six selected districts. To put this in perspective, three of the five schools with an increase in the student-to-custodian ratio experienced an increase in student enrollment during the periods we reviewed. For example, Calaveras Unified added an additional grade to Toyon Middle School, increasing the number of students, but it did not increase the number of custodians. However, declining enrollment does not generally result in a reduced need for custodians. According to a report by Policy Analysis for California Education, school facility costs such as maintenance, heating and cooling systems, and custodial services are unlikely to vary significantly even if a school's enrollment drops dramatically.[12] Thus, actual custodial workloads have likely remained relatively consistent.

Reviewing guidelines from the APPA could help decision makers for K-12 schools better assess the need for custodians; however, these guidelines were established for use at college campuses, and districts with limited staff time may find them difficult to apply. The APPA guidelines recommend considering factors beyond square footage and student enrollment when determining custodial staffing levels. Specifically, APPA indicates that an accurate space inventory—a list of specific areas and rooms with an expected cleanliness classification for each—is required to project custodial staffing needs using APPA guidelines. Although all of our selected districts provided basic information on schools' square footage, the level of detail the districts had available about campus facilities varied widely. School districts that face cleanliness challenges—such as those associated with extremely old or worn buildings—may find that such additional detail is beneficial when determining staffing requirements.

[12] Carrie Hahnel and Max Marchitello, "Centering Equity in the School-Closure Process in California," Policy Analysis for California Education, September 2023.

ATTACHMENT B1c

Table 13
Most Schools We Reviewed Experienced a Reduced Number of Students Per Full-Time Custodian During the Past Nine Academic Years

DISTRICT / SCHOOL	CHANGE IN ENROLLMENT	Students Per Full-Time Custodian — ACADEMIC YEAR 2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	TOTAL CHANGE
Calaveras Unified*											
Jenny Lind Elementary School	– 17%	–	–	–	102.40	102.00	103.33	153.20	86.95	117.87	↑ 15.47
Toyon Middle School	14%	–	–	–	176.00	140.67	140.25	212.80	156.29	212.40	↑ 36.40
Calaveras High School	– 22%	–	–	–	111.60	173.68	125.23	181.56	141.82	71.05	↓ 40.55
Fresno Unified											
Calwa Elementary School	– 7%	214.67	188.00	190.00	194.57	204.29	193.43	176.29	160.00	170.57	↓ 44.10
Edison Computech Middle School	– 2%	204.25	197.00	201.50	202.50	201.75	206.25	206.50	199.00	199.50	↓ 4.75
Fresno High School	– 11%	170.66	163.95	157.76	149.25	146.53	144.29	155.92	146.41	137.63	↓ 33.03
Santa Maria-Bonita											
Adam Elementary School	– 22%	273.75	259.00	247.50	245.75	234.50	230.75	223.25	286.67	285.33	↑ 11.58
Rice Elementary School	– 2%	309.67	307.33	296.33	300.67	301.67	315.33	286.33	281.00	304.33	↓ 5.34
Fesler Junior High School	12%	213.75	228.25	233.50	237.25	243.50	257.25	247.25	239.50	239.75	↑ 26.00
Chico Unified											
Citrus Elementary School	4%	164.00	158.00	150.00	147.50	157.00	307.00	315.00	171.00	170.50	↑ 6.50
Chico Junior High School	45%	319.50	206.00	270.67	835.00	292.67	302.67	279.00	446.00	309.33	↓ 10.17
Pleasant Valley High School	3%	358.40	259.43	261.14	245.75	281.57	273.29	245.57	221.88	262.86	↓ 95.54
Palo Verde Unified†											
Margaret White Elementary School	– 7%	–	–	286.89	280.33	243.73	263.12	248.67	228.11	217.67	↓ 69.22
Ruth Brown Elementary School	– 8%	–	–	275.00	263.93	250.19	231.94	227.38	222.06	204.67	↓ 70.33
Palo Verde High School	– 8%	–	–	274.77	267.69	240.86	235.43	244.00	220.53	205.00	↓ 69.77
Los Angeles Unified†											
Grape Street Elementary School	– 39%	–	207.67	202.00	291.00	258.50	234.00	216.00	130.00	125.67	↓ 82.00
Rudecinda Sepulveda Dodson Middle School	– 33%	–	380.80	311.83	287.17	286.00	278.00	320.80	280.60	257.00	↓ 123.80
Manual Arts High School	– 34%	–	194.13	209.86	201.14	191.29	185.43	125.78	115.33	114.00	↓ 80.13

Source: Square footage documentation and inspection and janitorial staffing documentation from selected districts.

* Calaveras Unified provided staffing records from the 2017–18 academic year to the 2022–23 academic year.

† Palo Verde Unified and Los Angeles Unified provided student enrollment data dating back to the 2016–17 and 2015–16 academic years, respectively.

It is also important to note that accurately calculating a school's custodial staffing needs does not guarantee adequate staffing levels. For example, Los Angeles Unified uses a method that is similar to APPA's, though simplified, when determining the number of custodians it requires. The district uses a formula based on the physical characteristics of each campus to calculate the hours of custodial labor that each school needs. However, all three of the schools we reviewed in Los Angeles Unified consistently employed too few custodians to meet the *acceptable* NCES cleanliness standard and employed fewer custodians than their own calculations indicate the schools needed. In 2023 the district's inspector general found that 31 percent of schools were understaffed because budget constraints have impacted funding for custodial staffing. According to district documents, during the 2022–23 academic year, Manual Arts High School required the equivalent of 16 full-time custodians; because of budget reductions, however, the school was allotted only 10 full-time custodians. This reduced custodial staffing likely explains why our observations led to Manual Arts High School receiving an overall *poor* score in our calculation of the SARC's *Cleanliness* category, as noted in Table 6.

The Schools We Reviewed Had Adequate Cleaning Supplies

All 18 schools we reviewed had adequate, readily accessible custodial supplies and equipment. We could not identify specific guidance related to the volume of cleaning supplies needed in schools. For example, DGS told us that it was not aware of any such standards, and the APPA does not have a guideline related to the volume of cleaning supplies needed in public schools. The custodial managers we interviewed at the six district offices all indicated that they had sufficient access to cleaning supplies and equipment. We also spoke to custodians during the course of our school visits, and they echoed the statements of the district custodial managers. Further, the custodial supply and equipment rooms we reviewed at each school appeared well stocked with a variety of cleaning supplies and equipment, including cleaning solutions, disinfectants, and cleaning implements. Figure 13 provides an example of a custodial office at Jenny Lind Elementary School, and we observed similarly well-stocked custodial facilities at the other sites.

As Table 14 shows, expenditures related to cleaning supplies and equipment at our six selected districts have generally increased. For example, in the most recent fiscal year, Palo Verde Unified's expenditures on cleaning supplies and equipment more than doubled from five fiscal years prior, and Santa Maria-Bonita's expenditures held relatively steady across that time period. Variations in cleaning expenditures for fiscal years 2019–20 and 2020–21 largely related to changes caused by the pandemic, which decreased the extent of in-person schooling. The available data showed that the same held true at the individual school sites we reviewed.[13] For example, compared to five fiscal years ago, the most recent fiscal year of costs for custodial supplies at one high school in Chico Unified tripled. However, since fiscal year 2021–22, costs at this school have fluctuated by 25 percent to 30 percent each fiscal year.

[13] The districts we reviewed were not all able to provide us with school-level cleaning supply and equipment expenditures. Specifically, Chico Unified, Fresno Unified, and Santa Maria-Bonita district staff explained that their districts do not always track equipment expenditures by school site.

ATTACHMENT B1c

Figure 13
Jenny Lind Elementary School Had a Well-Stocked Custodial Supply Room

Source: Auditor observation of Jenny Lind Elementary School.

Table 14
School Districts Generally Reported Increased Cleaning Supply and Equipment Expenditures Over the Past Six Fiscal Years

	FISCAL YEAR						
SCHOOL DISTRICT	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24	PERCENT INCREASED (DECREASED) FROM FISCAL YEAR 2018–19 TO 2023–24
Calaveras Unified	Unknown*	Unknown*	Unknown*	$74,000	$89,000	$83,000	NA
Chico Unified	$249,000	$230,000	$241,000	316,000	390,000	367,000	47%
Palo Verde Unified	130,000	77,000	588,000	296,000	232,000	314,000	142%
Santa Maria-Bonita	235,000	193,000	103,000	306,000	240,000	230,000	(2%)
Los Angeles Unified	19,904,000	18,880,000	29,244,000	51,510,000	58,112,000	23,212,000	†
Fresno Unified	863,000	845,000	848,000	3,578,000	1,755,000	1,063,000	23%

Source: School district-generated summary reports on yearly cleaning supply and equipment expenditures.

Note: Figures are not comparable among districts because of differences in how they account for cleaning supplies and equipment.

* Calaveras Unified staff explained that their district maintains relevant expenditure information for only three fiscal years, and as a result, information for these years is unknown.

† Los Angeles Unified only provided partial-year data for 2023–24. Their expenditures increased 192 percent from fiscal years 2018–19 through 2022–23.

We Did Not Identify Transferable Best Practices Among the Six Districts or Four Comparable States We Reviewed

We reviewed information from four states educationally comparable to California—Florida, Illinois, New York, and Texas—and did not identify unique practices that could benefit California. We selected comparable states according to student enrollment, test scores, and absenteeism data. Illinois state law requires regional superintendents to inspect school facilities annually. New York regulations require school districts to conduct building condition surveys once every five years. According to the Texas School Safety Center, Texas performs school safety and security audits that cover much of the same ground as the FIT, and like California districts, Texas districts may conduct the audit themselves. Unlike California's districts, however, Texas school districts do not need to make the results available to the public. State law in Florida allows the state to develop standards and perform inspections of public schools. Through our review, we did not identify practices appreciably different from or an improvement on the process California uses to assess cleanliness and maintenance in public schools.

In addition, although we interviewed both school and district management at the six districts we visited, we did not identify generally applicable best practices related to school cleanliness, safety, or maintenance. As we previously discuss, our school site assessments identified significant or numerous deficiencies, resulting in *poor* scores at each of the schools we reviewed. However, our review found that different

ATTACHMENT B1c

schools have different challenges. For example, Fresno High School received a *poor* score in the *Electrical* category because it had numerous daisy-chained power strips. However, that same school lacked deficiencies in the *Structural* category, but others we reviewed did have such deficiencies.

We noted that Santa Maria-Bonita did somewhat better than other districts, and we discussed its success with district management. Santa Maria-Bonita generally indicated that its successes were the result of the levels of personal investment by its staff at all levels—and its funding. For example, one school principal in Santa Maria-Bonita explained that many of the school's custodians are parents of students at the school, that the district actively recruits custodians who have a child in the district, and that the district has received adequate funding allowing it to prioritize the cleanliness, maintenance, and safety of its schools' campuses. The adequacy of the district's funding is at least in part the result of the additional funds it receives because of the high percentage of English language learners among its students, which is one of the factors in the LCFF that can lead a school district to receive more funding. We discuss funding in an earlier section of this report.

