REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, February 25, 2026

PROPOSED EMERGENCY REGULATORY AMENDMENTS FOR THE SCHOOL FACILITY PROGRAM

PURPOSE OF REPORT

To present the State Allocation Board (Board) with recommendations for the adoption of School Facility Program (SFP) regulatory amendments, on an emergency basis, for the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. These proposed amendments are related to the implementation of the Small School District Program (Program).

AUTHORITY

See Attachment A.

DESCRIPTION

To implement Proposition 2 provisions, the Office of Public School Construction (OPSC) conducted multiple stakeholder meetings to discuss and receive feedback on proposed regulatory amendments resulting from statutory additions and amendments to Education Code (EC). At several of these stakeholder meetings, OPSC introduced proposed concepts and regulations for the Program.

Based upon staff proposals at these stakeholder meetings and the feedback received, OPSC determined that the proposed regulatory amendments related to this topic are able to move forward for Board consideration after some minor adjustments to the version presented in the most recent stakeholder meeting, which are summarized in the Staff Analysis/Statements component of this item.

This item seeks Board approval of staff's recommendation to adopt the proposed regulatory amendments to the SFP regulations to implement and align with new statutory requirements pursuant to the provisions of Proposition 2. This item also seeks Board approval of staff's recommendation to adopt the new *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12) to align with the proposed regulatory amendments.

BACKGROUND

The passage of Proposition 2 made numerous changes to the SFP that are applicable to applications received on or after October 31, 2024. Staff held six stakeholder meetings for the proposed regulatory amendments presented in this item, on February 13, April 17, June 26, September 18, December 10, 2025, and January 29, 2026. This item includes the seventh set of proposed regulatory amendments for the Board's consideration to implement Proposition 2 provisions

BACKGROUND (cont.)

for applications received on or after October 31, 2024. Additional proposed amendments will be presented at future Board meetings.

Below is an overview of the relevant Proposition 2 statute.

Small School District Program
EC Article 11.5, comprised of EC Sections 17078.35, 17078.36, 17078.37, and 17078.38, was made operative with passage of Proposition 2 to allow the Board to provide a preliminary application process, preliminary apportionment, separate design grants, project assistance grants, and project and construction management grants to Small School Districts (Districts) that meet eligibility requirements and have an enrollment of 2,500 or fewer pupils. The following is a summary of the new statutes:

EC Section 17078.35 defines the following terms for the purposes of Article 11.5:

- "Final Apportionment" has the same meaning as "apportionment" as defined in subdivision (a) of EC Section 17070.15, which is "an allocation of funds for the purpose of eligible new construction, modernization, or hardship approved by the [State Allocation Board] for an applicant school district."
- "Preliminary Application" means an application for a preliminary apportionment.
- "Preliminary Apportionment" means a reservation of bond authority for eligible applicants in advance of full compliance with all the application requirements otherwise required for an apportionment under the SFP.
- "Project and Construction Management Grant" means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from a list established by the California Department of Education (CDE) pursuant to EC Section 17078.47(d)(2), to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.
- "Small School District" is a school district, as defined in EC Section 17070.15, with an enrollment of fewer than 2,501 pupils. "Fewer than 2,501 pupils" is equal to "2,500 or fewer pupils," the phrasing used in this discussion. The term "School District" is defined in EC Section 17070.15(q) to mean a School District or a County Office of Education.

EC Section 17078.36 states that all SFP provisions apply to the Program except for provisions that expressly conflict with provisions in Article 11.5. This section also specifies that projects funded under Article 11.5 shall not exceed the amounts made available under Proposition 2. EC Sections 101412(a)(1)(A) and (a)(2)(A) authorize up to ten percent of the amounts allocated in Proposition 2 to New Construction and Modernization to be available for the Program. At its January 22, 2025 meeting, the Board set aside the full ten percent of New Construction and

BACKGROUND (cont.)

Modernization bond authority for the Program: $330 million for New Construction projects and $400 million for Modernization projects.

EC Section 17078.37 states that all Program projects must submit a preliminary application to the Board and meet all applicable eligibility requirements for applications for New Construction (pursuant to Article 3, commencing with EC Section 17071.75) or Modernization (pursuant to Article 6, commencing with EC Section 17073.10). This means that the bond authority for the total estimated state costs of a project will be reserved at the time of preliminary apportionment, and then the grants will be amended to reflect the actual scope of work in the approved plan set when the full funding conversion application is processed. If requested and determined to be eligible, the Board will also provide a project and construction management grant that is equal to five percent of the state share of the preliminary apportionment.

EC Section 17078.38 requires the Board to adopt regulations on the following:

- Preliminary application
- Preliminary apportionment
- Apportionment of design grants, project assistance grants, and project and construction management grants to qualifying financial hardship applicants, as part of the preliminary apportionment
- Substantial progress requirements on apportionments for design and site grants
- Requirements for a final apportionment for the project

STAFF ANALYSIS/DISCUSSION

Stakeholder Meetings
Stakeholder meetings were conducted on February 13, April 17, June 26, September 18, December 10, 2025, and January 29, 2026. At the initial February 2025 meeting, OPSC provided an overview of the new statutory requirements for the Program codified in EC Sections 17078.35 through 17078.38 and discussed broader components of implementing the statute.

The June meeting was the first time OPSC presented proposed regulations, and the September meeting was the first time OPSC presented the Form SAB 50-12 outside of conceptual discussion. At the December meeting, OPSC proposed updates to the regulations and the Form SAB 50-12 as it was previously presented to update certifications and align with the proposed regulations. Finally, at the January 2026 meeting, OPSC proposed additional updates to the regulations to provide clarity to the site acquisition and various supplemental grants associated with a Preliminary Program Apportionment, in conjunction with proposed amendments to the *Fund Release Authorization* (Form SAB 50-05) and the Grant Agreement [Proposition 2].

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback
Staff appreciate those who attended and those who raised questions or provided feedback. Feedback that was received for each respective stakeholder meeting may be found on Attachment H, alongside the items as previously presented. The table below provides summaries and responses to the feedback OPSC received after the last stakeholder meeting held on January 29, 2026. Collectively, staff's recommendations presented in this item were informed by stakeholder feedback and represent staff's final recommendations for implementation of the Program provisions in Proposition 2.

Stakeholder Feedback	OPSC Response
1. At the January 29, 2026 stakeholder meeting, OPSC clarified the existing "Occupancy Requirement" pursuant to SFP Regulation Section 1859.70(a), as it relates to the submittal process of a New Construction application within the Program. OPSC stated that school districts may not occupy classroom facilities within a New Construction project prior to the submittal of the Form SAB 50-12 and the *Application for Funding* (Form SAB 50-04). The stakeholder raised a concern that this proposal may prevent school districts from receiving funds for eligible New Construction projections, to the extent that there are school districts that need to construct and occupy classrooms after the passage of Proposition 2, but prior to January 15, 2027, which is the proposed date that OPSC would begin accepting Program applications for New Construction. While there is currently New Construction bond authority remaining for new applications in the standard SFP, the stakeholder expressed that authority could potentially be exhausted prior to January 15, 2027. The stakeholder indicated that if small school districts are unable to submit an application for either the standard SFP	**1.** OPSC acknowledges the stakeholder's concern related to the New Construction bond authority remaining under the standard SFP in anticipation of the Program's opening date for New Construction applications. However, based on currently available New Construction bond authority and a projected annual New Construction processing rate of approximately $469.2 million (based on the 2025 processing rate for New Construction funding), OPSC estimates that New Construction bond authority from Proposition 2 will be available into 2031. Therefore, it appears highly unlikely that New Construction bond authority for the standard SFP will be exhausted prior to the Program's proposed opening date of January 15, 2027, for New Construction applicants. Applicants that may need to occupy classrooms prior to the Program opening date have the option to submit a New Construction application to the standard SFP.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
1. (cont.) or the new Program prior to occupying classrooms in this circumstance, then they would not be able to participate in either program. The stakeholder suggested considering grandfathering options for small school districts who must proceed with occupying classroom facilities prior to the Program opening date.	**1. (cont.)**

Proposed SFP Regulations
Below is a summary of the proposed SFP Regulation amendments, which are included as Attachment B:

SFP Regulation Section 1859.2 – Definitions
The new term "Final Small School District Program Apportionment" means a Preliminary Program Apportionment that has been converted to a Final Program Apportionment in accordance with Sections 1859.157.4 through 1859.157.7.

The new term "Form SAB 50-12" means the *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12), which is proposed to be incorporated by reference.

The existing term "General Location" is amended to add a reference to Section 1859.157.1.

The existing term "Median Cost" is updated to include a reference to EC Section 17078.24 and the Preliminary Program Apportionment pursuant to EC Section 17078.37, which indicates that preliminary applications shall be accepted and apportionments made for new construction and modernization grants "in a manner substantially identical to the preliminary apportionment requirements established in EC Section 17078.24…"

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

The new term "Project and Construction Management Grant" means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise,

STAFF ANALYSIS/DISCUSSION (cont.)

applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of EC Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.

SFP Regulation Section 1859.18.1 – Five Year School Facilities Master Plan
The Board approved proposed regulations on an emergency basis related to the five-year school facilities master plan (Master Plan) required by Proposition 2 for applications submitted on or after October 31, 2024, at the January 28, 2026, Board meeting. Section 1859.18.1(f) is added within those regulations, subject to Office of Administrative Law approval, to include timeframes for applicants to the Program, illustrated in the table below:

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

SFP Regulation Section 1859.51 – Adjustments to the New Construction Baseline Eligibility
The proposed amendments to this section are as follows:

- The addition of the phrase “complete and valid” as it relates to Forms SAB 50-01 or 50-05 submitted to OPSC, consistent with existing regulatory language pertaining to the submittal of applications to OPSC.
- Capitalizing the defined term “School District” throughout for consistency with existing regulatory language.

SFP Regulation Section 1859.74.1 – Site Acquisition Guidelines
This section is proposed to be amended to include certification information for Districts that submit a Form SAB 50-12 and request site acquisition funding authorized by Section 1859.74.

SFP Regulation Section 1859.90.2 – Priority Funding Process
The proposed amendments to this section are as follows:

- Introductory text is amended to include reference to the Preliminary Program Apportionment.

STAFF ANALYSIS/DISCUSSION (cont.)

- Subsection (a) is amended to include reference to approved advance release of design, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Program Apportionment as it relates to a District providing a priority funding request.
- Subsection (c) is added to describe the requirements for participation in the Priority Funding process for a District to request an Apportionment or approved advance release of funds resulting from a Preliminary Program Apportionment.
- Non-substantive amendments are also added to this Section, primarily to capitalize defined terms, and subsequent subsections have been relabeled appropriately.

SFP Regulation Section 1859.90.3 – Participation in the Priority Funding Process
This section is updated to specify that the advance release of design, project assistance, the Project and Construction Management Grant, and any site acquisition funds from a Preliminary Program Apportionment are excluded from occurrences related to non-participation in the Priority Funding Process.

SFP Regulation Section 1859.106 – Program Accountability Expenditure Audit
Subsection (f) is added to the regulations to specify that if a District requests the Project and Construction Management Grant and does not obtain project and/or construction management services described in EC Section 17078.35, and does not expend any funds on these services, the total project cost will be reduced for the Project and Construction Management Grant and associated required matching share.

SFP Regulation Section 1859.107 – Amending and Withdrawal of Applications
Amendments within this Section are proposed to specify how OPSC will address circumstances when a District submits more than one application for the same scope of work under one or more Board-administered programs to OPSC.

Additions to this section are as follows:

- OPSC has added a paragraph to this section that states if a District submits more than one application for the same scope of work under one or more Board-administered program(s), OPSC will return all other applications containing the common scope of work upon the first Board action on an application for funding sharing the common scope of work.
- This section also outlines the process by which a District may request a modification of scope in an application that shares a common scope of work with another application (but may not add any additional scope), prior to the first Board action on one of these applications.
- Non-substantive amendments are made to capitalize defined terms.

The intention of the addition to this section is to specify the process for a District when it has more than one application(s) for funding under one or more Board

STAFF ANALYSIS/DISCUSSION (cont.)

administered program(s) that share a common project scope. Upon processing and prior to any Board action on an application for funding, OPSC will verify if there are any other application(s) received by OPSC in which a shared common project scope is identified. Once identified, and prior to any Board action on the application for funding, OPSC will collaborate with the District to verify if the District requests to modify the scope of work in the identified application(s) for funding by clearly delineating remaining eligible scope of work. Otherwise, OPSC shall return all other application(s) containing the common scope of work after Board action.

Modifications Since the Last Stakeholder Meeting
OPSC has updated the proposed amendments to this section to replace references to an "Approved Application" with "application(s) for funding received by OPSC," so as to more broadly refer to all Board-administered program(s) with respect to applications that may share the same scope of work.

Article 13.5 – Small School District Program
Article 13.5 is proposed to be added to the SFP Regulations, consisting of sections 1859.156 through 1859.158.

SFP Regulation Section 1859.156 – General
This section is created to establish that if a District wishes to participate within the Program pursuant to the provisions of EC Sections 17078.35 through 17078.38, the District must submit a Form SAB 50-12.

This section also specifies that applications for Preliminary Program Apportionments will be processed in order of receipt of a complete and valid Form 50-12, and lists the requirements for New Construction and Modernization eligibility separately from one another. New Construction eligibility establishment and adjustments must be submitted with the Form SAB 50-12 using the current enrollment year. Additionally, this section indicates that the Form SAB 50-12 must be submitted prior to the date of occupancy for any classrooms.

