

December 19, 2018

Application No.: 54/69450-00-001
School: Voices College-Bound
Language Academy
County of Santa Clara

Ms. Frances Teso
Executive Director
Voices College Bound Language Academy
14271 Story Rd
San Jose, CA 95127

Dear Ms. Teso:

The Office of Public School Construction (OPSC) has completed its review of Voices College-Bound Language Academy, OPSC application number 54/69450-00-001. Review of the District's project financing, expenditures, and certifications to ensure compliance pursuant to Education Code Sections 17072.35, 17074.25, and 17076.10 and School Facility Program (SFP) Regulation Section 1859.106 was conducted. In addition, the review examined the District's compliance with applicable SFP Regulations in effect when the funding application was received by OPSC, dated August 23, 2013.

The project is a non-financial hardship Charter School Facilities Program (CSFP) project that was funded on a 50 percent State and 50 percent District basis. SFP Regulation Section 1859.169.1 states "Projects funded under the CSFP do not generate savings pursuant to Section 1859.103. In addition, State funds remaining at the completion of the project may not be used to satisfy the local matching share obligation. Remaining funds must be returned to the State." Accordingly, any CSFP project savings must be returned to the State. This CSFP project has savings in the amount of \$978,903.00.

The District hazardous waste/removal costs are less than the total grant amounts. SFP Regulation Section 1859.106 states in part that "An adjustment in the SFP grant will be made for the following: (a) The difference in the value of the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs that were used to determine the New Construction Additional Grant and the actual amount paid by the district for the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs." The District has unused hazardous waste/materials removal grants of \$56,100.00 and must return the State share of \$28,050.00.

The review also determined the District incurred additional eligible expenditures per SFP Regulation Sections 1859.74 and 1859.106 and may receive additional Department of Toxic Substances Control (DTSC) funding in the amount of \$29,946.24.

The net amount of site related adjustment increase is \$3,792.48.

Pending final approval by the State Allocation Board at its next available monthly meeting, the net site grant adjustment of \$3,792.48 will be used to reduce the District's CSFP savings from \$978,903.00 invoice to \$975,110.52. The District will be invoiced \$975,110.52 for the reduction in the apportionment.

OPSC has received the signed *Summary of Project Financing and Expenditures* dated November 28, 2018 from the District. As the District has concurred with the review findings in the *Summary of Project Financing and Expenditures*, the project is considered closed. Enclosed is the final report.

This final report includes the:

1. Summary of Project Financing and Expenditures and Supporting Schedules
2. State Allocation Board Apportionment Approval
3. Division of the State Architect Plan Approval
4. California Department of Education Final Plan Approval

In order to promote School Facility Program transparency, this report will be posted to our website.

Thank you for your assistance and cooperation during the review process. Should you have any questions concerning this report, you may call the Fiscal Services Unit at (916) 376-1771.

Sincerely,

A handwritten signature in blue ink that reads "Rick all".

RICK ASBELL, Chief, Fiscal Services
Office of Public School Construction

Enclosure

cc: Santa Clara County Office of Education
Project file

Summary of Project Financing and Expenditures

MAIL ROOM

District Name: Franklin-McKinley
Elementary
School: Voices College-Bound
County: Language Academy
SFP Application Number: Santa Clara
LPP Application Number: 54/69450-00-001
Date: 11/16/2018