Recommendations

Legislature

To improve the maintenance and safety of California's schools to meet NCES best practices, the Legislature should consider augmenting and, if appropriate, earmarking additional funding to school districts for facilities maintenance. This funding should be appropriated and distributed outside the LCFF—which is based on the characteristics of students—and instead should be commensurate with need. For example, a formula could include the age of facilities and the need as expressed in facilities' master plans, or it could depend on independent needs assessments, such as the one we describe from Fresno Unified on page 28.

To better ensure that those who conduct FIT inspections lack incentives to overstate the cleanliness and safety of school facilities, the Legislature should consider modifying existing law. State law could require that the use of state funds for maintenance be contingent upon periodic review and validation of FIT inspection reports by a party who did not perform the FIT inspection, such as a schoolsite council, that could include parents, guardians, and students.

To better ensure the safety of K-12 students, the Legislature should require CDE to make available to school districts model training that the districts could provide to teachers, custodians, and site administrators about FIT requirements related to hazardous materials. This training should address the information the FIT guidebook provides related to identifying and securing hazardous materials that the FIT tool reports. The model training should include a focus on the materials that schools must provide—such as cleaning agents, propane, and pesticides—differentiating

the materials that are hazardous from those that are not, identifying the materials that are appropriate for classroom use, and specifying how such materials should be stored if they are to be kept in classrooms.

Department of General Services

To increase the accuracy of FIT reporting, DGS should engage in its stakeholder process by October 2025 to update the FIT, with a target completion date of October 2026, to include the following additional elements:

- A broader range of deficiency ratings that specifically differentiates *cosmetic deficiencies*, *minor deficiencies*, *moderate deficiencies*, and *extreme deficiencies*. Further, DGS should adjust the weighting of the various deficiency ratings to provide a more accurate assessment of each school's compliance with Good Repair Standards. DGS should also provide multiple examples for each section and deficiency level. These examples could include detailed descriptions or photographs that exhibit the differences of severity in common deficiencies. For example, photographs could show a small hole in a carpet, which could be considered cosmetic, and a larger rip, which could pose a trip hazard and therefore warrant a more severe deficiency rating.

- Guidance about scoring individual locations that contain multiple deficiencies in the same section.

- An update of the scoring system that removes the aggregation of FIT sections into category-level reporting and clarifies how such changes will affect overall scores. For example, the *Systems* category currently includes HVAC, sewer, and gas. A *good* score on two of those subcategories could hide problems in a third that scores *poor* because the overall *Systems* category score would likely average out to *good* or *fair*.

- The inclusion of guidance in the FIT on the assessment of specialized learning environments. This guidance should include but not be limited to woodshops, welding shops, and agricultural areas.

We conducted this performance audit in accordance with generally accepted government auditing standards and under the authority vested in the California State Auditor by Government Code section 8543 et seq. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,

GRANT PARKS
State Auditor

November 19, 2024

Staff:	John Lewis, MPA, CIA, Audit Principal
	Nick Phelps, JD, Senior Auditor
	Danielle Bárcena
	Stephen Franz
	Nicole Menas
	Cameron Parker
	Emily Wilburn
	Sunny Yan
Legal Counsel:	Katie Mola
	Joe Porche

Appendix A

FIT Scoring Comparisons

We conducted FIT inspections at 18 schools from six school districts across the State. We then calculated the schools' scores and compared them to the scores that the schools reported in their academic year 2022–23 SARCs. For all 18 campuses we inspected, we assigned lower scores in at least one category than the scores the schools included in their 2022–23 SARC reporting. *Safety* was the category with the greatest number of differences between our scores and those in the schools' SARCs, closely followed by the *Interior* category and overall score. Tables A.1 through A.18 are the scorecards for each district, including the sections and categories in which we assigned the schools different scores from those they reported in their SARCs.

Table A.1
Jenny Lind Elementary School
CALAVERAS UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Good*
			Sewer	*Good*
Interior	*Poor*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Fair*
			Cleanliness	*Good*
Electrical	*Fair*	*Fair*	*Electrical*	*Fair*
Restrooms/Fountains	*Fair*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Fair*
Safety	*Good*	*Poor*	*Fire Safety*	*Poor*
			Hazardous Materials	*Poor*
Structural	*Good*	*Poor*	*Structural Damage*	*Poor*
			Roofs	*Poor*
External	*Fair*	*Poor*	*Playgrounds/School Grounds*	*Poor*
			Windows/Doors/Gates/Fences	*Fair*
Overall Score	*Fair*	*Poor*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.2
Toyon Middle School
CALAVERAS UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Poor***
			Sewer	***Good***
Interior	***Poor***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Good***
Electrical	***Poor***	***Poor***	*Electrical*	***Poor***
Restrooms/Fountains	***Fair***	***Poor***	*Restrooms*	***Poor***
			Fountains	***Poor***
Safety	***Fair***	***Poor***	*Fire Safety*	***Good***
			Hazardous Materials	***Poor***
Structural	***Good***	***Poor***	*Structural Damage*	***Poor***
			Roofs	***Poor***
External	***Poor***	***Fair***	*Playgrounds/School Grounds*	***Poor***
			Windows/Doors/Gates/Fences	***Good***
Overall Score	***Fair***	***Poor***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.3
Calaveras High School
CALAVERAS UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Fair***
			Sewer	***Good***
Interior	***Poor***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Fair***
Electrical	***Poor***	***Poor***	*Electrical*	***Poor***
Restrooms/Fountains	***Fair***	***Poor***	*Restrooms*	***Poor***
			Fountains	***Poor***
Safety	***Fair***	***Poor***	*Fire Safety*	***Good***
			Hazardous Materials	***Poor***
Structural	***Good***	***Poor***	*Structural Damage*	***Fair***
			Roofs	***Poor***
External	***Good***	***Fair***	*Playgrounds/School Grounds*	***Poor***
			Windows/Doors/Gates/Fences	***Fair***
Overall Score	***Fair***	***Poor***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.4
Citrus Elementary School
CHICO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Fair***
			Sewer	***Good***
Interior	***Good***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Good***
Electrical	***Good***	***Poor***	*Electrical*	***Poor***
Restrooms/Fountains	***Good***	***Good***	*Restrooms*	***Good***
			Fountains	***Fair***
Safety	***Good***	***Poor***	*Fire Safety*	***Poor***
			Hazardous Materials	***Poor***
Structural	***Good***	***Fair***	*Structural Damage*	***Good***
			Roofs	***Poor***
External	***Good***	***Good***	*Playgrounds/School Grounds*	***Good***
			Windows/Doors/Gates/Fences	***Good***
Overall Score	***Good***	***Fair***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.5
Chico Junior High School
CHICO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Good***
			Sewer	***Good***
Interior	***Poor***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Fair***	*Pests/Vermin*	***Good***
			Cleanliness	***Poor***
Electrical	***Good***	***Fair***	*Electrical*	***Fair***
Restrooms/Fountains	***Good***	***Poor***	*Restrooms*	***Poor***
			Fountains	***Fair***
Safety	***Good***	***Poor***	*Fire Safety*	***Poor***
			Hazardous Materials	***Fair***
Structural	***Good***	***Poor***	*Structural Damage*	***Poor***
			Roofs	***Poor***
External	***Good***	***Poor***	*Playgrounds/School Grounds*	***Poor***
			Windows/Doors/Gates/Fences	***Poor***
Overall Score	***Good***	***Poor***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.6
Pleasant Valley High School
CHICO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Good*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Fair*	*Electrical*	*Fair*
Restrooms/Fountains	*Good*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Poor*
Safety	*Good*	*Poor*	*Fire Safety*	*Good*
			Hazardous Materials	*Poor*
Structural	*Good*	*Fair*	*Structural Damage*	*Good*
			Roofs	*Poor*
External	*Good*	*Fair*	*Playgrounds/School Grounds*	*Fair*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Fair*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.7
Calwa Elementary School
FRESNO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Fair*
			Sewer	*Good*
Interior	*Poor*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Good*	*Electrical*	*Good*
Restrooms/Fountains	*Good*	*Good*	*Restrooms*	*Good*
			Fountains	*Good*
Safety	*Good*	*Poor*	*Fire Safety*	*Poor*
			Hazardous Materials	*Poor*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Good*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Good*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.8
Edison Computech Middle School
FRESNO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Good*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Poor*	*Electrical*	*Poor*
Restrooms/Fountains	*Good*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Good*
Safety	*Good*	*Fair*	*Fire Safety*	*Good*
			Hazardous Materials	*Fair*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Good*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Fair*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Fair*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.9
Fresno High School
FRESNO UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Fair***
			Sewer	***Good***
Interior	***Poor***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Good***
Electrical	***Poor***	***Poor***	*Electrical*	***Poor***
Restrooms/Fountains	***Good***	***Good***	*Restrooms*	***Good***
			Fountains	***Good***
Safety	***Good***	***Poor***	*Fire Safety*	***Fair***
			Hazardous Materials	***Poor***
Structural	***Good***	***Good***	*Structural Damage*	***Good***
			Roofs	***Good***
External	***Good***	***Good***	*Playgrounds/School Grounds*	***Good***
			Windows/Doors/Gates/Fences	***Good***
Overall Score	***Fair***	***Fair***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.10
Grape Street Elementary School
LOS ANGELES UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Fair*	*Gas*	*Good*
			HVAC	*Poor*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Fair*
Electrical	*Good*	*Good*	*Electrical*	*Good*
Restrooms/Fountains	*Good*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Fair*
Safety	*Good*	*Poor*	*Fire Safety*	*Poor*
			Hazardous Materials	*Poor*
Structural	*Poor*	*Poor*	*Structural Damage*	*Good*
			Roofs	*Poor*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Poor*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.11
Rudecinda Sepulveda Dodson Middle School
LOS ANGELES UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Fair*	*Gas*	*Good*
			HVAC	*Poor*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Fair*	*Pests/Vermin*	*Good*
			Cleanliness	*Poor*
Electrical	*Good*	*Poor*	*Electrical*	*Poor*
Restrooms/Fountains	*Good*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Poor*
Safety	*Good*	*Poor*	*Fire Safety*	*Poor*
			Hazardous Materials	*Poor*
Structural	*Good*	*Fair*	*Structural Damage*	*Good*
			Roofs	*Fair*
External	*Good*	*Fair*	*Playgrounds/School Grounds*	*Fair*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Exemplary*	*Poor*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.12
Manual Arts High School
LOS ANGELES UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Fair*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Poor*	*Pests/Vermin*	*Good*
			Cleanliness	*Poor*
Electrical	*Good*	*Poor*	*Electrical*	*Poor*
Restrooms/Fountains	*Good*	*Poor*	*Restrooms*	*Poor*
			Fountains	*Poor*
Safety	*Good*	*Poor*	*Fire Safety*	*Poor*
			Hazardous Materials	*Poor*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Fair*
External	*Good*	*Poor*	*Playgrounds/School Grounds*	*Poor*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Exemplary*	*Poor*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.13
Margaret White Elementary School
PALO VERDE UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Good***
			Sewer	***Good***
Interior	***Good***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Good***
Electrical	***Good***	***Good***	*Electrical*	***Good***
Restrooms/Fountains	***Good***	***Good***	*Restrooms*	***Good***
			Fountains	***Good***
Safety	***Good***	***Poor***	*Fire Safety*	***Good***
			Hazardous Materials	***Poor***
Structural	***Good***	***Good***	*Structural Damage*	***Good***
			Roofs	***Good***
External	***Good***	***Fair***	*Playgrounds/School Grounds*	***Poor***
			Windows/Doors/Gates/Fences	***Good***
Overall Score	***Exemplary***	***Fair***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.14
Ruth Brown Elementary School
PALO VERDE UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Good*
			Sewer	*Good*
Interior	*Fair*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Good*	*Electrical*	*Good*
Restrooms/Fountains	*Good*	*Good*	*Restrooms*	*Good*
			Fountains	*Good*
Safety	*Good*	*Poor*	*Fire Safety*	*Good*
			Hazardous Materials	*Poor*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Fair*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Fair*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.15
Palo Verde High School
PALO VERDE UNIFIED SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	***Good***	***Good***	*Gas*	***Good***
			HVAC	***Good***
			Sewer	***Good***
Interior	***Good***	***Poor***	*Interior*	***Poor***
Cleanliness	***Good***	***Good***	*Pests/Vermin*	***Good***
			Cleanliness	***Good***
Electrical	***Good***	***Good***	*Electrical*	***Good***
Restrooms/Fountains	***Good***	***Fair***	*Restrooms*	***Good***
			Fountains	***Poor***
Safety	***Good***	***Poor***	*Fire Safety*	***Fair***
			Hazardous Materials	***Poor***
Structural	***Good***	***Good***	*Structural Damage*	***Fair***
			Roofs	***Good***
External	***Good***	***Fair***	*Playgrounds/School Grounds*	***Poor***
			Windows/Doors/Gates/Fences	***Good***
Overall Score	***Good***	***Fair***		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.16
Adam Elementary School
SANTA MARIA-BONITA SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Fair*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Good*	*Electrical*	*Good*
Restrooms/Fountains	*Good*	*Fair*	*Restrooms*	*Fair*
			Fountains	*Good*
Safety	*Good*	*Fair*	*Fire Safety*	*Good*
			Hazardous Materials	*Poor*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Good*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Exemplary*	*Fair*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Table A.17
Rice Elementary School
SANTA MARIA-BONITA SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Fair*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Fair*	*Electrical*	*Fair*
Restrooms/Fountains	*Good*	*Good*	*Restrooms*	*Good*
			Fountains	*Good*
Safety	*Good*	*Fair*	*Fire Safety*	*Good*
			Hazardous Materials	*Fair*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Fair*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Good*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