Modifications Since the Last Stakeholder Meeting
As discussed, but not previously presented within the proposed regulations in the January 29, 2026 stakeholder meeting, this section states that applicants must meet the occupancy requirements pursuant to Section 1859.70(a), wherein "…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."

OPSC would like to clarify that, consistent with the treatment of Preliminary Applications under the Charter School Facility Program, applicants who have the necessary plan approvals and contracts signed at the stage of submitting a Form SAB 50-12 to OPSC may submit a Form SAB 50-04 for purposes of a Final Program Apportionment concurrently or immediately following the submittal of a

STAFF ANALYSIS/DISCUSSION (cont.)

Form SAB 50-12.

SFP Regulation Section 1859.157 – Application Process
This proposed regulation section is added to do the following:

- Specifies that OPSC, on behalf of the Board, will begin accepting Program Modernization applications on November 2, 2026, and New Construction applications on January 15, 2027.
- Outlines the application process, wherein valid and complete applications will be processed and funded in date order received, and in the event that there are more applications submitted on the same date than can be funded with available program authority, a lottery system will be used to select the project(s) to be funded.
- Specifies the process for when Program funds set aside pursuant to EC Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, wherein the Board would cease accepting Form SAB 50-12 submittals and return any Form SAB 50-12 submittals that were not approved due to insufficient funds for the Program.

Staff notes that at the December 3, 2025 Board meeting, the Board approved regulatory amendments that require all document submittals related to programs administered by the Board to be completed using OPSC Online beginning January 1, 2027. Subject to approval of these regulations by the Office of Administrative Law, Program applications submitted on or after January 1, 2027 must be submitted via OPSC Online. OPSC will provide outreach and technical assistance to applicants to facilitate this process.

SFP Regulation Section 1859.157.1 – Preliminary Apportionment Grant Determination for New Construction Applications8
This proposed regulation section is added for purposes of Preliminary Apportionment Grants for New Construction applications, and specifies the following:

- Defines the calculation for the Preliminary Program Apportionment for New Construction funding.
- Within subsection (a), delineates additional grants that will be provided for eligible New Construction applicants, in addition to methodologies for determining site acquisition and site development value calculations at the time of Preliminary Program Apportionment, in alignment with the Critically Overcrowded Schools (COS) regulatory framework.
- Subsection (b) outlines the calculation for the inflator factor for New Construction projects.
- Subsection (c) specifies that the calculation for the Project and Construction Management Grant will be made after the inflator factor is calculated for the Preliminary Program Apportionment (subsection [b]), and that the grant will be equal to five percent of the sum of the amounts determined in subsections (a) and (b).

STAFF ANALYSIS/DISCUSSION (cont.)

Modifications Since the Last Stakeholder Meeting
This section has been updated since the stakeholder presentation on January 29, 2026, to reorganize the supplemental grants to better align with their presentation on the Form SAB 50-12. Additionally, subsection (a)(6)(A) was updated to include the Actual Site Cost pursuant to Section 1859.74(a), to align with the Form SAB 50-12.

SFP Regulation Section 1859.157.2 – Preliminary Apportionment Grant Determination for Modernization Applications
This proposed regulation section is added for purposes of Preliminary Apportionment Grants for Modernization applications, and specifies the following:

- Defines the calculation for determining the Preliminary Program Apportionment for Modernization funding.
- Within subsection (a), delineates additional grants that will be provided for eligible Modernization applicants.
- Subsection (b) outlines the calculation for the inflator factor for Modernization projects.
- Subsection (c) specifies that the calculation for the Project and Construction Management Grant will be made after the inflator factor is calculated for the Preliminary Program Apportionment (subsection [b]), and that the grant will be equal to five percent of the sum of the amounts determined in subsections (a) and (b).

Modifications Since the Last Stakeholder Meeting
Subsection 1859.157.2(a)(10) was added to reference the Career Technical Education supplemental grant, as this was erroneously omitted in prior presentations of the proposed regulations.

Additionally, subsections (a)(1) through (a)(15) were re-ordered to align with the Form SAB 50-12 supplemental grants.

SFP Regulation Section 1859.157.3 – Preliminary Small School District Program Apportionment Fund Release
This proposed regulation section is added to define qualifications for an applicant to receive an advance release of funds at the time of a Preliminary Program Apportionment, and the amount of advance funds that may be released.

Subsections (a) and (b) specify that applicants eligible for Financial Hardship assistance can receive an advance release of funds for design and/or site acquisition at the time of a Preliminary Program Apportionment. Staff notes that Attachment G illustrates the application and fund release process for Financial Hardship applicants to the Program.

STAFF ANALYSIS/DISCUSSION (cont.)

Subsection (c) specifies that any applicant (irrespective of eligibility for Financial Hardship assistance) can receive an advance release of funds for environmental hardship site acquisition at the time of a Preliminary Program Apportionment.

Applicants who are neither eligible for Financial Hardship assistance nor an advance release of funds for environmental hardship site acquisition at the time of a Preliminary Program Apportionment would not be eligible to receive funds until the Preliminary Program Apportionment is converted to a Final Program Apportionment and the District submits a Form SAB 50-05 and grant agreement for fund release.

SFP Regulation Section 1859.157.4 – Conversion of Preliminary Small School District Program Apportionment
This proposed regulation section is added to define the parameters for a District requesting conversation of a Preliminary Program Apportionment to a Final Program Apportionment, wherein the District must submit a valid and complete Form SAB 50-04 and meet all of the criteria outlined in the following subsections:

- Subsection (a) specifies that the total number of pupil grants requested on the Form SAB 50-04 cannot exceed the number approved on the Preliminary Program Apportionment. Additionally, this subsection specifies the total number on the Form SAB 50-04 must be for at least 50 percent of the pupil grants approved by the Board on the Preliminary Program Apportionment for New Construction funding, or for at least 60 percent of the pupil grants approved by the Board on the Preliminary Program Apportionment for Modernization funding.
- Subsection (b) notes that applicants seeking Financial Hardship assistance during their request to convert to a Final Apportionment must re-qualify using the Form SAB 50-04 at the time of conversion.
- Subsection (c) states that any applicant with a qualifying Small School District enrollment of 2,500 students or fewer at the time the applicant received a Preliminary Program Apportionment may convert to a Final Program Apportionment. This subsection is intended to ensure that applicants who received a Preliminary Program Apportionment can convert to a Final Program Apportionment even in the event that the applicant's current enrollment exceeds 2,501 students at the time the applicant submits a Form SAB 50-04.
- Subsection (d) states that funding for Modernization supplemental grants shall be calculated using the enrollment demonstrated within the Preliminary Program Apportionment for purposes of the Minimum Essential Facility and Transitional Kindergarten Classroom supplemental grants.

STAFF ANALYSIS/DISCUSSION (cont.)

Modifications Since the Last Stakeholder Meeting
Staff added an additional paragraph within this proposed Section to clarify that if desired, applicants may submit a complete and valid Form SAB 50-04 at the same time as the submittal of a complete and valid Form SAB 50-12.

SFP Regulation Section 1859.157.5 – Time Limit on Preliminary Small School District Program Apportionment
This proposed regulation section specifies the following:

- Subsection (a) requires a complete and valid request to convert a Preliminary Program Apportionment to a Final Program Apportionment to be made within four years of the date of the Preliminary Program Apportionment, unless the applicant receives Board approval of a one-year extension.
- Subsection (b) specifies that if subsection (a) is not met, then the Preliminary Program Apportionment shall be rescinded without further Board action and returned to the fund source.
- Subsection (c) specifies that if subsection (a) is not met, and the District has received an advance release of funds as provided in Section 1859.157.3, the following shall occur:
    - The Preliminary Program Apportionment shall be rescinded without further Board action and funds not released to the applicant shall be returned to the fund source.
    - Applicable New Construction or Modernization eligibility shall be adjusted by the number of pupil grants not used, equal to the number requested on the Form SAB 50-12, less the pupil grants equivalent to the total amount of state funding retained by the applicant.
    - Funds released pursuant to Section 1859.157.3(a) or (b) shall be reduced to cost incurred and closed out pursuant to Section 1859.106, with a corresponding New Construction or Modernization baseline eligibility adjustment for the pupil grants assigned to the Preliminary Program Application. These funds shall be returned to the fund source.

To clarify the meaning of “fund source” within this Section, in accordance with EC Sections 101412(a)(1)(A) and (a)(2)(A), up to 10 percent of the New Construction and Modernization authority authorized under Proposition 2 shall be available to Districts for purposes of the Program pursuant to Article 11.5. At the January 2025 Board meeting, the Board took action to make the full amounts available for the Program. With that action, any funds returned will remain in the Small School District Program unless the Board takes an alternative action in the future.

SFP Regulation Section 1859.157.6 – Preliminary Small School District Program Apportionment Time Limit Extension
This proposed regulation section outlines the process wherein an applicant may request a single-one year extension to the time limit prescribed in Section 1859.157.5, provided the District has provided evidence of one of the following:

STAFF ANALYSIS/DISCUSSION (cont.)

- CDE has made a contingent or final approval for the project or proposed site and the Division of the State Architect (DSA) has confirmed that the final plans for the project have been submitted for DSA review and approval, or
- Other evidence satisfactory to the Board.

Additionally, this section specifies that OPSC must receive the one-year extension request from the applicant on or prior to the deadline for the time limit elapsing.

Modifications Since the Last Stakeholder Meeting
Since the last stakeholder meeting, this section has been updated to clarify language regarding the deadline for OPSC's receipt of a one-year extension request.

SFP Regulation Section 1859.157.7 – Final Small School District Program Apportionment Grant Determination
This proposed regulation section specifies how the amount of the Final Program grant is determined, and the process for Board approval of conversions from Preliminary Program Apportionments to Final Program Apportionments. Specifically:

- Subsection (a) outlines that if the Final Program Apportionment is equal to or less than the Preliminary Program Apportionment, the Final Program Apportionment shall be funded entirely, with any difference being returned to the fund source, and the Final Program Apportionment being full and final.
- Subsection (b) notes that if the Final Program Apportionment is greater than the Preliminary Program Apportionment, the Board shall approve an increase using any remaining balance in the fund source, if applicable, subject to the following provisions:
    - Subsection (b)(1) specifies that availability of any remaining balance in the fund source shall be prioritized in date order that OPSC received a complete and valid Form SAB 50-04.
    - Subsection (b)(2) states that in the event there are more applications submitted on the same date than can be funded with the balance in the fund source, a lottery system will be used to determine the funding order.

SFP Regulation Section 1859.157.8 – Final Small School District Program Apportionment Fund Release
This proposed regulation section notes that after an applicant has converted a Preliminary Program Apportionment to a Final Program Apportionment, it may request a release of the remaining funds, pursuant to Sections 1859.90 or 1859.90.2.

STAFF ANALYSIS/DISCUSSION (cont.)

SFP Regulation Section 1859.158 – Substantial Progress and Expenditure Reporting Timelines
This proposed regulation section is added to outline substantial progress and expenditure reporting timelines for Districts receiving funds through the Program. Specifically, this proposed regulation requires the following:

- Subsection (a) states that School Districts must submit an expenditure report on the *Expenditure Report* (Form SAB 50-06) in accordance with the following Program reporting requirements:
    - (a)(1) requires that the first expenditure report is due one year from the date any funds were released for the project, or upon notice of completion of the project to OPSC, whichever occurs first. A project is deemed complete when either of the following occur:
        - (a)(1)(A) specifies a project is complete when the notice of completion for the project has been filed with OPSC, all invoices, claims, and change orders are satisfied and the facility is in use.
        - (a)(1)(B) specifies three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.
    - (a)(2) further denotes that the second and subsequent expenditure reports (as applicable) are due annually beginning one year from the first report, or upon notice of completion of the project to OPSC, whichever occurs first. The final report must be made no later than three years from the date of the final fund release for an elementary school or four years from the date of the final fund release for a middle or high school project.

- Subsection (b) requires a progress report in the form of a narrative due 18 months from the date any funds were released, except as specified. This report is to include information regarding the progress the School District has made toward substantial completion of the project.
- Subsection (c) requires a progress report in the form of a narrative due 12 months from the date the site acquisition funds were apportioned to the School District, pursuant to Section 1859.75.1. This report must include information regarding the progress the School District has made towards acquiring the site.
- Subsection (d) outlines the certification process related to district-owned site acquisition costs for respective school sites.

Proposed Form SAB 50-12
The proposed Form SAB 50-12 on Attachment C is the application the District shall use to apply for a Preliminary Program Apportionment. This form incorporates all of the proposed and existing regulatory requirements, and is a multiuse form for both New Construction and Modernization funding requests for the Program.

STAFF ANALYSIS/DISCUSSION (cont.)

The funds that can be reserved at the Preliminary Small School District Program Apportionment stage include pupil grants; 50 years or older pupil grants; replacement funding for 75 years or older facilities; all New Construction and Modernization funding supplemental grants, including those recently provided as a result of the passage of Proposition 2; the Project and Construction Management Grant; excessive cost hardship grants; and the local funding adjustment grant.

Modifications Since the Last Stakeholder Meeting
Within the General Instructions of the Form SAB 50-12, OPSC has added further definition specific to Special Day Class pupils to align the language on the Form to existing regulatory language.

Additionally, Section 5.e.3) on the Specific Instructions of the Form SAB 50-12 is modified to add a more exact regulatory reference. Section 5.e.4) is updated to delete duplicative hazardous material/waste removal instructions, to include a more exact regulatory reference, and to add language regarding a Response Action checkbox.

Section 5.f. is updated to provide additional detail and more exact regulatory references regarding an allowance for site development.