Line		A		B	
		Adjusted Grant		Site Related Grant(s)	
1	LPP State Apportionment	1	\$ -	\$ -	
2	SFP State Apportionment	2	\$ 4,382,363.00	\$ 42,391.00	
3	CSFA Lease Amount	3	\$ 4,141,129.00	\$ 42,391.00	
4	District Contribution	4	\$ 241,234.00	\$ -	
5	Interest	5	\$ 20,182.00	\$ -	
6	Total Project Funding	6	\$ 8,784,908.00	\$ 84,782.00	
7	Reported Expenditures	7	\$ 7,806,005.00	\$ 88,574.48	
8	Reported Savings	8	\$ 978,903.00	\$ -	
9	Reported Adjustment Site Related Grants	9		\$ (3,792.48)	
10	Grant Adjustments (State & District Share)	10	\$ -	\$ 3,792.48	
11	Total Review Adjustments	11	\$ -	\$ -	
12	Revised Expenditures	12	\$ 7,806,005.00	\$ 88,574.48	
13	Net Savings	13	\$ 978,903.00	\$ -	
14	Interest Due	14	\$ -	\$ -	
15	Adjusted Grant to be Returned to the State (State share)	15	\$ 489,451.50		
16	Adjusted Grant to be Returned to the State (CSFA Lease Amount)		\$ 489,451.50		
17	Site Adjustment Due to the District (State share)	16		\$ 1,896.24	
18	Site Adjustment Due to the District (CSFA Lease Amount)			\$ 1,896.24	
19	Total Due to the State	17		\$ 975,110.52	

Explanations:

Line 10:
See Schedules 1 and 2

Line 13-16:

This is a Charter School Facilities Program (CSFP) project and has savings in the amount of \$ 978,903. SFP Regulation Section 1859.169.1 states "Projects funded under the CSFP do not generate savings pursuant to Section 1859.103. In addition, State funds remaining at the completion of the project may not be used to satisfy the local matching share obligation. Remaining funds must be returned to the State."

Line 17-18:

The District hazardous waste/removal costs are less than the total grant amounts. The District has unused hazardous waste/materials removal grants of \$56,100 and must return the State. The review also determined the District incurred additional eligible expenditures per SFP Regulation Sections 1859.74 and 1859.106 and may receive additional Department of Toxic Substances Control (DTSC) funding in the amount of \$59,892.48. The net site adjustment is \$3,792.48.

Line 19:

Total Due to the State is \$975,110.52; adjusted grant be returned to the State and adjusted grant for the CSFA lease amount less site adjustments from the State and CSFA.

These are the final authorized amounts needed to bring the District's accounting records into compliance. Amounts shown supersede all authorized amounts shown on the Office of Public School Construction Fund Release documents.

ON BEHALF OF THE DISTRICT I CONCUR WITH THIS ANALYSIS AND REQUEST THAT THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION CLOSE ITS BOOKS FOR THIS PROJECT

Frances TSU
District Representative (printed name)

Frances TSU
Signature

11-28-18
Date

Schedule 1
Refund/Reimbursement Summary

District Name: Franklin-McKinley Elementary
 School: Voices College-Bound Language Academy
 County: Santa Clara
 SFP Application Number: 54/69450-00-001
 LPP Application Number: _____
 Date: 11/16/2018

SITE RELATED GRANTS ADJUSTMENTS				
	A	B	C	D
Line	Total Adjustment	Adjustments to CSFA Lease Amount	Adjustments to State Share	Comments
1	\$ 59,892.48	\$ 29,946.24	\$ 29,946.24	DTSC Fees
2	\$ (56,100.00)	\$ (28,050.00)	\$ (28,050.00)	Hazardous Waste Removal
3	TOTAL		\$ 3,792.48	

Explanations:

Line 1

Audit recommends a \$59,892.48 adjustment to the Site DTSC Fee grant. The actual costs exceeded the grant amount. The State and CSFA shares of the increase of the grant is \$59,892.48. See Schedule 2 - Line 1.

Line 2

Audit recommends a \$56,100 adjustment to the Site Hazardous Removal grant. The grant is more than the actual costs. The State and CSFA share of the grant reduction is \$56,100. See Schedule 2 - Line 2.