ATTACHMENT B1c

Table A.18
Fesler Junior High School
SANTA MARIA-BONITA SCHOOL DISTRICT

FIT CATEGORY	SCHOOL'S SELF-SCORE	STATE AUDITOR'S SCORE	FIT SECTION	STATE AUDITOR'S SCORE
Systems	*Good*	*Good*	*Gas*	*Good*
			HVAC	*Good*
			Sewer	*Good*
Interior	*Good*	*Poor*	*Interior*	*Poor*
Cleanliness	*Good*	*Good*	*Pests/Vermin*	*Good*
			Cleanliness	*Good*
Electrical	*Good*	*Fair*	*Electrical*	*Fair*
Restrooms/Fountains	*Good*	*Good*	*Restrooms*	*Good*
			Fountains	*Good*
Safety	*Good*	*Fair*	*Fire Safety*	*Fair*
			Hazardous Materials	*Poor*
Structural	*Good*	*Good*	*Structural Damage*	*Good*
			Roofs	*Good*
External	*Good*	*Good*	*Playgrounds/School Grounds*	*Good*
			Windows/Doors/Gates/Fences	*Good*
Overall Score	*Good*	*Good*		

Source: State Auditor inspections and school SARCs.

Exemplary: ..... 99-100 percent
Good: ..... 90-98.99 percent
Fair: ..... 75-89.99 percent
Poor: ..... under 75 percent

Appendix B

Example of an Updated FIT

The document on the following page provides an example of changes that DGS could make to the FIT to incorporate our recommendations. For example, the addition of a more nuanced "minor deficiency" rating would allow schools to more accurately assess the severity of their deficiencies. Further, scoring by FIT section instead of by SARC category would provide parents with more accurate information.

ATTACHMENT B1c

Figure B
Example of an Updated FIT Instrument

STATE OF CALIFORNIA
FACILITY INSPECTION TOOL (FIT)
SCHOOL FACILITY CONDITIONS EVALUATION

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION: Anycity Unified School District			COUNTY: Sacramento
SCHOOL SITE: Elm Street Elementary			SCHOOL TYPE (GRADE LEVELS): K-6
INSPECTOR'S NAME: Jane Doe	INSPECTOR'S TITLE:		NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE):
TOTAL ESTIMATED BUILDING VOLUME (CUBIC FEET):	TIME OF INSPECTION:		SITE ENROLLMENT:
TOTAL ESTIMATED SITE SQUARE FOOTAGE / ACREAGE:	WEATHER CONDITION AT TIME OF INSPECTION:		NUMBER OF CLASSROOMS ON SITE: 10
TOTAL ESTIMATED BUILDING SQUARE FOOTAGE:			NUMBER OF RESTROOMS ON SITE: 10

Sections are rated separately from each other. No overall categories.

Legend
OK - No deficiencies
MD - Minor deficiency, such as a small stain on the ceiling or a cracked floor tile that does not pose a trip hazard.
D - Deficiency. More serious than MD, such as damaged or missing ceiling tiles or torn carpet.
X - Extreme deficiency. Poses a risk to health and safety.

Additional minor deficiency rating included. This rating would address smaller deficiencies that don't pose serious risks to students and staff.

PART III: SECTION TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "OK"s:	10	8	10	2	3	10	9	8	10	10	0	9	8	10	10
	Number of "MD"s:	0	1	0	4	5	0	0	2	0	0	3	0	0	0	0
	Number of "D"s:	0	0	0	3	2	0	1	0	0	0	6	0	0	0	0
10	Number of "X"s:	0	0	0	1	0	0	0	0	0	0	1	1	2	0	0
	Number of N/A's:	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "OK"s divided by (Total areas - "NA"s)*		100.00%	88.89%	100.00%	0.00%	30.00%	100.00%	90.00%	80.00%	100.00%	100.00%	0.00%	0.00%	0.00%	100.00%	100.00%
Rank (Circle one) **GOOD = 90% - 100%** **FAIR = 75% - 89.99%** **POOR = 0% - 74.99%**		Good	Fair	Good	Poor	Poor	Good	Good	Fair	Good	Good	Poor	Poor	Poor	Good	Good

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:

DETERMINE AVERAGE PERCENTAGE OF 15 SECTIONS ABOVE →	65.93%	SCHOOL RATING** →	Poor

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	EXEMPLARY
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	GOOD
75 %-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	FAIR
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	POOR

INSPECTOR'S COMMENTS AND RATING EXPLANATION: _____

DISTRICT'S RESPONSES TO REPORT (Attach additional pages if necessary): _____

Source: Auditor modification to a form from General Services.

EXAMPLE

Appendix C

Scope and Methodology

The Joint Legislative Audit Committee (Audit Committee) directed the California State Auditor to conduct an audit of custodial staffing and cleanliness standards of California public schools. Specifically, the audit committee requested that we determine how custodial staffing levels have changed at a selection of schools, and assess changes in the square footage cleaned, number of students in each school, and the number of high-use areas to clean. Further, the requester asked us to assess the adequacy and availability of cleaning supplies and equipment and evaluate how funding for these materials has changed. Additionally, we were tasked with evaluating available cleanliness data to determine trends and compliance with certain standards.

Table C lists the objectives that the audit committee approved and the methods we used to address them. Unless otherwise stated in the table or elsewhere in the report, statements and conclusions about items selected for review should not be projected to the population.

Table C
Audit Objectives and the Methods Used to Address Them

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Reviewed relevant laws, rules, and regulations applicable to public school cleanliness and maintenance.
2	For a selection of schools within a judgmental selection of school districts, perform all of the following:	Selected school districts with varying enrollment levels, absence rates, socioeconomic statuses, student demographics, county income rates, geographical locations, and environments.
	a. Determine how custodial staffing levels have changed during the past 20 years and assess changes in the square footage cleaned, number of students in each school, and the number of high-use areas to clean.	• Reviewed each selected school's custodial staffing records according to full-time equivalents for the period the school maintained accessible records. • We requested all information available, but in general, school districts did not have 20 years' worth of data. • Determined student enrollment levels for the same period. • Determined square footage each year for the same period. • Calculated the number of students per full time custodian and custodial FTE per square foot. • Conducted inspections to identify high-use areas.

continued on next page . . .