Next, Section 6.d. is updated to include a specific reference to the amount that may be requested at the Preliminary Program Apportionment stage, respective to site development costs for 50 years or older permanent buildings.

Within the body of the Form SAB 50-12, Section 5.e.4) is updated to include a checkbox for a Response Action, as applicable.

Next, the previously presented Section 8, Priority Order, has been removed since the January 29, 2026 stakeholder meeting. Applicants will not indicate a priority order as all applications will be processed in date order received, rather than by a priority order number, in alignment with the proposed Section 1859.157. This amendment renumbers subsequent sections.

Three additional sections have been added to the Form SAB 50-12: Section 14 (Project Progress Dates), Section 15 (Prevailing Wage Monitoring and Enforcement Costs), and Section 16 (Construction Delivery Method). These sections mirror the Form SAB 50-04, both in the form and in the instructions, to ensure Districts that have signed construction contracts and are submitting a Form SAB 50-12 may indicate that information upon application submittal. This amendment renumbers subsequent sections.

Finally, within the Certification Section of the Form SAB 50-12, a certification is added to reflect the Five-Year School Facilities Master Plan requirements for applications submitted to OPSC on or after October 31, 2024.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Amendments to the Form SAB 50-05
Staff proposes to amend the Form SAB 50-05, as shown on Attachment D, to include fund release requests for applications for the Program.

This amendment includes a new Part III for purposes of requesting a Preliminary Program Apportionment for design only or site acquisition, pursuant to the proposed regulation update to Section 1859.157.3.

Proposed Amendments to the Grant Agreement [Proposition 2]
Staff proposes to amend the Grant Agreement [Proposition 2], as shown on Attachment E, to include the following:

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

Proposed Amendments to the Form SAB 50-04
At the January 29, 2026 SAB meeting, staff proposed Section 1859.157.4(d)(1) and (d)(2), which states that for purposes of determining the calculation(s) respective to the Minimum Essential Facility and Transitional Kindergarten modernization supplemental grants, applicants shall use the qualifying enrollment as determined at the time of the Preliminary Program Apportionment. OPSC determined since the meeting that the Form SAB 50-04 needed to be updated to align with the proposed regulations. As such, proposed amendments to the Form SAB 50-04 may be found on Attachment F. Specifically, under Sections 6 g. and 6 h., staff has included a sentence that directs applicants to use the enrollment as determined by Section

STAFF ANALYSIS/DISCUSSION (cont.)

1859.157.4 (d)(1) and (d)(2). The intention of this update is to ensure clarity of the timing of the determination and to align with the proposed regulations.

Additionally, staff identified a non-substantive amendment to the General Instructions under number nine, which amends “three” to “five,” as it relates to the period of time a District with 2,500 or fewer enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of five years from the date the district’s baseline eligibility was approved by the Board.

RECOMMENDATIONS

1. Adopt the proposed amendments to the SFP Regulations as shown on Attachment B.

2. Adopt the proposed Form SAB 50-12 as shown on Attachment C.

3. Adopt the proposed amendments to the Form SAB 50-05 as shown on Attachment D.

4. Adopt the proposed amendments to the Grant Agreement [Proposition 2] as shown on Attachment E.

5. Adopt the proposed amendments to the Form SAB 50-04 as shown on Attachment F.

6. Authorize the Executive Officer to file the proposed regulatory amendments with the Office of Administrative Law on an emergency basis and make the regulations permanent.

This Item was approved by the State Allocation Board on February 25, 2026.

ATTACHMENT A

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 17078.24 – Critically Overcrowded School Facilities

(a) On the basis of the preliminary application and upon confirmation by the board of the applicant's eligibility, the board shall in a timely manner make a preliminary apportionment for applicants under this article exclusively from funds reserved expressly for the purposes of this article.

(b) Preliminary apportionments for site development and acquisition included in the preliminary application pursuant to subdivision (a) of Section 17078.22 shall be based either on the preliminary appraisal, if available, or on the median costs

of appropriately sized parcels within the qualifying area, as determined by the board.
(c) Preliminary apportionments shall include the total estimated state costs of the project, including, but not limited to, site acquisition and development costs related to evaluations and elimination of hazardous materials, an inflation factor, any applicable excess cost allowances, and hardship costs, if any. The board shall adopt regulations establishing standards and methods for setting these costs and for making related estimates.

EC Section 17078.25 – Critically Overcrowded School Facilities

(a) Within the maximum time period set forth in Section 17078.30, the applicant shall have a period of up to four years from the date of the preliminary apportionment in which to complete the application for final apportionment.
(b) The applicant may request a single one-year extension of the period set forth in subdivision (a). The board shall grant the request for the single one-year extension if it determines that the applicant has made substantial progress towards completing the requirements for filing an application for final apportionment. The board may grant only one one-year extension for the project and may only grant the extension if granting the extension would not, in total, cause the project to exceed the maximum time period set forth in Section 17078.30.
…

EC Section 17078.35 – Assistance to Small School Districts

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

AUTHORITY (cont.)

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

EC Section 17078.37 – Assistance to Small School Districts

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

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

(1) Submit preliminary applications to the board.

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

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

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

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

EC Section 17078.38 – Assistance to Small School Districts

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

(a) The preliminary application and preliminary apportionment.

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

AUTHORITY (cont.)

(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

ATTACHMENT B

PROPOSED REGULATIONS

Section 1859.2. Definitions.

…

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

…

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

…

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

…

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

…

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

…

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

…

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

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

Section 1859.18.1 Master Plan Submittal Time Frames
When submittal of a Master Plan or updated Master Plan is required pursuant to subsections (a) through (c) of Section 1859.18, inclusive, School Districts shall submit a complete and valid Master Plan and a local governing board resolution, as applicable, to OPSC within the time frames stated below. If a complete and valid Master Plan or a local governing board resolution is not submitted within the specified time frame, the application for funding shall be returned or the Apportionment may be rescinded.

…

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

(1) If the School District receives a Preliminary Small School District Apportionment on or after October 31, 2024, the Master Plan must be submitted with the Form SAB 50-04 request for Final Small School District Apportionment.

(2) A local governing board resolution acknowledging the requirement in (e)(1) must be submitted with the Form SAB 50-12 requesting a Preliminary Small School District Apportionment.

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17070,54, 17070.75, 17071.10, 17071.25, 17071.75, 17071.76 and 41024, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

…

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

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

valid Form SAB 50-01 based on School District enrollment data, as shown in the table below:

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

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

…

(j) For Small School Districts:

(1) Decreased by any reduction in projected enrollment that follows a five-year period after the Small School dDistrict's eligibility was approved by the Board, and either (A) or (B), as applicable:

(A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.

(B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.

(2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

…

Section 1859.74.1. Site Acquisition Guidelines.

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

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

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

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

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

(c) The School D~~d~~istrict or its legal counsel has contracted for appraisal services.

(d) The appraiser has certified to the School D~~d~~istrict that the appraisal complies with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35 and 17072.12, Education Code.

Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to School D~~d~~istricts or charter schools that request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30

of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment~~,~~; approved advance release of design, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program Apportionment; approved advance release of design funds from a Preliminary Charter School Apportionment~~,~~; or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the School ~~d~~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 complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(5), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that, if the School D~~d~~istrict submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit an LCP third party report, pursuant to Section 1859.97(b), the report will be submitted to ~~the~~ OPSC and ~~the~~ DIR at least 60 days prior to submitting the Form SAB 50-05; and

(5) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the School D~~d~~istrict or C~~c~~harter S~~s~~chool is waiving its right to the timeline for fund release submittal described in Section 1859.90.

(6) For a Career Technical Education Facilities Project that was granted an unfunded approval without the required CDE plan approval and/or required DSA-approved plans and specifications, the applicant's request must include:

(A) Acknowledgement that the applicant must submit the required approval(s) to ~~the~~ OPSC within 12 months from the date of the Apportionment. If the required submittal(s) is not received within 12 months, the Apportionment shall be rescinded without further Board action pursuant to Section 1859.197(c)(1); and

(B) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of the submittal described in (6)(A) and that failure to do so will result in the rescission of the Apportionment without further Board action; and

(C) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and ~~physically~~ received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(6)(B).

(b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized District R~~r~~epresentative within the 30-calendar day filing period, which~~and~~ shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,

(2) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

(c) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Small School District Program Apportionment, the School District shall provide a priority funding request in the form of a written statement signed by an authorized District Representative within the 30-calendar day filing period, which shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and

(2) Acknowledgement that a complete and valid Form SAB 50-05 shall be submitted and received by OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so shall result in the rescission of the approved advance release of funds request without further Board action; and

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

(~~c~~d) If a School ~~d~~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~~e) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the Application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Requests not converted to Apportionments will not be returned to the School ~~d~~District or kept by ~~the~~ OPSC.

(~~e~~f) In the event that unexpected cash proceeds from sources other than bond funds become available for use for priority funding Apportionments, at a public meeting the Board may, based on considerations relevant to the amount of time available to effect a distribution of funds, waive the 30-calendar day filing provision specified in this section for impacted ~~s~~School ~~d~~Districts to provide funds more rapidly.

…

(~~f~~g) For purposes of this section “rescinded” or “rescission” shall mean that the Apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date, except for (a)(5)(A). The new unfunded approval date will be 90 calendar days from the Apportionment date. The School ~~d~~District or C~~c~~harter S~~s~~chool will not be required to re-submit the Application and no further Application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.41, 17071.75, 17072.12, 17072.30, 17073.10, 17074.16, 17076.10, 17077.40, 17077.42 ~~and~~, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

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

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

…

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.106. Program Accountability Expenditure Audit.

…

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

(a) The difference in the value of the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs that were used to determine the New Construction Additional Grant and the actual amount paid by the School D~~d~~istrict for the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs. For

applications received on or after January 1, 2004, the adjustment may be made regardless of whether the hazardous waste/materials removal costs were requested on the application for funding.

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

(c) For any insurance proceeds or other government disaster assistance collected by the School District for any project that received funding pursuant to Sections 1859.84.1(c), or 1859.84.2(d).

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

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

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

…

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.107. Amending and Withdrawal of Applications.

(e) …

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

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

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

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

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

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

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

Article 13.5. Small School District Program

Section 1859.156. General.

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

Applicants must meet the following requirements:

(a) New Construction Eligibility shall be established pursuant to Section 1859.20 or updated pursuant to Section 1859.51, as applicable, prior to or concurrent with submittal of a complete and valid Form SAB 50-12. An applicant's New Construction Eligibility pursuant to Section 1859.51 must be valid at the time of OPSC's receipt of a Form SAB 50-04 requesting a Final Small School District Program Apportionment. If New

Construction Eligibility is not valid, the applicant must submit a complete and valid Form SAB 50-01 pursuant to Section 1859.51(e).

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

(c) Occupancy requirements pursuant to Section 1859.70(a).

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

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

Section 1859.157. Application Process.

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

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

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

When the Small School District Program funds set aside pursuant to Education Code Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, the Board shall cease accepting Forms SAB 50-12. Any Form(s) SAB 50-12 not apportioned because insufficient funding is available shall be returned to the applicant.

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

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

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

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

(1) Fire code requirements pursuant to Section 1859.71.2,
(2) Energy efficiency pursuant to Section 1859.71.3,
(3) Individuals with exceptional needs pursuant to Section 1859.72,
(4) An amount equal to 12 percent of the amount determined in (a) for multilevel construction pursuant to Section 1859.73,
(5) Project assistance pursuant to Section 1859.73.1,
(6) An amount equal to one-half of the site acquisition value pursuant to Sections 1859.74, 1859.74.5, and 1859.75.1, for the lesser of the following:
(A) The value of the property, determined by one of the following:
1. Actual Site Cost pursuant to Section 1859.74(a), or
2. An appraisal or preliminary appraisal of the property made no more than six months prior to the date the complete and valid Form SAB 50-12 is accepted by OPSC, pursuant to Section 1859.74.1. The preliminary appraisal may be made without access to the property. The acreage identified in the appraisal or the preliminary appraisal may not exceed the proposed useable acreage requested on the Form SAB 50-12, or
3. The Median Cost of an acre of land in the General Location of the proposed project using historical information in the General Location multiplied by the number of proposed useable acres requested on Form SAB 50-12. Historical information that may be considered to determine land cost may include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information, include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Form SAB 50-12 is accepted by OPSC.
(B) An amount for the estimated relocation cost and estimated DTSC costs for review, approval and oversite of the POESA and the PEA as determined by one of the following:
1. 15 percent of the value determined in (a)(6)(A)(2.), or
2. Half of the sum of the following:
a. The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. Seq.
b. The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.
3. The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the School District or other School Districts in the General Location.
4. Four percent of the amount determined in (a)(6)(A), but not less than $50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.
5. For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(6)(A)(2.) or (a)(6)(A)(3.), pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4.

(7) An amount for site development cost determined, at the option of the School District, by one of the following:
(A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
(B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the General Location.
(C) $70,000 multiplied by the proposed acres requested on the Form SAB 50-12.
(D) 35 percent of the New Construction base grant.
(8) Energy Efficiency pursuant to Section 1859.71.3.
(9) An amount for the geographic location of the proposed project pursuant to Section 1859.83(a)
(10) If the Form SAB 50-12 request is for a new school on a site with no existing school facilities, an amount equal to the difference in the amount determined in (a) and the amount shown in the chart in Section 1859.83(c). To determine the number of classrooms in the proposed project, divide the number of pupils requested on the Form SAB 50-12, by 25 for elementary school pupils, 27 for middle and high school pupils, 13 for Non-Severely Disabled Individuals with Exceptional Needs and 9 for Severely Disabled Individuals with Exceptional Needs. Round up, and
(11) Small size projects pursuant to Section 1859.83(b).
(12) An amount due to urban location, security requirements, and impacted site equal to 15 percent of the amount determined in (a) for a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
(A) The School District has requested an increase for multilevel construction pursuant to (a)(4) above.
(B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size determined by multiplying the sum of the pupil grants requested on the Form SAB 50-12, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on the Form SAB 50-12 as either elementary, middle or high school pupils based on the type of project selected by the School District on the Form SAB 50-12.
(C) The value of the property as determined in (a)(6)(A) is at least $750,000 per Usable Acre. This criterion does not apply to an application for an addition to an existing school site.