Schedule 2
Grant Adjustments

District Name: Franklin-McKinley Elementary
 School: Voices College-Bound Language Academy
 County: Santa Clara
 SFP Application Number: 54/69450-00-001
 LPP Application Number: _____
 Date: 11/16/2018

SITE RELATED GRANT ADJUSTMENTS				
	A	B	C	D
Line	Total Grant Amount (State & CSFA Share)	Eligible Amount	Difference (A-B)	Comments
1	\$ 28,682.00	\$ 88,574.48	\$ 59,892.48	DTSC Fees
2	\$ 56,100.00	\$ -	\$ (56,100.00)	Hazardous Waste Removal
3		TOTAL	\$ 3,792.48	To Page 1, Column B, Line 10

Explanations:

Line 1

Per Regulation Section 1859.74(a)(3) and 1859.106 the District's funding for "site DTSC fees" is limited to approved DTSC expenses. The district received a grant of \$26,682 for DTSC fee in this project. However, the DTSC fee incurred \$88,574.48, which was greater than the grant amount. The district is eligible for an additional of \$59,892.48.

Line 2

Per School Facility Program (SFP) Regulations Section 1859.74.2 and 1859.106(a), adjustment may be made to the difference between the actual costs and the grant amount for hazardous waste/material removal costs. The district received a grant amount of \$56,100 for Site Hazardous Removal, and the actual costs spent was \$0. Therefore, the grant will be reduced by \$56,100.

Schedule
Non-Monetary Discussion Item(s)

District Name:	<u>Franklin-McKinley Elementary</u>
School:	<u>Voices College-Bound Language Academy</u>
County:	<u>Santa Clara</u>
SFP Application Number:	<u>54/69450-00-001</u>
LPP Application Number:	<u></u>
Date:	<u>11/16/2018</u>

Explanations:

During the course of our review the Office of Public School Construction (OPSC) identified the following items. While they are non-monetary in nature they still warrant a discussion.

The OPSC's oversight responsibilities focus on verifying that a project funded through the SFP comply with applicable state laws and program certifications, and expenditures made by districts comply with the Education Code Sections and SFP Regulation Sections.

Per Education Code Section 17070.75, any school district or County Office of Education with a School Facility Program (SFP) project funded after November 1998 is required to deposit funds into the Routine Restricted Maintenance Account (RRMA). The District must deposit funds into the RRMA beginning the fiscal year (FY) following the fiscal year any SFP project(s) receives a fund release for an adjusted grant apportionment.

Pursuant to Education Code Section 17070.766, for the 2008/2009 to 2014/2015 fiscal years (FY), the board shall require a school district to deposit into the RRMA, an amount equal to 1 percent of the total expenditures by a district from its general fund in the 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, and 2014-15 fiscal years respectively, but if the school district maintains its facilities in good repair, as defined in Section 17002, it shall be exempt from this 1 percent requirement. A school district may elect to deposit into the account an amount that is greater than the amount required by the board pursuant to this section. However, the District did not comply with the regulations; it did not have a RRMA nor made a deposit as required by the Education Codes above.

It should be noted for future projects that the District needs to comply with the regulation to avoid the material inaccuracy.

SCHOOL DISTRICT DATA

Application No: 54/69450-00-001
 School District: Franklin-McKinley Elementary

County: Santa Clara
 School Name: Voices College-Bound Language Academy

PROJECT DATA

Type of Project: Middle School
 K-6: 295
 7-8: 85
 9-12:
 Non-Severe:
 Severe:
 Application Filing Basis: District Wide
 Number of Classrooms: 18
 Master Acres: 8.9
 Existing Acres: 4.45
 Proposed Acres:
 Recommended Acres: 7
 Facility Hardship (a): No
 Financial Hardship Requested: No
 Alternative Education School: No
 Addition to Existing Site: Yes

ADJUSTED GRANT DATA

New Construction Grant	\$	3,753,065.00
Fire Detection Alarm		4,690.00
Sprinkler System		64,955.00
Site Acquisition		42,391.00
Service Site		189,862.00
Off-Site		5,203.00
Utilities		124,191.00
General Site		229,363.00
Prevailing Wage Monitoring		11,034.00
Total State Share (50%)		4,424,754.00
District Share (50%)		4,424,754.00
Total Project Cost	\$	8,849,508.00