ATTACHMENT B1c

	AUDIT OBJECTIVE	METHOD
	b. Assess the adequacy and availability of cleaning supplies and equipment and evaluate how funding for these materials has changed during the past 20 years.	• Inspected cleaning supplies and equipment at each selected school site. Interviewed custodians and principals at each school site to determine whether they had sufficient cleaning supplies and equipment. Interviewed district level custodial managers about the availability of cleaning supplies districtwide. • Reviewed the FIT, APPA resources, Department of Public Health resources, and district policies for guidance related to cleaning supplies and equipment. Did not identify requirements related to the adequacy of cleaning supplies. • Obtained and documented custodial supply and equipment expenditures from each of the six selected school districts on both a district and site-specific level. • Analyzed cleaning custodial expenditures to determine trends. • Requested all information available, but in general, school districts did not have 20 years' worth of data.
	c. Evaluate available cleanliness data to determine whether there are trends based on certain factors, such as geographic location, student enrollment, rural/suburban/urban environment, area income level, student demographics, and students experiencing homelessness, special needs populations, or the number of students per square foot of physical space.	Requested cleanliness data at each of our selected districts. The districts report that cleanliness data is not obtained outside of FIT inspections. As a result, and because we determined that the scores reported in the SARC were unreliable, we could not report on the demographic trends requested in this audit objective.
	d. Identify whether the selected school districts comply with basic cleanliness standards established by the FIT and those recommended by the APPA.	• Inspected three schools within each of six selected school districts and performed FIT inspections. Assessed all 15 FIT elements at each applicable location within the school sites. Documented deficiencies and extreme deficiencies at each site. Calculated scores for each section and category. • Compared results with schools' self-reported FIT scores. • Assessed compliance with APPA recommendations at each school site.
3	Assess standards for cleanliness, inspections, data collection, and custodial staffing levels for public schools in comparable states to identify possible best practices or potentially beneficial changes to state law or regulation.	• Selected states with comparable student enrollment, absenteeism rates, test scores, and other factors. • Reviewed available information on cleanliness requirements, inspections, data collection and custodial staffing requirements. We did not identify best practices during this review.
4	Identify school cleanliness best practices and assess whether the FIT data collection processes are adequate to determine a true assessment of school cleanliness.	• Compared FIT scores based on inspections across our selected school sites. Met with school site custodians and principals. Met with district custodial and maintenance managers. Conducted interviews to determine challenges and potential best practices. Transferable best practices were not identified. • Determined that the information reported on the SARC and based on the FIT instrument was not reliable and thus not a true assessment of school cleanliness.

AUDIT OBJECTIVE	METHOD
5 Identify potential adverse educational or health outcomes that may be associated with declining or poor cleanliness in school facilities.	• Conducted a review of scholarly papers related to potential adverse educational or health outcomes. • Met with CDE's Director of Facilities, and the DGS Office of Public School Construction. Conducted interviews about potential adverse effects.
6 Review and assess any other issues that are significant to the audit.	Obtained *Williams* complaints related to facilities deficiencies at our selected districts. Reviewed those for our selected schools to determine whether the districts had addressed the complaints.

Source: Audit workpapers.

Assessment of Data Reliability

The U.S. Government Accountability Office, whose standards we are statutorily obligated to follow, requires us to assess the sufficiency and appropriateness of computer-processed information we use to support our findings, conclusions, or recommendations. In performing this audit, we relied on financial reports from electronic accounting systems related to custodial and cleaning supply expenditures that we obtained from each school district. We performed data verification and validation of that information and determined that the data are reliable for the purposes of our audit objectives.

ATTACHMENT B1c

Docusign Envelope ID: 1F90CB4B-5983-4AA5-867D-7D3518DD478B

CalGovOps
CALIFORNIA GOVERNMENT OPERATIONS AGENCY

DATE: October 25, 2024

TO: Grant Parks
California State Auditor

FROM: Secretary Amy Tong

SUBJECT: California State Auditor's Report No. 2023-122

Pursuant to the above audit report, enclosed are the Department of General Services' comments pertaining to the results of the audit.

The Government Operations Agency would like to thank the state auditor for its comprehensive review. The results provide us with the opportunity to better serve our clients and protect the public.

DocuSigned by:
6D93093C5C494C2...

10/24/2024

ATTACHMENT B1c

DGS GENERAL SERVICES

MEMORANDUM

Date: October 24, 2024

To: Amy Tong, Secretary*
Government Operations Agency
1304 O Street, Suite 300
Sacramento, CA 95814

From: **Ana M. Lasso, Director**
Department of General Services

Subject: **RESPONSE TO CALIFORNIA STATE AUDITOR'S REPORT NO. 2023-122**

Thank you for the opportunity to respond to the California State Auditor's (state auditor) Report No. 2023-122, Custodial Staffing and Cleanliness Standards, which includes recommendations for the Department of General Services (DGS) resulting from the audit. The following response addresses the recommendations for DGS.

OVERVIEW OF THE REPORT

DGS has reviewed the findings, conclusions and recommendations presented in Report No. 2023-122, and generally agrees with the state auditor's recommendations for DGS.

Report No. 2023-122 accurately notes that DGS' Office of Public School Construction (OPSC) most recently updated the Facility Inspection Tool (FIT) in April 2022. For additional context, DGS notes that the April 2022 update resulted from a requirement in Senate Bill (SB) 129 (Chapter 69, Statutes of 2021, Skinner) for OPSC to update the FIT, which also appropriated $250,000 to OPSC for this purpose. In updating the FIT, SB 129 required OPSC to consult with various stakeholders and consider current standards for school facilities, including, but not limited to, the Association of Physical Plant Administrator's (APPA) Operational Guidelines for Educational Facilities, and both local and state public health guidance and standards.

To complete the most recent FIT update required by SB 129, OPSC held three stakeholder meetings in November 2021, January 2022, and February 2022, and OPSC presented resulting recommended changes to the FIT to the State Allocation Board in April 2022. Although the scope of the 2022 FIT update differed somewhat from the specific recommendations in Report No. 2023-122, stakeholders involved in the 2022 process did not express overall concern with the FIT's instructions, rating criteria, or overall scoring. Additionally, stakeholders

* California State Auditor's comments appear on page 85.

were sensitive to FIT updates that could increase the time necessary to complete the FIT for each facility.

Additionally, Report No. 2023-122 indicates that "[a]s of 2024 the school facilities fund had no additional available funds." DGS notes that as of the October 23, 2024 State Allocation Board meeting, $371.5 million remains in school facility funding, primarily from General Fund appropriations to the program in the Budget Acts of 2022 and 2023. Additionally, Proposition 2 proposes a $10 billion statewide school facilities bond on the November 5, 2024 general election ballot, of which $8.5 billion would be available to Transitional Kindergarten through Grade 12 public school facilities if the bond measure is approved by a majority of California voters. (1)

REPORT NO. 2023-122 RECOMMENDATIONS FOR DGS:

To increase the accuracy of FIT reporting, DGS should engage in its stakeholder process by October 2025 to update the FIT, with a target completion date of October 2026, to include the following elements:

- ***A broader range of deficiency ratings that specifically differentiates cosmetic deficiencies, minor deficiencies, moderate deficiencies, and extreme deficiencies. Further, DGS should adjust the weighting of the various deficiency ratings to provide a more accurate assessment of each school's compliance with good repair standards. DGS should also provide multiple examples for each section and deficiency level. These examples could include detailed descriptions or photographs that exhibit the differences of severity in common deficiencies. For example, photographs could show a small hole in a carpet, which could be considered cosmetic, and a larger rip, which could pose a trip hazard and therefore warrant a more severe deficiency rating.***
- ***Guidance about scoring individual locations that contain multiple deficiencies in the same section.***
- ***An update of the scoring system that removes the roll-up of FIT sections into category-level reporting and clarifies how such changes will affect overall scores. For example, the "Systems" category currently includes HVAC, sewer, and gas. A "good" score on two of those subcategories could hide problems in a third that scores "poor," as the overall "Systems" category score would likely average out to "good" or "fair."***
- ***The inclusion of guidance in the FIT on the assessment of specialized learning environments. This guidance should include but not be limited to wood shops, welding shops, and agricultural areas.***

ATTACHMENT B1c

DGS RESPONSE TO REPORT NO. 2023-122 RECOMMENDATIONS:

DGS generally agrees with the recommendations and is willing to incorporate the recommendations identified as changes to the FIT, if feasible. Specifically, DGS notes the following regarding the FIT elements recommended by the state auditor:

- ***A broader range of deficiency ratings, adjusted weighting of the various deficiency ratings, and multiple examples for each section and deficiency level –*** DGS acknowledges that there could be value in including these changes in an update to the FIT, and notes that any such changes should also seek to minimize additional complexity for local-level individuals using the FIT to evaluate facilities.
- ***Guidance about scoring individual locations that contain multiple deficiencies in the same section –*** DGS acknowledges that guidance about individual locations that contain multiple deficiencies in the same section may benefit individuals using the FIT to evaluate facilities, and notes that any such changes should also seek to minimize additional complexity for local-level individuals using the FIT to evaluate facilities.
- ***An update of the scoring system that removes the roll-up of FIT sections into category-level reporting and clarifies how such changes will affect overall scores –*** DGS notes that removal of the roll-up of FIT sections into category-level reporting may impact overall FIT ratings in some cases and agrees with the state auditor's assessment that clarification of the impact of this change on overall ratings must be considered. DGS notes that it is currently unknown how the recommended update to the scoring system would impact overall FIT ratings and associated reporting that local educational agencies are required to include in their School Accountability Report Cards. Additionally, DGS notes that although the current FIT presents "percentages in good repair" per category and an overall rating based on the average of eight category ratings, it also includes "evaluation detail" in which the facility evaluator rates each of the 15 sections individually, as well as percentages of each of these 15 sections that are in good repair.
- ***Guidance in the FIT on the assessment of specialized learning environments, including but not limited to wood shops, welding shops, and agricultural areas –*** DGS recognizes that some school facilities – particularly high schools – contain specialized learning environments, and acknowledges that FIT guidance specific to these types of facilities may benefit individuals using the FIT to evaluate them. However, although Report No. 2023-122 indicates that specialized learning environments involve locations and hazards that the FIT does not currently address, DGS notes that some of the specific issues identified in the audit report, such as

a pile of rusty metal scraps in the yard outside of a welding classroom and a structurally compromised greenhouse, can be addressed under more general categories in the existing FIT, such as "evidence of hazardous materials that may pose a threat to pupils or staff" and "structural damage that has created or could create hazardous or uninhabitable conditions." ②

DGS notes that the outcome of California voters' consideration of Proposition 2 in the November 5, 2024 general election has significant implications for the availability of state facilities funding for school facilities, as well as for OPSC's administrative operations. OPSC anticipates that the state auditor's recommended timeline to commence the stakeholder process to update the FIT by October 2025, with a target completion date of October 2026, is feasible, provided funding for administrative costs is allocated. At this time, OPSC does not have the resources to perform this workload.

OPSC will engage stakeholders with the intention of including the state auditor's recommended elements in an updated version of the FIT for consideration by the State Allocation Board. Adoption of the revised FIT must ultimately be approved by the State Allocation Board with at least six positive votes.

CONCLUSION

DGS is committed to pursuing improvements to the FIT to facilitate accurate and transparent evaluations of school facilities at the local level. DGS will evaluate the Auditor's comments and take appropriate actions where necessary to address issues presented in the report.

If you need further information or assistance on this issue, please contact me at (916) 376-5012.

Sincerely,

Ana M. Lasso
Director

ATTACHMENT B1c

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE DEPARTMENT OF GENERAL SERVICES

To provide clarity and perspective, we are commenting on DGS's response to our audit. The numbers below correspond to the numbers we have placed in the margin of its response.