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

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

(2) Subtract 1 from the quotient in (1). Convert to a percentage with zero decimal places.

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

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code Reference: Sections 17070.15, 17078.24, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

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

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

(1) Prevailing wage monitoring and enforcement costs pursuant to Section 1859.78.1,
(2) Project assistance pursuant to Section 1859.78.2,
(3) Energy efficiency pursuant to Section 1859.78.5,
(4) Site development necessary for 50 years or older permanent buildings pursuant to the amount allowable in Section 1859.78.7(b),
(5) Replacement of 75 years or older buildings and necessary site development pursuant to Section 1859.78.7.1,
(6) Fire code requirements pursuant to Section 1859.78.4,
(7) Minimum Essential Facilities and site development pursuant to Section 1859.78.9.1,
(9) Transitional Kindergarten Classroom(s) and site development pursuant to Section 1859.78.9.2,
(10) Career Technical Education components pursuant to Section 1859.78.10,
(11) Geographic location pursuant to Section 1859.83(a),
(12) Small size projects pursuant to Section 1859.83(b),
(13) Urban location and security requirements and impacted site pursuant to Section 1859.83(d),
(14) Accessibility and fire code pursuant to Section 1859.83(e), and
(15) Individuals with exceptional needs pursuant to Section 1859.78.3.

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

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

(2) Subtract 1 from the quotient in (1). Convert to a percentage with zero decimal places.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The total number of pupil grants requested on the Form SAB 50-04 cannot exceed the number approved on the Preliminary Small School District Program Apportionment. The number of pupil grants on the Form SAB 50-04 shall be for at least 50 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for Modernization funding.

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

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

(d) At the time of converting the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, additional funding for Modernization supplemental grants shall be calculated using the qualifying enrollment demonstrated at the time of the Preliminary Small School District Program Apportionment for the following additional grants:
(1) Minimum Essential Facility pursuant to Section 1859.78.9.1.
(2) Transitional Kindergarten Classroom pursuant to Section 1859.78.9.2.

An applicant may submit a Form SAB 50-04 concurrently or following the submittal of a complete and valid Form SAB 50-12, but no later than the time limit prescribed within Section 1859.157.5. Board action on the Form SAB 50-12 does not need to occur prior to the Form SAB 50-04 submittal.

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

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

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

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

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

(1) The Preliminary Small School District Program Apportionment shall be rescinded without further Board action and any remaining Preliminary Small School District Program Apportionment not released to the applicant, shall be returned to the fund source.

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

(3) Funds released pursuant to Section 1859.157.3(a) or (b) shall be reduced to cost incurred and closed out, pursuant to Section 1859.106, with a corresponding New Construction or Modernization baseline eligibility adjustment for the pupil grants

assigned to the Preliminary Small School District Program Application. Funds returned pursuant to Section 1859.106 shall be returned to the fund source.

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

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

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

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

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

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

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

A single one-year extension request from an applicant may be approved by the Board to extend the time limit prescribed in Section 1859.157.5. OPSC must receive the single one-year extension request from the applicant on or prior to the time limit prescribed in Section 1859.157.5.

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

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

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

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

(a) If the Final Small School District Program Apportionment is equal to or less than the Preliminary Small School District Program Apportionment, the Final Small School

District Program Apportionment shall be funded entirely. The difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment shall be returned to the fund source. The Final Small School District Program Apportionment shall be the full and final Apportionment for the project.

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

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

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

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

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

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

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

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

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

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

A Small School District receiving funds pursuant to this Article shall submit the following:

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF CALIFORNIA
APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM
SAB 50-12 (New XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INSTRUCTIONS

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

If not previously submitted, a School District may file an application for Modernization funding by use of this form concurrently with a determination of or an adjustment to the School District's Modernization Eligibility in accordance with Section 1859.60. The School District must submit a determination of or an adjustment to the School District's new construction baseline eligibility upon request, in accordance with Regulation Sections 1859.20 or 1859.51, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the School District has a pending reorganization election that will result in the loss of eligibility for the proposed project, the School District must submit an adjustment to the School District's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in the Office of Public School Construction (OPSC) returning the funding application to the School District unprocessed.

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

Requests for funding may be made as follows:

1. A Preliminary Small School District Program Apportionment for new construction pursuant to Section 1859.157.1. School Districts may apply for a Preliminary Small School District Program Apportionment for the design and/or for site acquisition on the same project. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE or a final site approval letter from the CDE (site Apportionment only).
   - Real estate appraisal of property with valuation date within six months of the Form SAB 50-12 submittal, may be preliminary (site Apportionment only).
   - Relocation cost estimate (if requested).
   - Department of Toxic Substances Control (DTSC) cost estimate (if requested).
   - Hazardous waste removal cost estimate (if requested).
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board findings that the non-school function on the district-owned site must be relocated (if applicable).

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of Pupils assigned to the project for each grade group.

b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the School District:
   - The total number of eligible classrooms or the total eligible Square Footage of building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A). Or,
   - The total number of permanent Classrooms or the total permanent Square Footage of building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
   - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
   - If this project includes eligible 50 year or older Pupil grants, enter the appropriate number assigned to the project for each grade group. The number of Pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings Pupil grants requested for all Modernization funding applications for the site as determined by using the percentage factor above.

c. If this request includes Pupil grants generated by an Alternative Enrollment Projection Method, enter the number of Pupils by grade level.

d. Check the box if the project may be eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being demolished. Refer to Section 1859.78.7.1.
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being constructed. Refer to Section 1859.78.7.1.
   - Enter the appropriate number of Pupils assigned to the project for each grade group. The estimated number of Pupils entered cannot exceed the cumulative number of Pupil grants requested in Section 2a. and determined by using the percentage factor above.

e. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

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

3. Number of Classrooms/Useable Acres

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

4. Type of Financial Hardship Request

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

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

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

a. Estimated amount of therapy area in square feet as provided in Section 1859.72.

b. Check the box if the applicant is requesting additional funding due to multilevel construction. See Section 1859.157.1(a)(4).

c. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.73.1.

d. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.1(b).

e. Site Acquisition
   Enter either:
   1) Enter the estimated 50 percent amount of the actual cost, or
   2) Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.157.1(a). If the purchase price of the site is being determined using the Median Cost of the General Location enter the nearest street intersection to the school site.
   Enter the following:

3) To determine an allowance for relocation cost and DTSC cost, the applicant may request 15 percent of the property value determined above or specific historic values of these costs. See Section 1859.157.1(a)(6)(B)(3.). If specific or historic values are reported, the applicant must submit appropriate documentation to support the amount reported.

4) Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. This amount may not exceed the limit set in Section 1859.157.1(a)(6)(B)(5.). If a Response Action (RA) is required, check the box.

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

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

f. To determine an allowance for site development, the applicant may request 50 percent of a specific or historic value of the estimated costs pursuant to Section 1859.157.1(a)(7)(A) or Section 1859.157.1(a)(7)(B), or $70,000 per proposed Usable Acres requested on the Form SAB 50-12 pursuant to Section 1859.157.1(a)(7)(C), or 35 percent of the New Construction base grant If specific or historic estimated costs are used, the applicant must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

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

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

h. Check the box(es) if the School District plans to request additional funding for fire code requirements authorized in Section 1859.71.2.

6. Preliminary Small School District Program Apportionment – Modernization Only

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

a. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.78.2.

b. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.2(b).

c. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the estimated percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment. If the School District does not have an estimate available, the School District can enter five percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.

d. Check the box if the School District plans to request an additional grant for site development utility costs necessary for the Modernization of 50 years or older permanent building(s) pursuant to Section 1859.78.7(b) for 20 percent of funding authorized by Section 1859.78.6.

e. Check the box if the School District requests an additional grant for site development costs necessary for the replacement of a 75 Years or Older Building for either 35 percent of the grant determined by Section 1859.78.7.1 (b) and (d) or enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7.1(e), if not already provided under the provisions pursuant to Section 1859.78.7(a).

f. Check the box(es) if the School District plans to request additional funding for fire code requirements pursuant to Section 1859.78.4.

g. Check the box if the School District is planning to request an Additional Grant for a Minimum Essential Facility pursuant to Section 1859.78.9.1. Check the box for the type of facility the School District is anticipating requesting (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the estimated amount of eligible Toilet and Other Square Footage to be constructed in the project. Check the appropriate box depending on whether the anticipated Minimum Essential Facility in the project is permanent or portable construction. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Section 1859.78.9.1. The School District may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).

h. 1) Check the box if the School District is planning to request an Additional Grant for the construction of a new Transitional Kindergarten classroom(s) and/or retrofit of an existing school facility to be a Transitional Kindergarten

classroom(s). Check the appropriate boxes if the School District is planning to augment the grant with additional supplemental grants respective of the Transitional Kindergarten Classroom project scope. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The School District may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).
2) The information needed to complete this section is based on the latest CBEDS enrollment data. Applications filed on or after November 1st must include the current school year enrollment data. Enter the CBEDS enrollment for grades TK-3 at the school site the current year and the three prior years' TK–3 enrollment, as appropriate.

Requests for funding shall include the following:

- 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 Small School District plans to do with the project, and the resulting usage at the completion of the project.

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

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

Requests for excessive cost grants for accessibility requirements are allowed only if required by DSA. At the School District's option, the School District may request three percent of the Modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.
If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the School District elects to request less than the maximum allowance, the School District must submit a letter along with application indicating the requested amount.

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

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

10. Adjustment to New Construction Baseline Eligibility
Pursuant to Section 1859.51 certain adjustments to the District's new construction baseline eligibility must be made each time a School District submits an application for funding, to OPSC for SFP New Construction or Modernization Grants. These adjustments are made by OPSC based on information reported by the School District on this form.

- Report all Classroom(s) provided after the School District submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- In the additional Classroom column, indicate the number of additional net Classrooms provided if not previously reported.
- In the replacement Classroom column, indicate the number of Classrooms that were included in the determination of the School District's New Construction Eligibility pursuant to Education Code Section 17071.75 and replaced in a locally funded project.
- Enter the date the initial construction contract was signed for additional or replacement Classrooms.

11. Pending Reorganization Election – New Construction Only
Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the School District must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the School District's New Construction Eligibility as a result of the reorganization and submit them with this form.

12. 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.

13. Local Funding Adjustment Grant
Enter estimated amounts for each of the following:

a. The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.
b. The School District's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.
c. The School District's unduplicated Pupil percentage as determined for

purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.

d. The School District's Pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest CBEDS enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.

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

14. 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.

15. 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 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.

16. 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.

17. Certification

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

STATE OF CALIFORNIA

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-12 (New 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		PRELIMINARY APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Application – Check Only One

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

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
TK–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?
TK–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)
TK–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 _____

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

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

3. Number of Classrooms/Useable Acres

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

4. Type of Financial Hardship Request

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

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

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

b. ☐ Multilevel Construction

c. ☐ Project Assistance

d. ☐ Project and Construction Management

e. Site Acquisition
(1) 50 percent Actual Cost: $ _____
(2) 50 percent Appraised Value or Median Cost: $ _____
(3) Relocation/DTSC Cost:
☐ 15 percent
☐ 50 percent of specific or historical cost: $ _____
(4) 50 percent hazardous material clean-up: $ _____
☐ Response Action (RA)

f. Site Development
- ☐ 50 percent of specific or historical cost: $ _____
- ☐ $70,000 per proposed usable acre
- ☐ 35 percent of New Construction base grant
- ☐ General Site

g. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System

6. Preliminary Small School District Program Apportionment - Modernization Only

a. ☐ Project Assistance

b. ☐ Project and Construction Management

c. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

d. ☐ Site Development (utilities) – 50 Years or Older Buildings

e. ☐ Site Development—75 Years or Older pursuant to 1859.78.7.1:
- ☐ 35 percent of base grant pursuant to 1859.78.7.1(b) and (d); or,
- ☐ 60 percent of minimum work $ _____

f. ☐ Automatic Fire Detection/Alarm System

g. ☐ Minimum Essential Facility
- ☐ Multipurpose
- ☐ Gymnasium
- ☐ Library
- ☐ Kitchen
- ☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____
Construction Type
- ☐ Permanent
- ☐ Portable

☐ Site Development pursuant to Section 1859.78.9.1
- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work $ _____

h. 1) Transitional Kindergarten Classroom(s)
- ☐ New Construction

Number of Classroom(s): _____
- ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- ☐ Multilevel Classrooms(s) Construction: _____

☐ Retrofit

Number of Classroom(s): _____
- ☐ 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. Additional Project Information – Excessive Cost Hardship Request

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

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

8. Prior Apportionment

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

9. Alternative Developer Fee—New Construction Only

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

10. Adjustment to New Construction Baseline Eligibility

Classroom(s) provided:

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

Construction Contract(s) for the project signed on:

_____ _____

11. Pending Reorganization Election – New Construction Only

☐ Yes ☐ No

12. Joint-Use Facility/Leased Property

a. ☐ Joint-Use Facility

b. ☐ Leased Property

13. 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

14. 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: _____

15. 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.