PROJECT FINANCING

State Share
 This Project \$ 4,424,754.00
Charter Share
 CSFA Lease Amount 4,424,754.00
 Cash Contribution
 Total Project Cost \$ 8,849,508.00

HISTORY OF PROJECT COST AND APPORTIONMENT

	Fund Code	Proposition	Preliminary Apportionment	Preliminary Apportionment This Action	Authorized This Action	Unfunded Approval This Action
<u>State Share</u>						
Charter School Grant	957-540	1D	\$ 2,870,041.50	\$ (2,870,041.50)	\$ 4,105,860.50	\$ 4,105,860.50
Charter School Grant	057-540	1D	318,893.50	(318,893.50)	318,893.50	
<u>Charter Share</u>						
CSFA Lease Amount	957-540	1D	2,870,041.50	(2,870,041.50)	4,105,860.50	4,105,860.50
CSFA Lease Amount	057-540	1D	318,893.50	(318,893.50)	318,893.50	
Cash Contribution						
Total			\$ 6,377,870.00	\$ (6,377,870.00)	\$ 8,849,508.00	\$ 8,211,721.00

Funding Source: Proposition 1D Bonds/2006-Nov.

Pursuant to the Board's action on March 11, 2009, this application has been approved and placed on the Unfunded List.
 This approval does not constitute a guarantee or commitment of future State funding.

Assembly Bill 436 (Solorio), Chapter 378, Statutes of 2011, requires school districts to notify the Department of Industrial Relations (DIR) of School Facility Program projects with a public works contract awarded on or after January 1, 2012. Except for projects exempt pursuant to Labor Code Section 1771.3(b)(3), the DIR is required to provide prevailing wage monitoring services for the projects.

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

The Applicant received \$637,787 for advance design costs.

STATE ALLOCATION BOARD
 APPROVAL ❖ ❖ ❖

November 25, 2013



State of California • Edmund G. Brown Jr., Governor
State and Consumer Services Agency

DGS DEPARTMENT OF GENERAL SERVICES

Division of the State Architect - Oakland Office

6/7/2013 - APPROVAL OF PLAN(S)

JOHN PORTER
FRANKLIN-MCKINLEY ELEMENTARY SCHOOL DISTRICT
645 WOOL CREEK DRIVE
SAN JOSE, 95112

Project: Voices College-Bound Language Academy-Franklin-Mckinley SD
Total Scope of Project: Construction of 3-Classroom Buildings, 1-Multi-purpose Building, 1-Administration Building, 1-Kindergarten Building
Increment #: 0
Application #: 01-112853
File #: 43-16

Drawings and specifications for the subject project have been examined and stamped by the Division of the State Architect (DSA) for identification on 6/7/2013. This letter constitutes the "written approval of the plans as to safety of design and construction" required before letting any contract for construction, and applies only to the work shown on these drawings and specifications. The date of this letter is the DSA approval date.

Approval is limited to the particular location shown on the drawings and is conditioned on construction starting within one year from the stamped date. The inspector must be approved and the contract information, including the construction start date, must be given to DSA prior to start of construction.

DSA does not review drawings and specifications for compliance with Parts 3 (California Electrical Code), 4 (California Mechanical Code), and 5 (California Plumbing Code) of Title 24. It is the responsibility of the professional consultants named on the application to verify this compliance.

Please refer only to the boxes checked below which indicate applicable conditions specific to this project:

- ☒ Buildings constructed in accordance with approved drawings and specifications will meet minimum required standard given in Title 24, California Code of Regulations, for structural, and fire and life safety.
- ☐ Due to the nature of the building(s), certain precautions considered necessary to assure long service have not been required. In the condition as built, the building(s) will meet minimum required standards for structural, and fire and life safety. The owner must observe and correct deterioration in the building in order to maintain it in a safe condition.
- ☐ Your attention is drawn to the fact that this application was submitted under the provisions of Sections 39140/81130 of the Education Code which permit repairs or replacement of a fire damaged building to be made in accordance with the drawings and specifications previously approved by this office. The drawings and specifications approved for the reconstruction of this building conform to the drawings and specifications approved under application # _____.
- ☐ These drawings and specifications meet the rules, regulations, and building standards in effect at the time of the original approval and do not necessarily comply with rules, regulations, or building standards currently in effect.
- ☐ Due to the nature of the poles, certain precautions considered necessary to assure long service have not been insisted upon. In their condition as built, they will meet minimum required safety standards; however, your attention is directed to the comparatively short life of wood poles. It will be the responsibility of the owner to maintain them in a safe condition.

Application #: 01-112853

File #: 43-16

- ☐ Bleachers or grandstands constructed in accordance with approved drawings and specifications will meet minimum required standards for structural, and fire and life safety. The owner should provide for and require periodic safety inspections throughout the period of use to ensure framing and other parts have not been damaged or removed. On bleachers or grandstands having bolts, locking or safety devices, the owner shall require that all such components be properly tightened or locked prior to each use.
- ☐ This approval is for the part shown only since the drawings and specifications for the proposed work include only the portion of the building to be partially constructed on the subject site. It is understood that a separate application will be subsequently filed, together with drawings and specifications showing a plot plan and details of work necessary for completion. A contract for completion shall not be let before the written approval of such drawings has been obtained from the Department of General Services.
- ☐ The building(s) was designed to support a snow load of 0 pounds per square foot of roof area. Snow removal must be considered if the amount of snow exceeds that for which the building(s) was designed.
- ☒ This constitutes the written approval certifying that the drawings and specifications are in compliance with State regulations for the accommodation of the disabled which are required before letting any contract for construction. (See Section 4454, Government Code.)
- ☐ Your application for the construction of a relocatable building submitted under the provisions of Section 17293 of the Education Code is hereby approved. This approval certifies that the drawings and specifications are in compliance with state regulations for accommodation of the disabled, structural safety, and fire and life safety. This approval applies only to the drawings and specifications for the foundation system, anchorage of the overhead nonstructural elements, and site work related to this project. Documentation has been received indicating that the building was constructed after December 19, 1979, and bears a commercial coach insignia of approval from the Department of Housing and Community Development (HCD). Confirmation that the construction of the HCD building conforms to the appropriate state regulations is done by others. (See Section 17307, Education Code and Section 4454, Government Code.)
- ☐ Deferred Approval(s) Items:

This Project has been classified as **Class 2**. An Inspector who is certified by DSA to inspect this class of project must be approved by DSA prior to start of construction.

Please refer to the above application number in all correspondence, reports, etc., in connection with this project.

Sincerely,



Digitally signed by DAVID CHOI
DN: st=CALIFORNIA, o=OAKLAND, ou=California
Department of General Services, ou=Division of
the State Architect, ou=www.verisign.com/
repository/CPS Incomp. by Ref., LIAB.LTD(c)99,
title=SUPERVISING STRUCTURAL ENGINEER,
cn=DAVID CHOI, email=david.choi@dgs.ca.gov
Date: 2013.07.17 10:24:47 -0700

for Chester "Chet" Widom, FAIA
State Architect

cc:
Architect



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

August 13, 2013

Ms. Frances Teso, Founding Principal
Voices Charter School
4075 Sacramento Avenue
San Jose, CA 95111

Project Tracking No: 69450-67
Re: Voices College Bound Language Academy
County: Santa Clara
Square Feet: 60,000
Grade Level: K - 8

Dear Ms. Teso

Subject: Final Plan Approval – Charter School

The California Department of Education approves the plans with the title sheet date of May 16, 2013 for the above referenced project. The plans were received on August 6, 2013. The plans meet the California Department of Education's standards for educational adequacy (California Code of Regulations, Title 5, 14001 et seq. and Education Code 17251(c) and (d)).