We appreciate the additional information DGS provided and have corrected the text on page 8 to reflect the balance in the fund. We also acknowledge Proposition 2 in the report on page 26. ①

We agree that in general the FIT is able to reflect some potential hazards in specialized learning environments—indeed, we were still able to rate those facilities. However, as we note on page 43 of the report, these environments can pose unique dangers to students: they often involve power tool use, contact with various chemicals, and other hazards. Consequently, on page 53 we recommend that DGS update the FIT to include information on specialized learning environments. ②

ATTACHMENT B1c

Fresno County Superintendent of Schools

Dr. Michele Cantwell-Copher, Superintendent

October 23, 2024

Grant Parks*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Subject: 2023-122 – Confidential Draft Audit Report for Review

Dear Mr. Parks:
Thank you for the opportunity to review and offer comment on your report 2023-122 titled: Custodial Staffing and Cleanliness Standards: [title redacted]. We reviewed the provided reports which were heavily redacted and contained 34 of 70 pages. These comments pertain only to the unredacted text provided by your office. ①②

In reviewing the report, we reviewed the scope as requested by the Joint Legislative Audit Committee (JLAC) as listed in Table A of the report on pages 67-69 of the report. Based on the heavily redacted report provided, we did not see any discussion on cleanliness standards and staffing levels and are unable to comment on the adequacy of the report. ②③

Beyond the scope listed in Table A, the report goes on to discuss maintenance funding and need based on FIT inspections and funding sources. This is a complicated issue that merits further study with a larger and possibly different group of educational partners.

Additionally, in the unredacted portions specific to Fresno County Superintendent of Schools (FCSS) Williams monitoring, the report cites a discrepancy between district self-reporting on SARC and Williams monitoring scores. The report concludes that county offices "have not fulfilled those [Williams oversight] responsibilities by not ensuring the accuracy of schools' FIT reporting." This is a misrepresentation of the use of the FIT and Williams monitoring process. ④ The FIT inspections by both districts and county offices are a point-in-time assessment of the current conditions, and it is reasonable that conditions could fluctuate between "Good" and "Exemplary" at different moments in time (based on the Calwa Elementary, Fresno Unified sample cited in the unredacted portion of the report).

Thank you for your attention to this important matter. If you have any questions, please contact Jeff Becker at 559-497-3721.

Fresno County Office of Education
1111 Van Ness Avenue • Fresno, California 93721
(559) 265-3000 • www.fcoe.org

* California State Auditor's comments appear on page 89.

ATTACHMENT B1c

Sincerely,

Dr. Diane Lira
Deputy Superintendent
Fresno County Superintendent of Schools

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE FRESNO COUNTY OFFICE OF EDUCATION

To provide clarity and perspective, we are commenting on the Fresno County Office of Education's response to our audit. The numbers below correspond to the numbers we have placed in the margin of its response.

While preparing our draft report for publication, some page numbers shifted. Therefore, the page number count that the Fresno County Office of Education cites in its response does not correspond to the final report. ①

Government Code sections 8545 and 8545.1 prohibit the disclosure of any substantive information about an audit before it is completed, including information pertaining to other audited entities. Thus, we provided Fresno County Office of Education a redacted version of our draft audit report that excluded substantive information pertaining to other audited entities. ②

We discuss cleanliness standards and staffing levels in the report. However, because these sections did not relate to county offices of education, we did not include them in the redacted version of the report that we provided to the Fresno County Office of Education. ③

Our report accurately represents the FIT and the *Williams* monitoring process. Specifically, we acknowledge on pages 5, 31, and 33 that observations of any individual completing the FIT are point-in-time observations, and specific circumstances during the observations, such as the presence of students, may affect the scores. ④

ATTACHMENT B1c

Fresno Unified School District

Achieving our Greatest Potential!

BOARD OF EDUCATION
Susan Wittrup, President
Valerie F. Davis, Clerk
Claudia Cazares
Genoveva Islas
Elizabeth Jonasson Rosas
Andy Levine
Keshia Thomas

SUPERINTENDENT
Robert G. Nelson, Ed.D.

October 23, 2024

To: John Lewis *

From: Drone Jones

RE: **California State Audit Report**

Mr. Lewis,

In response to the redacted state audit report received on October 17, 2024, Fresno Unified would like to exercise our right to respond.

- FUSD agrees that custodial staffing within the district is consistent with best practices.
- References made on page 62 that FUSD does not track equipment deployed to sites is inaccurate. Operations tracks all equipment deployed to sites. (1) (2)
- Page 22 of the report addresses potential safety hazards related to daisy chained extension cords in classrooms. FUSD personnel have been instructed to remove daisy chained extension cords when identified and we will reiterate this policy quarterly. (1)
- FUSD acknowledges that some personnel may bring aerosols and cleaning products from home. This practice is against district policy and is prohibited. Memos reflecting this policy have been disseminated to sites on a reoccurring basis.
- FUSD does recognize some of our aging facilities interior surfaces would benefit from modernization. We are actively working to secure a bond to address these concerns.
- Page 52 of the report provides a recommendation to solicit input from school site counsels when conducting FIT inspections. Our third-party consultant does include school site personnel input when determining the appropriate FIT score for their site. (1) (3)

Thank you for providing FUSD with the opportunity to respond to the state audit performed at our facilities. We're hopeful that legislators will appropriate funding for Operations similar to what is provided through RRM.

Best Regards,

Drone Jones
Fresno Unified School District
Operations Director

2309 Tulare Street, Fresno, CA 93721-2287 | www.fresnounified.org

* California State Auditor's comments appear on page 93.

ATTACHMENT B1c

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE FRESNO UNIFIED SCHOOL DISTRICT

To provide clarity and perspective, we are commenting on Fresno Unified's response to our audit. The numbers below correspond to the numbers we have placed in the margin of its response.

While preparing our draft report for publication, some page numbers shifted. Therefore, the page numbers that Fresno Unified cites in its response do not correspond to the final report. ①

Based on discussions with Fresno Unified, we modified the text to clarify that school districts, including Fresno Unified, did not always account for expenditures on maintenance equipment by individual school. ②

Fresno Unified misunderstands our recommendation. The schoolsite councils referenced in our recommendation on page 52 are bodies comprised of school personnel, parents, and, in some cases, students. ③

ATTACHMENT B1c

LAUSD UNIFIED

October 25, 2024

Grant Parks*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

SUBJECT: Los Angeles Unified School District Response to the California State Auditor's Draft Report of Custodial Staffing and Cleanliness Standards

This letter provides the Los Angeles Unified School District's (LAUSD or District) response to the California State Auditor's (CSA) draft report on custodial staffing and cleanliness standards in California public schools. While LAUSD was one of six school districts examined in this statewide assessment, and no formal response is required, LAUSD appreciates the opportunity to provide feedback on the audit findings and recommendations. LAUSD's response is organized into three sections:

1. Legislative recommendations proposed by CSA
2. Facility inspection findings at three LAUSD schools
3. Additional considerations and concerns

1. Response to CSA's Recommendations for the Legislature

The CSA's report provided two recommendations for the State Legislature to consider:

Recommendation 1: *The Legislature should consider earmarking, and if appropriate augmenting, funding to school districts for facilities maintenance outside of the Local Control Funding Formula (LCFF) so that funding is provided based on facility needs such as age of facility.*

LAUSD concurs with the audit's recommendation regarding increased state funding for facilities maintenance, specifically for custodial and janitorial services. Clean, well-maintained school facilities are essential for student health, safety, and academic success. As the report notes, "the State has not allocated funding specifically for the maintenance of school facilities since 2013, and that maintenance costs now compete with other priorities such as instruction or special education." The audit correctly identifies that without supplemental funding, school districts must make challenging fiscal decisions between maintaining facility cleanliness and supporting educational programs, as both are paid from the same limited general funds.

LAUSD wholeheartedly supports additional funding from the State earmarked specifically for custodial support. However, placing restrictions on the use of current funds without providing additional or new funding could be problematic. Such restrictions would significantly limit LAUSD's ability to optimize resource allocations across our diverse school communities' needs. LAUSD remains committed to working alongside stakeholders and education partners to advocate for dedicated state funding that would enhance custodial staffing levels and support facility maintenance needs. ①

* California State Auditor's comments appear on page 103.

ATTACHMENT B1c

Recommendation 2: *The Legislature should consider modifying existing law to require that the use of state funds for maintenance be contingent upon periodic review and validation of FIT (Facilities Inspection Tool) inspection reports by a party who did not perform the FIT Inspection.*

(2) LAUSD respectfully disagrees with the recommendation for additional third-party validation of FIT inspection reports, as robust external review processes are already in place. The Los Angeles County Office of Education (LACOE) currently conducts comprehensive FIT inspections at approximately 20% of LAUSD schools annually as part of Williams Inspection requirements. Recent LACOE inspections demonstrate strong facility maintenance standards: of the 178 schools inspected in the past 15 months, 60% received exemplary ratings, 37% good, 2% fair, and less than 1% (one school) poor. The results from these independent assessments do not (3) support the report's suggestion that districts are inflating their FIT scores. Furthermore, LAUSD's Office of Environmental Health and Safety (OEHS) performs Safe School Inspections at all schools. These evaluations ensure compliance with federal, state, and local safety mandates, encompassing asbestos management, chemical and construction safety, emergency procedures, Fire/Life Safety, Indoor *Environment standards, Injury and Illness Prevention, and Pest* (4) *Management programs.* Additionally, School Site Administrators at secondary schools appoint a Chemical Safety Coordinator who trains school staff on the safe handling and storage of chemicals. Implementing an additional layer of validation would create unnecessary administrative redundancy and divert limited resources away from actual facility maintenance and cleanliness improvements. LAUSD recommends maintaining the current oversight structure, which already provides reliable third-party validation while ensuring resources remain focused on direct facility maintenance and improvements.

2. <u>Facility Inspection Findings at Three LAUSD School Sites</u>

(5) CSA inspected three schools in each of six school districts included in their statewide assessment. Unfortunately, given LAUSD's size of more than 850 school site campuses, a sample of just three schools (0.35% of the total) does not provide any statistical validity for drawing meaningful conclusions about district-wide conditions.

In LAUSD, inspections were conducted in May 2024 at:

- Grape Street Elementary
- Dodson Middle School
- Manual Arts High School

Using the State's Facility Inspection Tool (FIT), which evaluates 15 distinct facility categories, CSA compared their findings to LAUSD's facilities assessment included in the School Accountability Report Card (SARC) ratings, specifically focusing on categories that received 'poor' ratings. The SARC, mandated by California law, provides comprehensive annual documentation of school demographics, performance, and facility conditions. For Manual Arts High School, LAUSD was able to reference a FIT inspection conducted by LACOE in 2021 as an additional point of comparison. The report findings focused on four FIT categories:

1. Safety - Hazardous Materials and Fire Safety
2. Structural - Roofs
3. Interior Surfaces
4. Overall Cleanliness

1) Safety Category - Hazardous Materials and Fire Safety

The inspections identified improperly stored hazardous materials at the three schools, including disinfectants, cleaning wipes, air-fresheners, and insect sprays in classrooms. A

propane tank and barbeque (present at the time of inspection for a Senior class event) was found in a classroom. Inspections also identified fire extinguishers that were either

obstructed, missing or not properly charged. These conditions resulted in a “Poor” FIT score in the Safety category, as noted below.