16. Construction Delivery Method

☐ Design-Bid-Build

☐ Design-Build

☐ Developer Built

☐ Lease Lease-Back

☐ Energy Performance Contract

☐ This project include sor will include piggyback contract(s) as defined in Section 1859.2

☐ Other: _____

17. Certification

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

- I am an authorized representative of the School District as authorized by the governing board of the School District; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, Article 11, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The School District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The School District has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs: and,
- If this funding request is for the Modernization of a Portable Classroom(s) eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School District certifies that (check the applicable box below):
  - ☐ 1. The state Modernization funds will be used to replace the Portable Classroom(s) and permanently remove the displaced Portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the Portable Classroom(s) eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the School District has received approval of the site and the plans from CDE. Plan approval is not required if request is for separate design Apportionment; and,
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This School District has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The School District matching funds are required or will be required to be met pursuant to Sections 1859.77.1 or 1859.79 and either need to be expended by the School District, deposited in the County School Facility Fund, or will need to be expended by the School District prior to the notice of completion for the project
- The School District acknowledges this request has or will be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by Pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other Pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The School District understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.157.5; and,
- The School District has or will comply with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the Preliminary Small School District Program Apportionment is requested for the construction of school facilities on leased land, the School District has or will enter into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the Application contains a "Use of New Construction Grant" request, the School District has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The School District's approved housing plan is as indicated (check all that apply):

☐ 1. The School District will construct or acquire facilities for housing the Pupils with funding not otherwise available to the SFP as a School District match within five years of project approval by the SAB and the School District must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]

☐ 2. The School District will utilize higher School District loading standards providing the loading standards are within the approved School District's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)].

☐ 3. The Pupils requested from a different grade level will be housed in Classrooms at an existing school in the School District which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)],

- If the School District requests a reservation now and is planning to request additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4 at the time of conversion, the School District understands that they will need to include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project and on the conversion Form SAB 50-04 application; and,
- The School District has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- If the School District is requesting site acquisition funds as part of this application, the School District has or will comply with Sections 1859.74 through 1859.75.1 as appropriate; and,
- The School District understands that the lack of substantial progress toward increasing the Pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- The School District has or will utilize the Preliminary Small School District Program Apportionment for new construction or Modernization purposes; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- The School District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the School District is requesting a reservation now and is planning to request an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5 at the time of conversion, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project must exceed the amount of funding otherwise available to the School District at the time the conversion Form SAB 50-04 application is reviewed; and,
- If this application is submitted after January 1, 2004 for Modernization funding, the School District has or will consider the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The School District has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The School District has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the School District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The School District understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the School District has or will comply with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- The School District has or will consider the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- The School District has or will comply with all laws pertaining to the construction or Modernization of its school building.
- If the School District marked the box for 'Yes' in Section 14e. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used at the time of conversion, any additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage would be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) until funds are returned.
- If the School District is requesting a reservation now and is planning to request the Modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this Application, the School District certifies that any Classrooms displaced or that will be displaced as a result of reconfiguration will be replaced in the same plan set, or the School District certifies that the Classrooms will not be replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School District's New Construction Eligibility would be made for the removal of these Classrooms; and,
- If this funding request is requesting a reservation now and is planning to request for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not or will not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If this funding request is requesting a reservation now and is planning to request for new or retrofitted Transitional Kindergarten classrooms, the School District certifies that _____ classrooms were or will be constructed or previously altered to meet the requirements for a kindergarten classroom; and,
- With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site; and,
- The School District understands that if the submittal of this Application for a Preliminary Small School District Program Apportionment will result in the need for a return of an Application with the same scope of work that was previously submitted to OPSC prior to the effective date for the Small School District Program, the School District is responsible for ensuring that they comply with Section 1859.107 for the return of the Application with the same scope of work. Failure to report this information may result in a delay for the processing of this Application by OPSC and/or the return of this Application unprocessed by OPSC; and,
- The School District understands that an offset for prior funding received on a previously funded new construction site and/or design or Modernization design application that is indicated in this application will occur on either the Preliminary Small School District Program Apportionment or the Final Small School District Program Apportionment to adjust for prior funding that was previously received by the School District for the same scope of work being completed.
- The School District understands that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small

School District Program Apportionment will be subject to the provisions of Sections 1859.157.7 and 1859.157.8; and,

- The School District has or will comply with the reporting requirements in Section 1859.158 and shall annually hold, at a regularly scheduled meeting of the School District's governing board, a public hearing to discuss, and receive public comment regarding the report(s); and,
- The School District understands that if the Project and Construction Management Grant is requested pursuant to 1859.157.1 or 1859.157.2, and the School District does not obtain project and/or construction management services from a County Office of Education, other Local Educational Agency with applicable school facilities construction expertise, applicable State Department, or a certified private construction consulting entity, or expend funds on these services, the total approved project costs will be reduced by the Project and Construction Management Grant and associated required matching share.
- As applicable, the district certifies that a Five-Year School Facilities 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.

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 ~~08/25~~ XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION

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

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the School ~~d~~District has completed and submitted this form to the OPSC. Design funds apportioned pursuant to Section 1859.81(e) will automatically be released to the School ~~d~~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 ~~s~~School ~~d~~District and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
   - Third party contract(s).
   - A written finding that the School ~~d~~District has initiated and enforced, or had contracted with a third party to initiate and enforce, an LCP pursuant to Section 1859.97(a).
   - If the School ~~d~~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 ~~s~~School ~~d~~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 ~~s~~School ~~d~~District.

Specific Instructions

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

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

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

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

Part ~~I~~V. Overcrowding Relief Grant - Advance Site Funds
Check the boxes if the School ~~d~~District is requesting an advance release of funds pursuant to Section 1859.184.1.

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

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

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

Part VII. New Construction—Site Acquisition Only
Check the boxes if the School ~~d~~District is requesting a separate release of site acquisition funds as part of a new construction project.

Part VIII. Joint-Use Projects
Check the boxes if the School ~~d~~District is requesting release of joint-use project funds.

Part ~~VIII~~IX. Identify District and Joint-Use Partners' Funding Sources
Check the appropriate box(es) that identify the School ~~d~~District funding sources that have or will be used for the district's share of the project.

Part ~~I~~X. Career Technical Education Facilities Projects
Check the appropriate box(es) in Part IX if the School ~~d~~District is requesting a release of Career Technical Education Facilities funds.

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

Part XII. Identify District's Construction Delivery Method
Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

Part XIII. Submittal of Project Grant Agreement
Check the appropriate box that identifies the timing of the submittal of the signed Grant Agreement for the project.

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~08/25~~ XX/26)

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 ~~School d~~District certifies it has complied with Section 1859.149(a).

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

☐ The ~~School d~~District certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II. Preliminary Charter School Apportionment

A. Design Only

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

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

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

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

B. Separate Site Apportionment

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

☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.

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

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

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

Part III. Preliminary Small School District Program Apportionment

A. Design Only

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

☐ The School District certifies it has complied with Section 1859.157.5.

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

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

B. Separate Site Apportionment

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

☐ Release site acquisition funds. The School District certifies the funds are needed to place on deposit in order to secure the site acquisition.

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

Part ~~III~~IV. Separate Site Apportionment

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

Pursuant to Sections 1859.75.1 or 1859.81.1, ~~School d~~District must be able to check both boxes:

☐ Release site acquisition funds. The ~~School d~~District certifies the funds are needed to place on deposit in order to secure the site acquisition.

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

Part ~~IV~~ V. Overcrowding Relief Grant - Advance Site Funds

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

☐ Release site acquisition funds. The ~~School d~~District certifies the funds are needed to place on deposit in order to secure the site acquisition.

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

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

Part VI. New Construction/Modernization/Charter School Rehabilitation

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

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

☐ The ~~School d~~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 School ~~d~~District certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit written confirmation from the School ~~d~~District's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the School ~~d~~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

The School District must be able to check both boxes:

☐ The School ~~d~~District certifies it has entered escrow for the site (attach copy of escrow instructions).

☐ The School ~~d~~District certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~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 School ~~d~~District certifies that the Joint-Use Partners' financial contribution has either:

- been received and deposited in the County School Facility Fund
- has been received and expended by the School ~~d~~District
- will be received and expended by the School ~~d~~District prior to the Notice of Completion

for the project

☐ The School ~~d~~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~~IX. Identify School District and Joint-Use Partners' Funding Sources

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

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

☐ Other funds available (identify)

☐ Funds already expended by the School ~~d~~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~~X. Career Technical Education Facilities Projects

☐ The School dDistrict certifies that its applicable matching share has either:

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

Part XI. Natural Disaster Assistance Projects

☐ The School ~~d~~District certifies it has complied with Section 1859.81.1.

☐ The School ~~d~~District certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~District prior to the Notice of Completion for the project

Part XII. Identify School District's Construction Delivery Method

☐ Design-Bid-Build

☐ Design-Build

☐ Developer Built

☐ Lease Lease-Back

☐ Energy Performance Contract

☐ This project includes or will include piggyback contract(s), as defined in Section 1859.2

☐ Other: _____

Part XIII. Signed Grant Agreement

☐ The School ~~d~~District has already submitted the signed Grant Agreement for this project.

☐ The signed Grant Agreement for this project accompanies this Form.

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~10/25~~ XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

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

Authority: _____ [relevant Bond Act(s)]

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

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

PROJECT DESCRIPTION

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

New School or Addition to an Existing Site: _____

Number of Classrooms: _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

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

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

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

Office of Public School Construction Application Number: _____

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

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

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

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

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

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

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

Office of Public School Construction Application Number: _____

TERMS AND CONDITIONS OF GRANT

A. Definitions

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

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).
“Agreement” means a contract to do or not to do a certain thing and refers to this Grant Agreement.
“Application” means a request pursuant to the Act to receive funding for a school project.
“Apportionment” shall have the meaning set forth in Education Code Section 17070.15(a).
“Audit report” means the annual compliance reviews and fiscal reviews of the Grantee’s finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.
“Board” means the State Allocation Board as established by Section 15490 of the Government Code.
“Capital Outlay,” for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.
“Change of Scope” means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.
“Charter School Agreements” mean a memorandum of understanding, a funding agreement, and a use agreement as established by the California School Finance Authority.
“Classroom” means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).
“Expenditure Report” means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.
“Financial Hardship” means State funding for all or a portion of the Grantee’s matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.
“Funding Application” means the Form SAB 50-04, *Application for Funding,* or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding,* and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.
“Form SAB 50-12” means the *Application for Small School District Program Preliminary Apportionment,* Form SAB 50-12 (New [XX/26]), which is incorporated by reference.
“Fund Release Application” means the Form SAB 50-05, *Fund Release Authorization,* and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

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"Grants" means all eligible program grants provided by the Board to the Grantee in this Agreement.
"Grantee" means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.
"Grantee Representative" means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.
"Hazardous Material/Waste Removal Fund" shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).
"In Escrow, Governmental Entities" means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee's receipt of funding from the Board.
"In Escrow, Non-Governmental Entities" means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee's receipt of funding from the Board.
"Ineligible Expenditure" means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.
"Local auditor" means an auditor hired at the Grantee's expense who conducts annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.
"Material Inaccuracy" means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.
"Modernization" means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).
"Most Vulnerable Category 2 Buildings" means the building meets the criteria outlined in Section 1859.82.2 and is one of the following building types:
C1 – Concrete Moment Frame
C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms
C2A - Concrete Shear Wall with Flexible Diaphragms
C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms
PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms
PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms
PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms
URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms
RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms
URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms
S1B – Steel Cantilever Columns with Flexible Diaphragms
S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or
M – Mixed construction containing at least one of the above structure types.

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"New Construction" means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).
"Occupancy" means the point at which pupils occupy a classroom as evident by district documents such as the school board's adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.
"Office of Public School Construction (OPSC)" means the office within the California Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director of General Services.
"Other Sources of Funds" means cash, the Grantee's matching funds, or in-kind contributions that are required or used to complete the project beyond the Grants provided by this Agreement.
"Preliminary Funding Application" means the Form SAB 50-09, *Application for Charter School Preliminary Apportionment,* and all required supplementary documentation pursuant to the Act and the Regulations.
"Preliminary Small School District Program Apportionment" means a reservation of bond authority for eligible applicants under Article 11.5 of Chapter 12.5 of the Education Code. The reservation of bond authority is in advance of full compliance with all of the application requirements otherwise required for a Final Small School District Program Apportionment, pursuant to Chapter 12.5 of the Education Code.
"Project" means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.
"Project and Construction Management Grant" means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Education Code Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.
"Regulations" means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).
"Relocation/DTSC Fee Fund" shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.
"Savings" means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee's efficient and prudent expenditure of Grants.
"School District" shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.
"School Facility Program (SFP)" means the programs implemented under the Act.
"State" means the state of California.
"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the state's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.
(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

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

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

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C. Project Execution

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

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

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

   i. The Funding Application was accepted on_____(date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

   ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

   iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

   iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

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

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

(Authority: Form SAB 50-04 certifications)

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4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:

   i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. 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)

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D. Receiving Board Approval

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

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

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

(Authority: Education Code Section 17070.63(a))

3. The Grantee has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

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

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

(Authority: Form SAB 50-04 certifications)

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

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

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

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

[Authority: Education Code Section 17070.75(f)]

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

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

10. The Grantee has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process

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

[Authority: SFP Regulation Section 1859.81(e)]

ii.

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

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

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

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

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

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[Authority: SFP Regulation Section 1859.81(a)]

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

New Construction:

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

(Authority: SFP Regulation Section 1859.81.1)

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

Seismic Mitigation Program Replacement or Facility Hardship Replacement:
The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

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

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

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

i. The Grants will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,

ii. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.