It is the responsibility of the school district to meet all requirements concerning toilet facilities, drinking water supply, sewage disposal, food service facilities and other plan elements having primary health and safety implications. The plans should be reviewed by the local health agency having jurisdiction and a written approval should be secured and filed in the school district's records. If the approved project involves work on an existing school building, it is the responsibility of the school district to meet all Federal, State and local requirements relating to the identification, remediation and/or removal of hazardous levels of lead and asbestos containing materials before or during construction. It is the responsibility of the district to complete all of the mitigation measures identified in the documents submitted to the California department of Education for review.

The school site for this project is 4.45 usable acres. This represents 63.57% of the California Department of Education's recommended site size of 7 acres as contained in the California Department of Education's "Guide to School Site Analysis and Development (2000)," for the current CBEDS enrollment of the site and the student capacity added by this project as calculated pursuant to SAB Regulation 1859.83(d).

The California Department of Education's recommended acres for the master plan capacity of the site is 8.9 acres, to be used for purposes of requesting funding from the State Allocation Board pursuant to SAB Regulations 1859.73, related to multi-story construction, and 1859.76(a)11, related to parking structures. This site is 89.89% of the California Department of Education's recommended master plan site size.

The project as approved consists of:

<u>TEACHING STATIONS</u>	<u>GRADE LEVEL</u>	<u>ROOMS</u>	<u>STUDENTS</u>
Classrooms	1 – 6	12	300
Classrooms	7 – 8	4	108
Kindergartens	Kindergarten	2	50
		<u>18</u>	

Based on the standards specified in Education Code 17071.25 and the number of teaching stations in the project, the student capacity of this project is 458.

CORE FACILITIES:

Administration	Multi-Purpose	Resource Specialist Prog
Serving Kitchen	Small Group Instruction	Speech
Teacher Work Room	Toilets	

The 4.45 net useable acres includes 1.37 acres from the school site and 3.08 acres for a joint-use playfield.

The district has certified that this project is either exempt from, or has completed, the California Environmental Quality Act (CEQA) process.

The district has met the requirements of Education Code 17213.1 and/or 17213.2 regarding the preparation of a Preliminary Endangerment Assessment. The Department of Toxic Substances Control has issued a determination letter dated July 26, 2013 indicating that the implementation of the required response action(s) is feasible only through the design and construction of the proposed school facility project. The district has signed a commitment to complete the response action(s) as overseen by a Cleanup Agreement between the district and DTSC prior to occupancy.

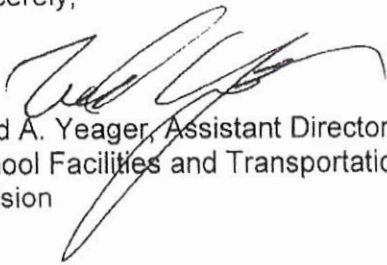
For projects to be funded under the Leroy F. Greene School Facility Act of 1998, funding request to the State Allocation Board must be submitted within two (2) years of the date of this letter. If the district is not seeking financial assistance from the State Allocation Board, the project must commence construction within two (2) years of the date of this letter. Regardless of the funding source, if, prior to construction, changes are made to the plans that would affect or alter the California Department of Education's original approval (including but not limited to changes in surrounding land uses, the master plan capacity of the project, changes in code and/or regulation, or a subsequent CEQA determination), the plan may be subject to reevaluation using the most recent standards.

Ms. Frances Teso, Founding Principal
August 13, 2013
Page 3

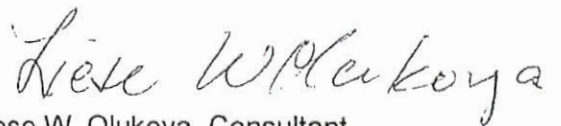
69450-67
Voices College Bound Language Academy

Please contact the consultant identified below if you have questions regarding this letter.

Sincerely,



Fred A. Yeager, Assistant Director
School Facilities and Transportation Services
Division



Liese W. Olukoya, Consultant
School Facilities and Transportation Services
Division
(916) 445-5657

DP7735/P6911
cc: Architect