SCHOOL	DISTRICT SARC SCORE	CSA SCORE	LACOE SCORE
Grape Street EL	Good	Poor	N/A
Dodson MS	Good	Poor	N/A
Manual Arts HS	Good	Poor	Good

LAUSD Response Regarding Hazardous Materials:
LAUSD takes the proper storage and handling of materials designated as hazardous very seriously. Maintenance and Operations (M&O) conducted follow-up inspections at all three sites to address two distinct challenges: the proper storage of District-issued maintenance materials and the presence of personal cleaning supplies brought to campus by school staff. Following these inspections, all District-approved materials have been properly secured and non-approved items have been removed, including the barbecue and propane tank equipment.

LAUSD maintains comprehensive chemical safety protocols through multiple oversight mechanisms. LAUSD requires all school sites to provide Hazardous Communication Training for staff handling workplace chemicals. The Office of Environmental Health and Safety (OEHS) oversees this training alongside other critical safety programs, including the Injury and Illness Prevention Program and Chemical Hygiene Plan for laboratory chemical management. Through its Safe School Inspection Program, OEHS enforces policies requiring that only OEHS-approved products be used by authorized, trained staff and that all hazardous materials are securely stored away from students.

OEHS Safe School Inspections were conducted at Grape Street Elementary (February 2023), Dodson Middle School (October 2023), and Manual Arts High School (March 2023). While these inspections do not generate FIT ratings, findings are communicated to Site Administrators and M&O Complex Project Managers in accordance with the Board of Education's "Safe and Clean School Environment" Resolution (February 2001) to ensure ongoing safety compliance. OEHS will continue to provide guidance to Site Administrators on the safe storage of gas cylinders. M&O will ensure that custodial staff are reminded annually of their responsibility to ensure that propane tanks and other gas cylinders are approved for use, meet all safety requirements for storage, and report any non-compliance issues to OEHS as required.

In addition, M&O has strengthened its protocols by implementing mandatory Department of Pesticide Regulation and Integrated Pest Management (IPM) training. All M&O staff are required to complete this training at the beginning of the school year. This training is being rolled-out to all school site staff to be completed by the second quarter of 2025. This comprehensive training covers antimicrobial use, chemical storage requirements, and compliance with District IPM policy regarding pesticide application restrictions.

LAUSD Response Regarding Fire Safety:
M&O has verified that all fire extinguishers at the three LAUSD schools were inspected for tags, unobstructed, in good working condition. The M&O Fire Extinguisher Department maintains over 55,000 portable fire extinguishers district-wide, adhering to State Fire

ATTACHMENT B1c

Marshall requirements for annual maintenance. To strengthen compliance monitoring, M&O has implemented the following measures:

- Automating work order generation for scheduled maintenance
- Tracking monthly compliance metrics
- Continuing monthly inspections by Area Operations Supervisors to ensure custodial staff complete and document required visual inspections
- Maintaining documentation requirements in accordance with M&O Procedures G-F-8, G-F-2 and the OEHS Safe School Inspection Guidebook
- Establishing clear protocols for plant managers to report equipment compliance issues through the service request system

Although not categorized under this specific category, the report noted an electrical safety concern at Manual Arts High School regarding the use of "daisy-chained" electrical cords (where multiple extension cords or power strips are connected in sequence, creating potential fire hazards). M&O conducted follow-up inspections to verify that these electrical safety issues have been corrected. LACOE, OEHS, and M&O regularly distribute the "Common Classroom Safety Violations in Classrooms" is guidance document to administrators, reinforcing safety protocols and compliance requirements for maintaining secure learning environments.

2) Structural Category – Roofs

The inspection identified roof system deficiencies at all three schools. Roof deficiencies, as defined by the FIT, include potentially malfunctioning roofs, gutters, and downspouts, along with water-damaged ceiling tiles. While specific details were not provided in the report as to what was identified at the three schools, inspected conditions resulted in "Poor" FIT scores in the Structural category at Grape Street Elementary and Manual Arts High Schools, and a "Fair" score at Dodson Middle School

SCHOOL	DISTRICT SARC SCORE	CSA SCORE	LACOE SCORE*
Grape Street EL	Poor	Poor	N/A
Dodson MS	Good	Fair	N/A
Manual Arts HS	Good	Poor	Good

LAUSD Response:

To protect classroom environments, M&O implements a proactive maintenance strategy, initiating service calls and planned repairs before the rainy season to prevent water intrusion issues. In the wake of the Winter 2024 storms, roof-related service calls were generated at Grape Street Elementary, Dodson Middle School and Manual Arts High School, and all repairs were completed in February 2024 by District in-house crews, augmented with local contractors. In October 2024, site-wide roofing inspections were completed at the three schools and any necessary repairs made. As of this writing, there are no open service calls at the schools. M&O maintains a comprehensive facilities management approach through regular Facilities Condition Assessments (FCA) of all building systems, including roofs. This data-driven process guides the prioritization of roofing replacement projects and tracks completed improvements.

3) Interior Surface Category

The inspection evaluated interior elements including floors, ceilings, and window casings at all three school sites. While specific details for each school were not provided in the report, identified deficiencies would include items like worn carpeting, stained ceiling tiles, and

damage wall surfaces or paint deterioration. These conditions resulted in "Poor" FIT scores in the Interior Surface Category at all three schools.

SCHOOL	DISTRICT SARC SCORE	CSA SCORE	LACOE SCORE*
Grape Street EL	Good	Poor	N/A
Dodson MS	Good	Poor	N/A
Manual Arts HS	Good	Poor	Fair

LAUSD Response:
M&O has completed inspections at all three schools to identify and assess interior surface conditions requiring repair or replacement. Service calls are categorized and prioritized through a three-tiered system: Emergency (addressing immediate health and safety risks), Urgent (resolving significant functional impacts), and Routine (handling standard maintenance needs). This prioritization system ensures efficient resource allocation and timely response to critical issues. Immediate safety concerns, including trip hazards and deteriorating wall surfaces, have been designated for priority response. All identified corrections are scheduled for completion by December 2024. To ensure ongoing maintenance, Area Operations Supervisors conduct monthly inspections and verify that plant managers submit timely service requests for interior surface repairs.

4) Cleanliness Category
This category of the FIT evaluates whether grounds and buildings are regularly cleaned with minimal accumulation of dirt and no odors. At Manual Arts High School, the audit documented grime and dust buildup on windowsills, baseboards, and floors, along with visibly dirty walls. The CSA determined that both Manual Arts High School and Dodson Middle School lack sufficient custodial staffing to meet federal custodial staffing level recommendations. These conditions resulted in "Poor" FIT score at Manual Arts High School, a "Fair" score at Dodson Middle School, and a "Good" score at Grape Street Elementary.

SCHOOL	DISTRICT SARC SCORE	CSA SCORE	LACOE SCORE*
Grape Street ES	Good	Good	N/A
Dodson MS	Good	Fair	N/A
Manual Arts HS	Good	Poor	Good

LAUSD Response:
The CSA inspections were conducted in May, coinciding with the end of the academic year when facilities typically show maximum wear. M&O staff has since addressed most identified conditions during the deep cleaning that occurs during the summer break, and includes floor refinishing, wall cleaning, and baseboard maintenance.

While the report acknowledges that inspections occurred prior to scheduled summer deep cleaning, it also identifies conditions that appeared longstanding at Manual Arts HS. These include an open trench across the track, deteriorated gutters, and cracked tennis courts. LAUSD confirmed that the trench was a temporary condition related to a stadium lighting construction project, which has since been completed and the track fully restored. In regards to the tennis courts that have cracks, they will be added to LAUSD's critical repair list for prioritization among other facility needs. In addition, a gutter replacement project is underway, with new gutters currently in fabrication and scheduled for installation upon completion.

ATTACHMENT B1c

3. Additional Considerations and Corrections:

A. The report notes that districts' Facilities Assessment were higher than the SCA scores, which indicates the need for more oversight. As noted in the previously, LAUSD maintains comprehensive inspection processes and multi-layered oversight systems that ensure thorough facility assessments.

Assessment Process: LAUSD's M&O Complex Project Managers conduct standardized SARC inspections at all sites annually between February and September using a uniform digital platform using Android tablets. This platform interfaces directly with the LAUSD's Maximo Asset and Work Order Management System, enabling immediate response to identified deficiencies. While current protocol allows for repairs before finalizing SARC ratings, this methodology reflects actual facility conditions at reporting time rather than inflating scores.

External Validation: LACOE provides robust independent oversight, conducting FIT inspections at approximately 20% of LAUSD schools annually. Recent LACOE inspections of 178 schools demonstrate strong alignment with LAUSD assessments, as shown in the Table below: ②

School Type	Number of Schools	Exemplary	Good	Fair	Poor
High Schools	24	14	10	0	0
Middle Schools	40	20	19	0	1
Elementary Schools	107	67	36	4	0
Span Schools	7	4	2	1	0

Additionally, OEHS conducts comprehensive Safe School Inspections at all sites, ensuring compliance with federal, state, and local safety regulations. Safe School Inspections have been completed at all three schools.

Superintendent and Board Oversight: Given LAUSD's vast geographic scope—approximately 1,300 schools and centers across 710 square miles, including most of Los Angeles and portions of 25 other cities and unincorporated areas—LAUSD has implemented a comprehensive oversight structure that exceeds the requirements of Education Code section 35292. The mandate to examine "the management, needs and conditions of schools" is fulfilled through multiple channels. The Superintendent is assisted by:

- Four Regional Superintendents (North, South, East, and West)
- District Regional Directors, each responsible for no more than forty schools with regular site visits throughout the year
- Regional Administrators of Operations who oversee facility needs
- Operations Coordinators who provide direct operational support to groups of 20-30 schools

This extensive network ensures continuous monitoring of facility conditions beyond just custodial and cleanliness matters, with schools receiving multiple visits throughout the year from various levels of District leadership. Through this structure, LAUSD maintains consistent oversight across its extensive territory while ensuring thorough, professional assessment of facility conditions.