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

(Authority: SFP Regulation Section 1859.78.8)

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

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

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation:
The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

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

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

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project plans is the minimum work required to mitigate the_____
_____
(health and safety or seismic) threat, which includes any other work triggered by the
_____
(health and safety or seismic) mitigation work and that is required in order to obtain DSA approval.

Charter:

i. Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.

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

Charter-Preliminary Charter School Apportionment:

i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
(Authority: SFP Regulation Section 1859.166)

ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
(Authority: SFP Regulation Section 1859.167)

iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
(Authority: SFP Regulation Section 1859.163)

iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
(Authority: SFP Regulation Section 1859.90.2)

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

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):
i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary

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approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.
ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education
iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.

(Authority: SFP Regulation Section 1859.197)

Preliminary Small School District Program Apportionment:

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

(Authority: SFP Regulation Section 1859.157.7.)

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

(Authority: SFP Regulation Section 1859.157.4)

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E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.
(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

1. If the project is awarded an Unfunded Approval, the Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
   i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
   ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
   iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
   iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.

2. Once an Apportionment is awarded, any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a valid Fund Release Authorization, and shall not exceed $_____ except for
   _____.
   (site-related exceptions)
(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)

3. Supplementary documentation submitted with, or prior to, a Fund Release Authorization must include this Agreement as well as documentation that proves the following:
   i. The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
   ii. Notice to Proceed dates.
   iii. For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.
   (Authority: Form SAB 50-05 certifications)

4. If the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be

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

(Authority: proposed amendment to School Facility Program Regulations)

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

(Authority: SFP Regulation Section 1859.90)

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F. Accounting for Spent Funds

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

(Authority: Education Code Section 17076.10)

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

3. Substantial Progress Compliance Reviews

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

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

   The documentation that the Grantee shall provide shall include, but is not limited to:
   a) The fund source indicated, for each project cost,
   b) Assessor's parcel number, for site acquisition costs,
   c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
   d) Architect/Engineer/Construction Management Agreement(s),
   e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
   f) Construction Contract Agreements to date,
   g) Construction Bid Summaries,
   h) Construction Delivery Method,

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

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

iii. For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants:
The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:
a) The final site appraisal,
b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

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

iv. For Grantees That Have Received Advanced Financial Hardship Grants for Design:
The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:
a) An Approved New Construction or Modernization Adjusted Grant Application; or,
b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

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

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

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

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

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

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

ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:

a) Proof of acreage purchased
b) Proof of site costs and adjusted site grants, where applicable
c) Copy of Form SAB 50-04
d) Copy of SAB Board item(s) (Approval of project Apportionment)
e) DSA Approval Letter
f) Final CDE Approval Letter
g) Architect Final Billing
h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
j) Final construction billing and invoices,
k) Any and all change orders
l) Proof of date of Occupancy
m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the fund that the proceeds from the COP were originally deposited

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

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

iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.

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

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

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

(Authority: Education Code Section 17076.10)

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

(Authority: Education Code Section 17076.10)

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5. Savings Audit(s)

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

The Grantee understands and agrees to the following:

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

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

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

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

iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.

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

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

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

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

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

(Authority: Education Code Section 17076.10)

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

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G. Advisory Listing Detailing Common Eligible Project Expenditures

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

Project expenditures will only be considered eligible if:

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

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

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

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

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35
g.	Energy Analysis Fee	Ed. Code Section 17072.35*
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses.	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35
j.	Preliminary Site Tests	
k.	Engineering Fees	

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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 reduction, peak-load shifting, and building energy efficiency measures • Solar water heating technologies. • Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades. • Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces.	Ed. Code Section 17077.35
<u>m.</u>	<u>For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.</u>	<u>Ed. Code Section 17078.47</u>

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

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

	Type of Expenditure	Authority
	Site Acquisition	
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual site cost.	Ed. Code Sections 17072.12, 17072.35 & SFP Reg. Section 1859.74
	Site (Other) (4 % Allowance)	
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Reg. Sections 1859.74, 1859.74(2) or 1859.74(3), as appropriate
c.	Escrow Fees	
d.	Legal Fees associated with: • The review of site acquisition documents • Site condemnation or relocation proceedings. • The review of the SFP project-related lease agreements.	
e.	Litigation costs not to exceed the total SFP project funding Apportionment.	
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
g.	Survey Costs	
	DTSC Fees	

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	Type of Expenditure	Authority
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35
	Hazardous Waste Removal	
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35
j.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: • 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

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	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.	

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

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35
b.	Building Construction Costs – Including: • 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

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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)

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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

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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*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
r.	Seismic Mitigation Costs – the cost must be attributable to design, study, and testing.	Ed. Code Section 17072.35*
s.	Support for constructing the construction of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed. Code Section 17072.35*
t.	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
u.	Services from a county office of education, other local education agency with applicable school facilities construction experience, applicable state department, or a certified private construction consulting entity from the list maintained pursuant	Ed. Code Section 17078.47

	to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.
**Eligible expenditures in these sections may exceed the amounts requested on the Funding Application.

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

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25
g.	Energy Analysis Fee	Ed Code Section 17074.25*
h.	Legal Fees associated with: • 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

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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.	
m.	For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed. Code Section 17078.47

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

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5. Modernization - Adjusted Grant
Small School District Program – 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

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	To be eligible must be supported by time cards or time logs.	
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25
h.**	Utility Services – Only if approved for fifty years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Section 1859.78.7
i.	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

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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*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
s.	Support for expanding an existing, or constructing a new, gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17074.25*
t.	Costs associated with the modernization of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program, including but not limited to, a California state preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed Code Section 17074.25*
u.	Districts apportioned funds pursuant to Section 17073.16(a) shall use the supplemental grant for expanding an existing, or constructing a new gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17073.16(a)
v.	Districts apportioned funds pursuant to Section 17073.16(b) shall use the supplemental grant for retrofitting an existing facility or constructing new classrooms to house transitional kindergarten pupils.	Ed Code Section 17073.16(b)
w.	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

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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.	
x.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed. Code Section 17078.47

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

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

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

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

PLANNING COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
g.	Energy Analysis Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses.	
i.	Local Agency Plan Check Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
j.	Preliminary Site Tests	

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ENGINEERING COSTS		
Type of Expenditure		Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
l.	Construction Management Fees	Ed Code Section 17078.72 & SFP Reg. Section 1859.193(a)&(b)
m.	Building Construction Costs	
n.	Construction Security (Campus Security not eligible and administrative overhead – not eligible)	
o.	Construction Tests	
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(a)(4) & (b)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a)
r.	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

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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)

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	• 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.

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

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

	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	
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) &

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	Type of Expenditure	Authority
		SFP Reg. Section 1859.193(c)
o.	Construction Tests	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(c)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
r.	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)

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	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)

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	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	
x.	Equipment expenditures for Career Technical Education Facilities Program projects – Equipment must have been approved by the California Department of Education (CDE). The CDE approved equipment list must be submitted with the application for funding and later approved by the SAB. Equipment must also have an average life expectancy of at least 10 years.	Approved by CDE & Ed Code Section 17078.72(a)

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

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

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

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

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

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Sections 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers.	

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

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

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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.	

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	Type of Expenditure	Authority
g.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
h.	Survey Costs	
	DTSC Fees	
i.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
	Hazardous Waste Removal	
j.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
k.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: • 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	

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	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

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	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.	

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

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

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

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

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Building Construction Costs – Including: • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical	
c.	Construction Security (Campus Security and administrative overhead – not eligible)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2 & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
f.	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

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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

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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

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

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

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

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

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

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

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

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Regulation Sections 1859.105 &1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors,	

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DESIGN COSTS		
	Type of Expenditure	Authority
	architects, construction managers or engineers. • 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

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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.

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

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

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

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

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

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

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors,	

Office of Public School Construction Application Number: _____

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

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

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

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

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

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

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

	Type of Expenditure	Authority
	Site Acquisition	
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual purchase price.	Ed. Code Section 17072.12, 17072.35 & SFP Reg. Sections 1859.74 & 1859.82
	Site (Other) (4 % Allowance)	
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Sections 1859.74, 1859.74(2), or 1859.74(3), as appropriate & 1859.82
c.	Escrow Fees	
d.	Legal Fees associated with: • The review of site acquisition documents. • Site condemnation or relocation proceedings. • The review of the SFP project-related lease agreements.	
e.	Litigation costs not to exceed the total SFP project funding apportionment.	

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	Type of Expenditure	Authority
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
g.	Survey Costs	
	DTSC Fees	
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
	Hazardous Waste Removal	
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35 & SFP Reg. Section 1859.82
j.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: • 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	

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	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

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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.

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H. Advisory Listing Detailing Common Ineligible Project Expenditures

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

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

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

Office of Public School Construction Application Number: _____

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

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

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

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

Office of Public School Construction Application Number: _____

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

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17072.35
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
e.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
f.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
g.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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	
h.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

Office of Public School Construction Application Number: _____

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

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

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

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

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.	Ed Code Section 17074.25
h.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

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.
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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.	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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I. Record Retention

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

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

J. Material Inaccuracy

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

K. Conflict of Interest

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

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.

2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

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
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV XX/26~~08/25~~)

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 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.
- For requests to replace 75 Years or Older Building(s) per Section 1859.78.7.1, the 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 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 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~~ five 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. 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 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 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.

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 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 if the 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 district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

f. 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.

g. Check the box if the 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 district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.1. At the district's option, the 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). Applicants who are requesting to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall use the enrollment determined by Section 1859.157.4(d)(1).

h. 1) Check the box if the 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 district is augmenting the grant with additional supplemental grants respective of the transitional kindergarten classroom project scope. Check the box if the district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The 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. Applicants who are requesting to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall use the enrollment determined by Section 1859.157.4(d)(2).

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.

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. (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.

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

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

22. Local Funding Adjustment Grant
Enter the following:

a. The district's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The district must provide a letter from the county auditor-controller that certifies the school district's total assessed valuation.

b. The district's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified school districts or 2.5% for unified school districts, rounded to two decimal places.

c. The district's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.

d. The 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 Project Labor Agreement for this application. If the district indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

23. Architect of Record or Licensed Architect Certification
The architect of record or the licensed architect must complete this section.

24. Architect of Record or Design Professional Certification
The architect of record or the appropriate design professional must complete this section.

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

STATE OF CALIFORNIA
APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM
SAB 50-04 (REV XX/26~~08/25~~)

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. 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 SCHOOL SITE(S)	NUMBER OF PORTABLES BEING REPLACED	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. ☐ 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

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

23. Architect of Record or Licensed Architect Certification
I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any 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.
- 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 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 district's matching share.

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:

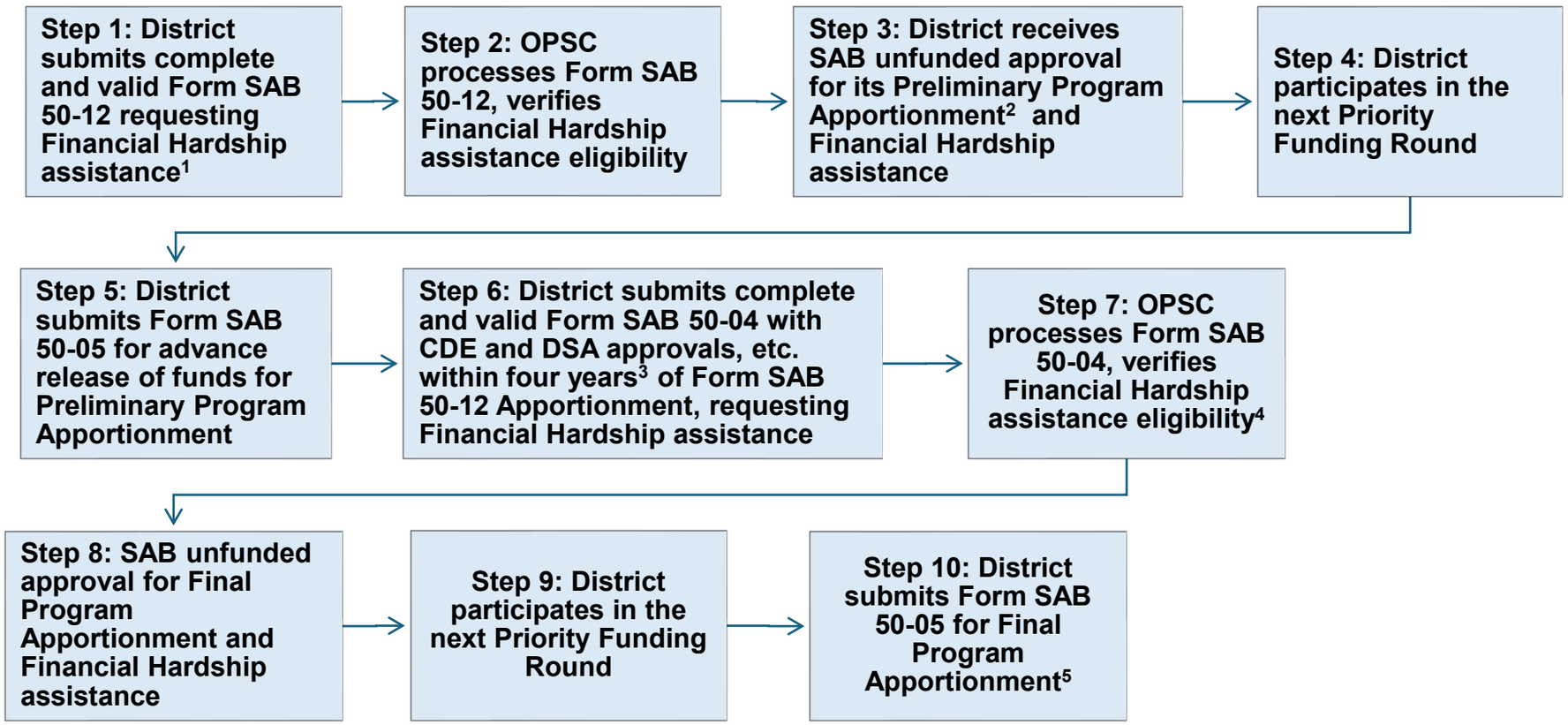
- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted 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 1859.73(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.
- If the 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.
- If the district is requesting the modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this application, the district certifies that any classrooms displaced as a result of reconfiguration are replaced in the same plan set, or the district certifies that the classrooms are not being replaced due to a demonstrated lack of need and the district acknowledges that no adjustment to the 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.

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

Application and Fund Release Process for Financial Hardship Applicants



[1] Applicants requesting Financial Hardship assistance must submit this request on the Form SAB 50-12.

[2] Qualifying applicants for a New Construction separate advance release of funds shall be equal to 40 percent of the sum of the New Construction Grant, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Program Apportionment. Qualifying applicants for Modernization separate advance release of funds shall be equal to 25 percent of the sum of the Modernization Grant, project assistance, and the Project and Construction Management Grant.

[3] Or five years, if a school district receives a one-year extension with Board approval pursuant to SFP Regulation Section 1859.157.6.

[4] Applicants requesting Financial Hardship assistance must submit this request on the Form SAB 50-04.

[5] The Final Program Apportionment shall be offset by any funding previously received for a separate advance release of funds.

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
February 13, 2025

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

PURPOSE

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

AUTHORITY

See Attachment A8a.

BACKGROUND

Article 11.5, comprised of EC Sections 17078.35, 17078.36, 17078.37, and 17078.38, was added to allow the State Allocation Board (Board) to provide a preliminary application process, preliminary apportionment, separate design grants, project assistance grants, and project and construction management grants to small school districts that meet the eligibility requirements and have an enrollment of 2,500 or fewer pupils. The following is a summary of the new statutes.

EC Section 17078.35 defines the following terms for the purposes of Article 11.5:

- *Final Apportionment*
  "Final apportionment" has the same meaning as "apportionment" as defined in subdivision (a) of EC Section 17070.15, which is "an allocation of funds for the purpose of eligible new construction, modernization, or hardship approved by the board [State Allocation Board] for an applicant school district."

- *Preliminary Application*
  "Preliminary application" means an application for a preliminary apportionment.

- *Preliminary Apportionment*
  "Preliminary apportionment" means a reservation of bond authority for eligible applicants in advance of full compliance with all the application requirements otherwise required for an apportionment under the SFP.

BACKGROUND (cont.)

- *Project and Construction Management Grant*
  "Project and construction management grant" means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from a list established by the California Department of Education (CDE) pursuant to EC Section 17078.47(d)(2), to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.

- *Small School District*
  "Small school district" is a school district, as defined in EC Section 17070.15, with an enrollment of fewer than 2,501 pupils. "Fewer than 2,501 pupils" is equal to "2,500 or fewer pupils," the phrasing used in this discussion.

  The term "school district" is defined in EC Section 17070.15(q) to mean a school district or a county office of education.

EC Section 17078.36 states that all the rules applicable to the SFP apply to the Small School District Program except for those specified in Article 11.5. This section specifies that projects funded under Article 11.5 shall not exceed the amounts made available under Proposition 2. EC Sections 101412(a)(1)(A) and (a)(2)(A) authorize up to ten percent of the amounts allocated in Proposition 2 to New Construction and Modernization to be available to Small School District Program projects. At its January 22, 2025 meeting, the Board set aside the full ten percent of New Construction and Modernization bond authority for the Small School District Program: $330 million for New Construction projects and $400 million for Modernization projects.

EC Section 17078.37 states that all small school district projects must submit a preliminary application to the Board and meet all applicable requirements for applications for New Construction (pursuant to Article 3, commencing with EC Section 17071.75) or Modernization (pursuant to Article 6, commencing with EC Section 17073.10). For funding purposes only, the preliminary apportionments will be processed in a manner that is substantially identical to the preliminary apportionment requirements established in EC Section 17078.24 for the Critically Overcrowded Schools Program. This means that the bond authority for the total estimated state costs of a project will be reserved at the time of preliminary apportionment, and then the grants will be amended to reflect the actual scope of work in the approved plan set when the full funding conversion application is processed. If requested and determined to be eligible, the Board will also provide a project and construction management grant that is equal to five percent of the state share of the preliminary apportionment.

STAFF ANALYSIS/DISCUSSION

EC Section 17078.38 requires the Board to adopt regulations on the following:

- preliminary application
- preliminary apportionment
- apportionment of design grants, project assistance grants, and project and construction management grants to qualifying financial hardship small school districts, as part of the preliminary apportionment
- substantial progress requirements on apportionments for design and site grants
- requirements for a final apportionment for the project

The Office of Public School Construction (OPSC) recognizes that there are many considerations related to the development of regulations for EC Sections 17078.35, 17078.36, 17078.37, and 17078.38. OPSC has several questions and ideas outlined below to open the conversation and receive stakeholder feedback. OPSC anticipates hosting additional stakeholder meetings to address stakeholder feedback and provide proposed regulations.

1. *What is the purpose of the Small Size School District Program and how will the preliminary apportionments from the program assist small school districts*?

   The program will provide preliminary apportionments that reserve bond authority for up to four years, plus the possibility of a single one-year extension subject to Board approval, to a small school district that has a New Construction or Modernization project. A preliminary apportionment mitigates the risk that SFP bond authority will be depleted before a small school district can design the project and obtain the required approvals and documents, such as CDE plan and/or site approval and Division of the State Architect (DSA) plan approval, that are required to receive a final apportionment.

2. *Who is eligible for a preliminary apportionment under the Small Size School District Program?*

   Small school districts with an enrollment of 2,500 or fewer pupils can apply for a preliminary apportionment by submitting a preliminary application to OPSC, based on Article 11.5.

3. *What is the proposed overall process for a small school district that seeks a preliminary apportionment?*

   A. A small school district will submit an *Application for Preliminary Apportionment,* along with the necessary eligibility forms for New Construction or Modernization.

STAFF ANALYSIS/DISCUSSION (cont.)

B. The *Application for Preliminary Apportionment* will be reviewed by OPSC staff and will be sent to the Board for approval.

C. If approved, the small school district will receive an unfunded approval. A financial hardship small school district may participate in the priority funding process to receive the applicable preliminary apportionment funds for the project.

D. Concurrently, or subsequent to the preliminary apportionment, the small school district will work on the project's design and obtaining all required approvals and documents for the project's final apportionment.

   a. Small school districts will need to submit an annual report to OPSC until the preliminary apportionment is converted into a final apportionment. Further details about the submittal of an annual report and the final apportionment requirements can be found below.

E. Once the project meets all SFP requirements for an adjusted grant, the school district will file an *Application for Funding* (Form SAB 50-04) for a final apportionment.

F. The Form SAB 50-04 for a final apportionment will be reviewed by OPSC staff and will be sent to the Board for approval.

4. *Which grants will a small school district with a project that qualifies for financial hardship be eligible for in a preliminary apportionment?*

   A small school district project that qualifies for financial hardship will be eligible for separate design grants, project assistance grants, and project and construction management grants as part of a preliminary apportionment.

5. *Which grants will a small school district with a project that does not qualify for financial hardship be eligible for in a preliminary apportionment?*

   A small school district project that does not qualify for financial hardship will be eligible for project assistance grants and project and construction management grants as part of a preliminary apportionment; however, they will not be apportioned until the final apportionment is approved. This allows the reservation of bond authority for small school district to cover these costs; however, non-financial hardship school district would use their required matching share to cover the cost initially.

STAFF ANALYSIS/DISCUSSION (cont.)

6. *What funding will be released when a successful small school district project with financial hardship is approved for a preliminary apportionment?*

   When funding is released for a successful small school district eligible for financial hardship assistance, the funding associated with the separate design grants, project assistance grants, and project and construction management grants will be released to the small school district. Design funding will be released at 40 percent of the total state share for New Construction projects and 25

   percent of the total state share for Modernization projects, which is consistent with current SFP Regulations.

7. *What funding will be released when a successful small school district project without financial hardship is approved for a preliminary apportionment?*

   No advance funding is released for non-financial hardship school districts. School districts would use the required local match for the initial costs of the project. Because the school district received a preliminary apportionment, they can proceed knowing that bond authority for the state share has been reserved for the specific project, provided the school district submits an Approved Application by the deadline.

8. *What form document(s) will a small school district need to submit for the preliminary application process?*

   Small school districts would submit an *Application for Preliminary Apportionment* based on OPSC's interpretation of EC Section 17078.37. OPSC proposes to create a new form similar to the *Application for Preliminary Apportionment* (Form SAB 50-08) that was used under the Critically Overcrowded Schools Program. OPSC will bring a sample *Application for Preliminary Apportionment* form to the next OPSC Stakeholder Meeting on this topic.

   OPSC is proposing that districts submit a project narrative to assist in calculating the preliminary apportionment. A project narrative is required for Charter School Facilities Program (CSFP) preliminary apportionment applications. For the CSFP, the narrative must include a description of the proposed project including, but not limited to, number of classrooms, grade level of the pupils to be served, intended opening date of the project, the Charter School General Location, and whether the project will be permanent or portable construction.

STAFF ANALYSIS/DISCUSSION (cont.)

9. *What eligibility requirements will a small school district need to meet to be eligible to apply for a preliminary apportionment?*

   A small school district will need to have qualifying eligibility under the respective New Construction or Modernization program to apply for a preliminary apportionment. A small school district will need to use either an *Enrollment Certification/Projection* (Form SAB 50-01) to update their New Construction eligibility, or an *Eligibility Determination* (Form SAB 50-03) for a Modernization application to update their site-specific eligibility, if necessary.

   As part of a small school district's New Construction eligibility update, a district could also lock in their enrollment for a period of five years due to the Proposition 2 amendments to EC Section 17071.75(g).

10. *How can a small school district receive design grants as part of their preliminary apportionment?*

    Design grants would only be available to small school districts that qualify for financial hardship assistance by meeting the requirements in EC Section 17075.15, based on EC Section 17078.38(b).

    OPSC proposes that small school districts should be able to make a request for design grants on the preliminary application so that these design grants can be included as part of the preliminary apportionment. This would be similar to how financial hardship school districts currently request an advance design apportionment according to SFP Regulation Section 1859.81.

11. *How can a small school district receive project assistance grants as part of their preliminary apportionment?*

    Project assistance grants would be available as a supplemental grant at the preliminary apportionment stage for all small school districts with an enrollment of 2,500 pupils or fewer for the prior fiscal year, based on EC Sections 17072.10(e) and 17074.10(e). The amount of the supplemental grant is adjusted annually by an amount commensurate with the percentage adjustment for the Class B Construction Cost Index (CCI) as approved by the Board each January pursuant to EC Section 17070.35.

12. *How can a small school district receive a project and construction management grant as part of their preliminary apportionment?*

    The project and construction management grant is a separate supplemental apportionment for small school districts pursuant to EC Section 17078.38(b)(2). The project and construction management grant should be included as part of the preliminary application and the preliminary apportionment. The preliminary

STAFF ANALYSIS/DISCUSSION (cont.)

apportionment of a project and construction management grant is equal to five percent of the state share of the preliminary apportionment.

OPSC proposes that small school districts should be able to make a request for the project and construction management grant on the preliminary application so that the project and construction management grant can be included as part of the preliminary apportionment.

The project and construction management grant will be recalculated at the time of conversion for full funding.

13. *How will construction cost changes be accounted for at the preliminary apportionment stage?*

    OPSC proposes that the preliminary apportionment mirror the CSFP and provide an inflator factor on top of the current base and supplemental grants to account for potential future changes in the CCI. At the time of conversion, the adjusted grant would be based on that year's CCI, and the project would be capped at the original preliminary apportionment (plus the inflator).

    At preliminary apportionment, a project's total cost will be calculated using the *Application for Preliminary Apportionment* form, a narrative describing what the small school district plans to do in the project, and the inflator factor. At the time of conversion, the total project cost will be recalculated based on the DSA-approved plan sets, a Form SAB 50-04, and the current year's grant amounts.

    If the conversion application's total project cost is higher than the preliminary apportionment, and bond authority is available, the conversion application can receive an apportionment for the full adjusted amount. If no bond authority is available, the conversion application will need to be reduced to the amount reserved for the preliminary apportionment. If the conversion total project cost is less than the preliminary apportionment, the excess authority will be returned.

14. *How will the priority funding process work for apportionments provided under the Small Size School District Program?*

    All apportionments provided under the Small Size School District Program will be subject to the priority funding process. All apportionments will initially receive an unfunded approval and will need to participate in a priority funding filing round for bond sales to take place to fund the apportionment.

STAFF ANALYSIS/DISCUSSION (cont.)

15. *How will the substantial progress requirements on preliminary apportionments work?*

    A Small Size School District Program project that qualifies for financial hardship assistance and receives design grants as part of their preliminary apportionment will be subject to the substantial progress requirements, similar to those that are currently in place for approved New Construction or Modernization grant applications, based on EC 17078.38(c).

    A Small Size School District Program project that does not receive a design fund release following their preliminary apportionment will not be subject to the submittal of substantial progress reports for the timeframe of up to five years after the preliminary apportionment received an approval.