LAUSD does not support making maintenance funding contingent upon FIT inspection validation by untrained parties such as School Site Councils. As explained, the current SARC assessments are conducted by qualified professionals: ⑥

- M&O school maintenance and custodial managers with extensive facility management experience
- LACOE FIT inspectors with specialized training in facility evaluation
- OEHS safety officers with expertise in environmental health and safety compliance

Requiring validation by School Site Councils would create unnecessary complications, requiring extensive training of non-facilities personnel while potentially causing confusion over who has final authority for facility ratings. Instead, LAUSD proposes strengthening the existing professional inspection process through improved staff training to identify all facility issues, regardless of size or scope. LAUSD would enhance staff expertise in facility inspections and modify operational procedures to ensure thorough and objective assessments. This focused approach maintains clear accountability while improving the quality of facility evaluations.

B. The report cites that "school districts and the state can and have passed bonds that may provide funding for school operations, maintenance, and facilities." Pursuant to Article XIIIA of the California Constitution, bonds may only be issued for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities. Moreover, the use of bond proceeds for operating expenses, which includes custodial services and regular maintenance, is explicitly prohibited. Los Angeles Unified, however, has passed several bond measures over the last three decades to fund improvements to school facilities, including the replacement of school building systems that have met or exceeded their service life. This distinction highlights the need for sustainable funding solutions that address both facility maintenance and cleanliness adequacy. ⑦

C. The report notes that under the Local Control Funding Formula (LCFF), school maintenance competes with other priorities for funding. The State law requires school districts that access funding through the State Facilities Program to set aside 3% of its general fund revenue for a dedicated Routine Repair Maintenance Account (RRMA). LAUSD uses LCFF revenue to mostly fund the RRMA, although the LCFF does not contain a factor related to maintenance.

D. LAUSD requests corrections to Table 9 regarding salary expenditure classifications. The labels should be switched to read "Classified salaries (which includes Maintenance Salaries)" for the first entry and "Certificated Salaries (which includes Teacher Salaries)" for the second entry. This correction accurately reflects that maintenance workers are classified employees, while teachers are certificated employees. Additionally, LAUSD requests acknowledgment that the expenditure figures were sourced from the General Fund section of the Unaudited Actuals Financial Reports. ⑧

E. LAUSD requests corrections to Table 14 to accurately reflect expenditures by fiscal year: ⑨

- Fiscal Year 2018-19: $19,904,000
- Fiscal Year 2019-20: $18,880,000
- Fiscal Year 2020-21: $29,224,000
- Fiscal Year 2021-22: $51,510,000
- Fiscal Year 2022-23: $58,112,000
- Fiscal Year 2023-24: $23,212,000 (partial year data as of June 5, 2024)

ATTACHMENT B1c

The current table appears to shift each expenditure amount forward by one fiscal year. Additionally, the table should note that Fiscal Year 2023-24 data represents partial year expenditures.

LAUSD appreciates the opportunity to respond to the CSA's findings and recommendations. The District remains committed to maintaining safe, clean learning environments while efficiently managing our facilities resources. For any questions regarding this response, I can be reached at (213) 241-4213 or krisztina.tokes@lausd.net.

Sincerely,

Krisztina Tokes

Digitally signed by Krisztina Tokes
DN: cn=Krisztina Tokes, o=Los Angeles Unified School District, ou=Chief Facilities Executive, email=krisztina.tokes@lausd.net, c=US
Date: 2024.10.25 16:31:19 -07'00'

Krisztina Tokes
Chief Facilities Executive
Los Angeles Unified School District

cc: Alberto M. Carvalho, Superintendent
Pedro Salcido, Deputy Superintendent of Operations
Gregory Garcia, Acting Director of Maintenance and Operations

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE LOS ANGELES UNIFIED SCHOOL DISTRICT

To provide clarity and perspective, we are commenting on Los Angeles Unified's response to our audit. The numbers below correspond to the numbers we have placed in the margin of its response.

Los Angeles Unified misinterprets the intent of our recommendation to the Legislature on page 52. We have modified the language of the recommendation slightly from what the district saw in our draft to better communicate that intent. (1)

Los Angeles Unified cites ratings from the Los Angeles County Office of Education to suggest that the additional oversight we recommend on page 52 is unnecessary; however, beginning on page 33, we raise concerns with the County Offices of Educations' FIT inspections as well. (2)

We do not say that the school districts are inflating their scores, but on page 39 we note that scores from the schools are not useful if they do not reflect current conditions. (3)

We did not assess whether the school districts complied with various safety and environmental standards. This audit focused in part on whether schools were reporting FIT scores accurately. (4)

The methodology we used to select and assess the schools is a valid audit methodology and meets Generally Accepted Government Auditing Standards. As we indicate on page 75, we do not claim that our targeted selection was a statistical sample, nor did we project the results to the entire district. (5)

As we note on page 5 of the report, the FIT does not need to be completed by specialists. We appreciate Los Angeles Unified's commitment to a robust oversight structure, but nevertheless we repeat that our scores, based on the FIT and related guidance, were lower in many cases than Los Angeles Unified's scores. (6)

We acknowledge that this sentence on page 26 lacked clarity and precision and modified it to say "…provide funding for school facilities." (7)

We agree that this was a transposition error and informed Los Angeles Unified before they provided their response that we made the correction suggested. (8)

Upon review of the evidence it appears that our numbers in the table on page 51 did shift, and we have corrected the error and noted that fiscal year 2023–24 are partial-year expenditures. (9)

Comparison A: Current Facility Inspection Tool (Using State Auditor Data)

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "OK"s:	10	8	10	2	3	10	9	8	10	10	0	9	8	10	10
	Number of "D"s:	0	1	0	7	7	0	1	2	0	0	9	0	0	0	0
10	Number of "X"s:	0	0	0	1	0	0	0	0	0	0	1	1	2	0	0
	Number of N/As:	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)*		100.00%	88.89%	100.00%	0.00%	30.00%	100.00%	90.00%	80.00%	100.00%	100.00%	0.00%	0.00%	0.00%	100.00%	100.00%
Total Percent per Category (average of above)*		96.30%			0.00%	65.00%		90.00%	90.00%		50.00%		0.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		Good			Poor	Poor		Good	Good		Poor		Poor		Good	

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE →	61.41%	SCHOOL RATING** →	Poor

Comparison A: State Auditor Suggested Updates to the Facility Inspection Tool (Using State Auditor Data)

PART III: SECTION TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	SECTION TOTALS	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
	Number of "OK"s:	10	8	10	2	3	10	9	8	10	10	0	9	8	10	10
	Number of "MD"s:	0	1	0	4	5	0	0	2	0	0	3	0	0	0	0
	Number of "D"s:	0	0	0	3	2	0	1	0	0	0	6	0	0	0	0
10	Number of "X"s:	0	0	0	1	0	0	0	0	0	0	1	1	2	0	0
	Number of N/As:	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)*		100.00%	88.89%	100.00%	0.00%	30.00%	100.00%	90.00%	80.00%	100.00%	100.00%	0.00%	0.00%	0.00%	100.00%	100.00%
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		Good	Fair	Good	Poor	Poor	Good	Good	Fair	Good	Good	Poor	Poor	Poor	Good	Good

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 15 SECTIONS ABOVE →	65.93%	SCHOOL RATING** →	Poor

Comparison B: Current Facility Inspection Tool (8 Extreme Deficiencies)

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	A. SYSTEMS			B. INTERIOR	C. CLEANLINESS		D. ELECTRICAL	E. RESTROOMS/FOUNTAINS		F. SAFETY		G. STRUCTURAL		H. EXTERNAL	
		GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
↓	Number of "OK"s:	9	8	9	2	2	10	9	7	10	10	0	9	8	10	10
	Number of "D"s:	0	1	0	7	7	0	1	2	0	0	9	0	0	0	0
10	Number of "X"s:	1	0	1	1	1	0	0	1	0	0	1	1	1	0	0
	Number of N/As:	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)*		0.00%	88.89%	0.00%	0.00%	0.00%	100.00%	90.00%	0.00%	100.00%	100.00%	0.00%	0.00%	0.00%	100.00%	100.00%
Total Percent per Category (average of above)*		29.63%			0.00%	50.00%		90.00%	50.00%		50.00%		0.00%		100.00%	
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		Poor			Poor	Poor		Good	Poor		Poor		Poor		Good	

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE →	46.20%	SCHOOL RATING** →	Poor

Comparison B: State Auditor Suggested Updates to the Facility Inspection Tool (8 Extreme Deficiencies)

PART III: SECTION TOTALS AND RANKING (round all calculations to two decimal places)

TOTAL NUMBER OF AREAS EVALUATED	SECTION TOTALS	GAS LEAKS	MECH/HVAC	SEWER	INTERIOR SURFACES	OVERALL CLEANLINESS	PEST/VERMIN INFESTATION	ELECTRICAL	RESTROOMS	SINKS/ FOUNTAINS	FIRE SAFETY	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	ROOFS	PLAYGROUND/ SCHOOL GROUNDS	WINDOWS/DOORS/ GATES/FENCES
↓	Number of "OK"s:	9	8	9	2	2	10	9	7	10	10	0	9	8	10	10
	Number of "MD"s:	0	1	0	4	5	0	0	2	0	0	3	0	0	0	0
	Number of "D"s:	0	0	0	3	2	0	1	0	0	0	6	0	0	0	0
10	Number of "X"s:	1	0	1	1	1	0	0	1	0	0	1	1	1	0	0
	Number of N/As:	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)*		0.00%	88.89%	0.00%	0.00%	0.00%	100.00%	90.00%	0.00%	100.00%	100.00%	0.00%	0.00%	0.00%	100.00%	100.00%
Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99%		Poor	Fair	Poor	Poor	Poor	Good	Good	Poor	Good	Good	Poor	Poor	Poor	Good	Good

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING:	DETERMINE AVERAGE PERCENTAGE OF 15 SECTIONS ABOVE →	45.26%	SCHOOL RATING** →	Poor

Hazardous Materials Detail Sheet

Instructions: Part IIc (Optional) – The Hazardous Materials Detail worksheet may be used to evaluate whether Hazardous Materials are present and stored properly in each area. Based on Part IIc, use the following to complete Part IIa:

a. If 75.0 percent of more of the review is “Yes,” the area should be rated safe (OK).

b. If 50-74.9 percent of the review is “Yes,” the area should be rated “Deficient” (D).

c. If 49.9 percent or less of the review is “Yes,” the area should be rated “Extreme Deficiency” (X).

1. Hazardous materials are labeled properly.

2. Hazardous materials and chemicals are locked in appropriate locations and students do not have access to them.

3. Paint is not peeled, chipped, or cracked.

4. No mildew, mold odor, or visible mold.

5. Compressed gas cylinders are secured to a wall or cart.

6. Chemical storage containers are intact with no evidence of chemical leakage from containers.

7. Eyewash stations and safety showers are available and operable in areas where corrosives are used.

8. Chemical storage areas are properly ventilated.

9. Potential sources of ignition are turned off.

10. Fume hoods and ventilation systems/exhaust fans are operative.

11. Current and dated inventory lists are posted clearly.

12. Class ABC fire extinguishers are available in chemical storage areas and are in working order.

13. Flammable materials are stored in approved storage containers.

PART IIb: HAZARDOUS MATERIALS DETAIL Date of Inspection: _____ School Name: _____

NUMBER OF MAINTENANCE STAFF IN THE DISTRICT OR AT SITE (SPECIFY):

Building / Area Name	Area Characteristics (Grade level served, events, traffic volume, public usage, etc.)	1 Proper Labeling	2 Proper Hazardous Materials Storage	3 No Paint Damaged	4 No Mold/Mildew	5 Compressed Gas Cylinders Secure	6 Chemical Storage Containers Intact	7 Eyewash and Safety Showers	8 Storage Ventilation	9 Sources of Ignition Are Off	10 Ventilation Systems/Exhaust Fans are Operative	11 Inventory Lists Posted	12 Functional ABC Fire Extinguishers	13 Flammable Materials Stored Properly	Rating
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
		COMMENTS:													
District's Plan to Address:															
Deficiency Noted in Prior Year?															

Use additional Building/Area Lines as necessary.

Marks: **Yes** = True **NO** = False **N/A** = Not Applicable

*This button will transfer the Rating in Excel column R from this page to FIT's column 5 on the Evaluation Detail page, for each Building / Area. It will overwrite existing data (in the Cleanliness column) for the Building Area / Name.

Potential Updates to FIT Instructions

Mechanical Systems

Heating, ventilation, and air conditioning systems (HVAC) as applicable are functional and unobstructed.

The inspector may indicate in the comments the following, regardless of whether the Evaluation Detail indicates "NA" because an HVAC system does not exist in the area evaluated:
i. Whether an area relies on mechanical or natural ventilation.
ii. Whether a device for monitoring temperature and humidity is present in the area, and what it shows at the time of inspection.
iii. What temperature and humidity extremes are recorded (if available).

Examples include but are not limited to the following:

a. The HVAC system is operable. (X)
b. The facilities are ventilated (via mechanical or natural ventilation).
c. The ventilation units are unobstructed and vents and grills are without evidence of excessive dirt or dust.
d. There appears to be an adequate air supply to all classrooms, work spaces, and facilities (i.e. no strong odor is present, air is not stuffy).
e. Interior temperatures appear to be maintained within normally accepted ranges.
f. The ventilation units are not generating any excessive noise or vibrations.
g. Other

CLEAN AIR
Allies

Via Email

November 14, 2025

Rebecca Kirk
Executive Officer
Office of Public School Construction (OPSC)
OPSCCommunications@dgs.ca.gov

Re: Facility Inspection Tool (FIT) Stakeholder Process

Dear Executive Officer Kirk,

Clean Air Allies is a nonprofit organization dedicated to improving indoor air quality in PK-12 schools as a matter of educational, environmental, and health import.

We appreciate OPSC's convening of a stakeholder process around the Facility Inspection Tool (FIT), as recommended by the California State Auditor in Report No. 2023-122, and its inviting of initial comments following the first FIT stakeholder meeting on October 30.

The FIT was adopted as a result of the *Williams* lawsuit brought in 2000 by ~100 California schoolchildren. At issue in that litigation was nothing less than the constitutional right of our State's children to an equal education. School facilities that are not clean, safe, and functional threaten the present thriving and long-term prospects of individuals, families, and communities in our State.

Though not directly at issue in *Williams*, school facilities conditions also implicate school staff's right to a "safe and healthful" workplace (Labor Code § 6400), and subsidiary rights such as those around ventilation and indoor heat. In fact, Education Code § 17002 makes multiple references to the health and safety of staff as well as of students.

Parents, too, are entitled to a "school environment for their child that is safe and supportive of learning." (Ed Code § 51101.) By statute, the FIT or local equivalent feeds into the School Accountability Report Card (SARC), which every parent is supposed to be able to rely upon to "make meaningful comparisons between public schools that will enable him or her to make informed decisions on the school in which to enroll his or her children." (Ed Code § 33126.)

We recognize that the State Auditor's specific recommendations to the Department of General Services (DGS) were quite narrow. However, we also note that the State Auditor characterized the end goal of this stakeholder process as to "increase the accuracy of FIT reporting." In addition, DGS stated in its response its commitment to pursue "improvements to the FIT to facilitate accurate and transparent evaluations of school facilities at the local level."

The accuracy of FIT reporting depends upon fidelity to both the letter of the tool and the spirit behind it. Otherwise, the measure risks becoming the target and ceasing to be a good measure of what really matters.

Based on the findings in the State Auditor's report, our own and others' observations, and the first FIT stakeholder meeting, we worry that use of the FIT or local equivalents has too often devolved to box checking, with both the process and end product incommensurate to the significance of the rights and interests at stake. With this in mind, we offer the following initial comments.

1. **The FIT's foundational purpose should be centered in the stakeholder process and any deliverables resulting from it.**

The FIT is not just another piece of paperwork. While we appreciate that local educational agencies (LEAs) face many burdens that should be considered, OPSC should ensure that there is also consistent and explicit heed to the rights of other stakeholders that the FIT is intended to effectuate.

This is especially true given that schoolchildren, staff, and parents are less well represented in the stakeholder process than LEAs. Many don't even know about the FIT or *Williams*, let alone about this process, and lack the capacity to meaningfully participate in it.

The State Auditor's report makes clear that existing practice around the FIT is falling short and that "many schools are not meeting State standards … exposing children to unsafe and unhealthful conditions." Centering the FIT's foundational purpose in this stakeholder process and all resulting deliverables is critical to avoid replicating attitudes or approaches that have contributed to existing deficiencies around the tool's use.

2. **The FIT should be revised to make clear that indoor air quality should be assessed even in the absence of mechanical heating, ventilation, and air conditioning (HVAC).**

Education Code § 17760 states that "it is the policy of the state that school facilities provide healthy indoor air quality, including adequate ventilation, to students, teachers, and other occupants." By one estimate, 15-20% of California TK-12 public schools have no mechanical HVAC systems. (Climate Ready Schools: A Call to Action (2003), 21.) Ventilation, temperature, humidity, and air cleanliness still matter for health, safety, and learning in these schools.

Yet existing FIT language is ambiguous regarding whether an area that has a strong odor, is stuffy, has an interior temperature outside of normally accepted ranges, or other indicia of poor indoor air quality could or should be marked as "N/A" rather than as deficient because an HVAC system or component "does not exist in the area evaluated."

The language should be clarified to state that an inspector should record whether an area relies on mechanical or natural ventilation, and in either case, assess its indoor air quality. Education Code § 17002's "includ[ing] at least" reference to mechanical HVAC systems is non-exhaustive. Further, despite the definition of "N/A" as applying when a system or component "does not exist," the 06/07, 05/09, and 4/22 versions of the FIT all include as a detail whether the "facilities are ventilated (via mechanical **or natural ventilation**)." (Emphasis added.)

3. **Existing FIT details relating to indoor air quality should be augmented by details calling for readily accessible objective data.**

The FIT's inexpert visual inspection approach carries significant limitations that have only become more evident in the nearly 20 years since its adoption.

Indoor air quality is an example par excellence of how issues not readily detectable by casual visual inspection can have significant impacts on health, safety, and learning–e.g., infectious

aerosols, allergens, fine particulate matter (PM2.5), and high carbon dioxide (CO2) concentrations, as well as ventilation for which CO2 concentrations are a proxy.

Beyond the inherent limitations of inexpert visual inspection, the State Auditor's report suggests that the subjectivity in a scoring scale that does not adequately quantify or qualify deficiencies has allowed for avoidance of accountability.

Where readily accessible and objective data relevant to the FIT exists, we believe it should be taken into account. Where it is absent, that absence is also noteworthy. Examples of such data include:

- **Whether the "annual HVAC inspection report" required by Education Code § 17761 exists for the area and what it documents, including regarding the minimum ventilation rate.** Legislative analyses of the bill that created § 17761, which builds upon § 5142 of Title 8 of the California Code of Regulations, shows its explicit linkage to the *Williams* "good repair" standard.

- **Whether a device for monitoring levels of CO2, PM2.5, or similar indicators is present in the area, what it shows at the time of the inspection (and whether the area was then or recently occupied), and what is the maximum concentration recorded.** Section 5.506.3 of Title 24 of the California Code of Regulations now requires installation of classroom CO2 monitors or sensors in new construction and qualifying additions and alterations, as well as maintenance of data including at least the maximum CO2 concentration measured. Many other classrooms have CO2 monitors thanks to the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Program, which requires comparable data maintenance and that action be taken when the CO2 concentration exceeds 1100 ppm more than once a week. (PUC § 1625.) Fifteen of 18 schools reviewed by the State Auditor had received CalSHAPE awards.

- **Whether a device for monitoring temperature and humidity is present in the area, what it shows at the time of the inspection, and what are the temperature and humidity extremes recorded if available.**

4. **The FIT, and reporting based on it such as in SARCs, should include some form of disclaimer about its limitations that is comprehensible to ordinary people.**

The FIT states that it "is designed to identify areas of a school site that are in need of repair based upon a visual inspection of the site. In addition, the EC specifies **the tool should not be used to require capital enhancements beyond the standards to which the facility was designed and constructed**." (Emphasis added.)

At the same time, as the State Auditor noted, FIT data, especially as reported in SARCs, is used to "provide information on school conditions to the public." In fact, parents are supposed to be able to use this information to "make meaningful comparisons between public schools that will enable him or her to make informed decisions on the school in which to enroll his or her children." (Ed Code § 33126.)

Given this critical function, we believe that there should be a disclaimer about the FIT's limitations in the tool as well as in reporting based on it that is more comprehensible to the general public, including parents. End consumers of the data generated by the FIT, who are expected to make "meaningful comparisons between" and "informed decisions" about schools based on it, deserve to clearly understand its limitations.

5. **OPSC should consider ways to better improve data collection, retention, and transparency related to the FIT.**

In its response to the State Auditor's report, DGS stated its commitment to "facilitate accurate and **transparent evaluations of school facilities at the local level**." (Emphasis added.)

A worrisome topic at the first October 30 FIT stakeholder meeting was the lack of data tracking around the FIT or local equivalents at either the local or state level. Given the general importance of data collection, retention, and accessibility to transparency, accuracy, and accountability around the education system, and the particular importance of the date collected by the FIT, we urge further consideration of possible improvements in this respect.

We thank OPSC for its openness to and consideration of these comments. Please contact junelle@cleanairallies.org with any questions.

Very truly yours,

JuNelle Harris
Co-Founder
Clean Air Allies