    To support successful project conversion applications, OPSC proposes that small school districts submit an annual report to our office until the preliminary apportionment is converted into a final apportionment as detailed below. This annual report will be a narrative that will detail the progress that is being made towards designing the project and obtaining the required approvals and documents for the project's final apportionment.

    Once the project's conversion application has been submitted, reviewed, approved, and has received a final apportionment, the final apportionment will need to meet the substantial progress requirements that are currently in place for approved New Construction or Modernization grant applications, based on EC 17078.38(c).

16. *How will the final apportionment requirements work?*

    Pursuant to EC Section 17078.38(d), the final apportionment requirements for a project funded under the new Small Size School District Program will be substantially similar to the Critically Overcrowded Schools Program. Districts will have up to four years to obtain the required DSA and CDE approvals and submit an Approved Application, i.e. a complete Form SAB 50-04 to apply for a final apportionment. Small school districts may request a single one-year extension from the Board.

17. *How soon can a small school district apply for a preliminary apportionment under the Small Size School District Program?*

    A small school district can apply for a preliminary apportionment under the Small Size School District Program as soon as OPSC develops the *Application for Preliminary Apportionment* form and regulations, and the form and regulations have been approved by the Board and the Office of Administrative

STAFF ANALYSIS/DISCUSSION (cont.)

Law. The new forms and regulations will become effective as of the effective date that is determined by the Office of Administrative Law.

AUTHORITY

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.

EC Section 17078.35 – Assistance to Small School Districts

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

AUTHORITY (cont.)

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

(Added by Stats. 2024, Ch. 81, Sec. 23. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17078.36 – Assistance to Small School Districts

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

(Added by Stats. 2024, Ch. 81, Sec. 23. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17078.37 – Assistance to Small School Districts

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

AUTHORITY (cont.)

(a) Applicants for funding pursuant to this article shall do both of the following:
(1) Submit preliminary applications to the board.
(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.
(b) The board shall do both of the following:
(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).
(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

(Added by Stats. 2024, Ch. 81, Sec. 23. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:
(a) The preliminary application and preliminary apportionment.
(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

(Added by Stats. 2024, Ch. 81, Sec. 23. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

Links to Referenced Authority Sections

EC Section 17070.15 – General Provisions
Link: EC Section 17070.15.

EC Section 17070.35 – General Provisions
Link: EC Section 17070.35.

EC Section 17071.75 – New Construction Eligibility Determination
Link : EC Section 17071.75.

EC Section 17072.10 – New Construction Grant Eligibility Determination
Link : EC Section 17072.10.

EC Section 17072.30 – New Construction Funding Process
Link: EC Section 17072.30.

EC Section 17073.10 – Modernization Eligibility Determination
Link: EC Section 17073.10.

EC Section 17074.10 – Modernization Apportionment
Link: EC Section 17074.10.

EC Section 17074.16 – Modernization Apportionment
Link: EC Section 17074.16.

EC Section 17075.15 – Hardship Application
Link: EC Section 17075.15.

EC Section 17078.10 – Critically Overcrowded School Facilities
Link: EC Section 17078.10.

EC Section 17078.22 – Critically Overcrowded School Facilities
Link: EC Section 17078.22.

EC Section 17078.24 – Critically Overcrowded School Facilities
Link: EC Section 17078.24.

EC Section 17078.25 – Critically Overcrowded School Facilities
Link: EC Section 17078.25.

Links to Referenced Authority Sections (cont.)

EC Section 17078.47 – State Augmentation of Federal Supporting America's School Infrastructure Grant Program for Priority School Districts

Link: EC Section 17078.47.

EC Section 101412 – Kindergarten Through Grade 12 School Facilities Program Provisions

Link: EC Section 101412.

Section 1859.105 of Title 2 of the California Code of Regulations

Link: Section 1859.105 of Title 2 of the California Code of Regulations

Section 1859.140 of Title 2 of the California Code of Regulations

Link Section 1859.140 of Title 2 of the California Code of Regulations

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
April 17, 2025

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small Size School District Program (Program) within the School Facility Program (SFP). This new program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A8a.

BACKGROUND

Stakeholder Feedback
On February 13, 2025, the Office of Public School Construction (OPSC) held a public meeting to discuss proposed criteria for the new Program. OPSC is seeking stakeholder input on any topics presented in this item.

The full text of the stakeholder meeting item may be found here: February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item

The recording of the stakeholder meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations: February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording

STAFF ANALYSIS/DISCUSSION

This report addresses questions and feedback that were not answered at the February 13, 2025 meeting. Additionally, OPSC is presenting ideas for proposed regulations for this new program. Lastly, this item presents additional topics, considerations, and proposals on which OPSC requests stakeholder feedback.

Summary of Stakeholder Feedback
Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of the

STAFF ANALYSIS/DISCUSSION (cont.)

stakeholder feedback and OPSC's responses as a result of the meeting held on February 13, 2025:

Stakeholder Feedback	OPSC Response
1. Will a separate workload list be created for Small Size School District Program applications only?	**1.** OPSC will develop a separate workload list to keep track of Program-specific applications. The new Program list will not overlap with either the Applications Received Beyond Bond Authority (ARBBA) List or the current SFP Workload List. Applicants will submit the appropriate form for the program to which they are applying. For example, the proposed *Application for Preliminary Apportionment* would be used to apply for the new Program.
2. For eligible applications that were submitted after October 30, 2024, will a school district need to resubmit their applications to be able to participate in the new Small Size School District Program or will eligible applications that were submitted after October 30, 2024 be added onto the Small Size School District Program workload list automatically? Additionally, for eligible applications that have already been submitted and are wanting to participate in the new Small Size School District Program, regardless of the date that these eligible applications were received, will these applications keep their original OPSC received date or will these applications receive a new date in line?	**2.** Eligible funding applications that were submitted after October 30, 2024 will not be automatically added onto the Program workload list. Rather, school districts will be notified of the option to withdraw the previously submitted application and submit an application to participate in the new Program when the regulations are in effect. Further details about OPSC's proposed implementation process and four potential scenarios based on application submittal timelines are provided on pages 6-9 of this stakeholder item.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
3. Can a school district that receives a preliminary apportionment from the Small Size School District Program use the funding that is provided from the preliminary apportionment to comply with the five-year school facilities master plan requirement?	**3.** If a school district is eligible for and receives Financial Hardship assistance as part of the Program application, the school district will be eligible to receive advance site and/or design funding and the project and construction management grant at the preliminary apportionment stage. The costs necessary to develop the required five-year school facilities master plan can be an eligible expenditure specifically for projects receiving the project and construction management grant. Education Code (EC) Section 17078.35(d) specifies that the new project and construction management grant is available for small school districts to obtain services that, in part, assist with project planning. SFP expenditures eligible for development of the five-year school facilities master plan are limited to the state and local matching share of the project and construction management grant. Expenditures beyond those amounts should not be reported on the Expenditure Report, as they would be considered operational costs of the school district and ineligible SFP expenditures. For non-Financial Hardship school districts, the Program application will only reserve funding, if the application is eligible, for the project and construction management grant. Because this grant will be released to the school district at the time of final conversion, a non-Financial Hardship school district can use their local matching share to help with the costs associated with developing and finalizing their five-year school facilities master plan.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
4. In research we conducted a couple of years ago, we found that construction costs in rural areas are higher than those in urban areas. This is due in part to the multiple public works construction requirements in state law which are difficult to comply with in rural areas. Is there any consideration being given to having some grant adjustment for these small rural school districts?	**4.** Proposition 2 did not authorize a grant adjustment for projects in rural areas. All projects for this new Program will be funded similarly to standard New Construction and Modernization projects. The only exception is that this new Program provides an additional supplemental grant of five percent for the project and construction management grant.
5. How will pupils be counted in the Small Size School District Program, within the *Enrollment Certification/ Projection* (Form SAB 50-01) instructions? Specifically, the instructions on the Form SAB 50-01 seem to have conflicting direction on when to include enrollment if students are both "receiving non-classroom-based instruction" and "attending independent study." Many independent study programs do not have students attending physical classrooms 100 percent of the school day and are considered "non-classroom-based" for instructional purposes. However, these independent study programs do still have the need for a certain number of classrooms.	**5.** Enrollment within any district should still be reported in accordance with the current EC sections, SFP regulations, and Form SAB 50-01 instructions. EC Sections 17078.35, 17078.36, 17078.37, and 17078.38 that create the Program do not contain any provisions related to alternative methods of reporting enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
6. For certain small-to-medium sized school districts, including the charter school students described below may mean the difference between being above or below the 2,500 pupil cut-off to be considered a small school district. SAB Form 50-01 instructions include: "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." This may be a rare occurrence, but it would be unfortunate if a district was not able to participate in the Program due to a factor that is largely out of their control.	**6.** Enrollment within any district should still be reported in accordance with the current EC sections, SFP regulations, and Form SAB 50-01 instructions. Education Code Sections 17078.35, 17078.36, 17078.37, and 17078.38 that create the Program do not contain any provisions related to alternative methods of reporting enrollment.
7. We believe that all the requirements stated in EC Sections 17078.47 and 17078.48 can be addressed with an Artificial Intelligence (AI) tool.	**7.** These EC Sections fall under the authority of the California Department of Education (CDE). OPSC has forwarded the comment to CDE for consideration as they implement these provisions for the state augmentation of the federal Supporting America's School Infrastructure Grant Program.
8. Please clarify the certification process for *private construction consultants* and maintaining an up-to-date list of certified consultants for use by priority school districts, as per EC Section 17078.47(d).	**8.** This EC Section falls under the authority of CDE. OPSC has forwarded the comment to CDE for consideration as they develop the certification process.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Implementation Process
In addition to addressing the stakeholder feedback above, OPSC is presenting options for how a school district could effectively transfer a funding application that is currently on the SFP Workload List or the ARBBA List to the future Small Size School District Program Workload List after the Program regulations are in effect.

OPSC proposes that applications on one of these lists at the time the Program regulations become effective could be provided a 90-day window to withdraw the original application for New Construction or Modernization funding and submit an *Application for Preliminary Apportionment* for the Program. The 90-day window would begin upon approval of the regulations by the Office of Administrative Law. OPSC further proposes to retain the order of applications on the former list by the original OPSC received dates if the request is received within the established 90-day window. The new received date would necessarily be after October 31, 2024, since the Program was created by, and will be subject to, Proposition 2 requirements.

The intent of the 90-day window is to provide equity to all small school districts that desire to access the new Program by maintaining date order application processing without creating “a race” to submit an application. Four potential scenarios are described below, including those districts that may qualify for Financial Hardship and those that do not. In addition, a corresponding flow chart is provided in attachment A8b for each scenario.

Scenario 1
A small school district has an application for design funding on the SFP Workload List or ARBBA List for either the New Construction or Modernization Program. The district’s request for Financial Hardship assistance will be processed concurrently with the funding application, following current process.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization Program design-only application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* concurrently with the district’s request for Financial Hardship assistance and presents it to the State Allocation Board (Board) for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.

STAFF ANALYSIS/DISCUSSION (cont.)

Step 4: The district participates in the fund release process for advance design grants, which may include project assistance grants and the project and construction management grant.

Step 5: The district designs the project and obtains all necessary documents and approvals, such as plan approval from the Division of the State Architect (DSA) and CDE, required on the *Application for Funding* (Form SAB 50-04) for final apportionment.

Step 6: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 7: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

Scenario 2
A small school district has an application for full funding that previously received a design apportionment on the SFP Workload List or ARBBA List for either the New Construction or Modernization Program. The district's request for Financial Hardship assistance will be processed concurrently with the funding application, following current process.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization full funding application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* concurrently with the district's request for Financial Hardship assistance and presents it to the Board for approval with an adjustment for funds previously released for the original design apportionment. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 4: The district participates in the fund release process to receive any remaining project assistance grants and project and construction management grants.

STAFF ANALYSIS/DISCUSSION (cont.)

Step 5: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 6: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

Scenario 3
A small school district has an application on the SFP Workload List or ARBBA List for either the New Construction or Modernization program and is *not* eligible for Financial Hardship assistance.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization Program full funding application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* and presents it to the Board for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 4: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 5: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

STAFF ANALYSIS/DISCUSSION (cont.)

Scenario 4
A small school district has not yet submitted a funding application to the SFP, and they are seeking funding from the Small Size School District Program.

If the small school district's application is submitted to OPSC ***prior*** to the effective date of regulations for this Program, the application will fall under Scenario 1, 2, or 3 above depending on Financial Hardship assistance eligibility and whether any design only funding is requested or was previously received.

If the small school district's application is submitted to OPSC ***after*** the effective date of regulations for this Program, the below steps will apply:

Step 1: The district submits an *Application for Preliminary Apportionment* to OPSC. The application is placed on the Small School District Workload List.

Step 2: OPSC processes the *Application for Preliminary Apportionment* and presents it to the Board for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 3*: The district participates in the fund release process for advance site and/or design grants, which may include project assistance grants and the project and construction management grant.

Step 4*: The district designs the project and obtains all necessary documents and approvals, such as plan approval from DSA and CDE, required on the *Application for Funding* (Form SAB 50-04) for final apportionment.

Step 5: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 6: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

*Steps noted may be as applicable based on Financial Hardship eligibility and project design status.

OPSC welcomes any feedback from our stakeholders regarding the proposed implementation of this new Program.

AUTHORITY

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

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

(b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.

(c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.

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

(e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

EC Section 17078.37 – Assistance to Small School Districts

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

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

(1) Submit preliminary applications to the board.

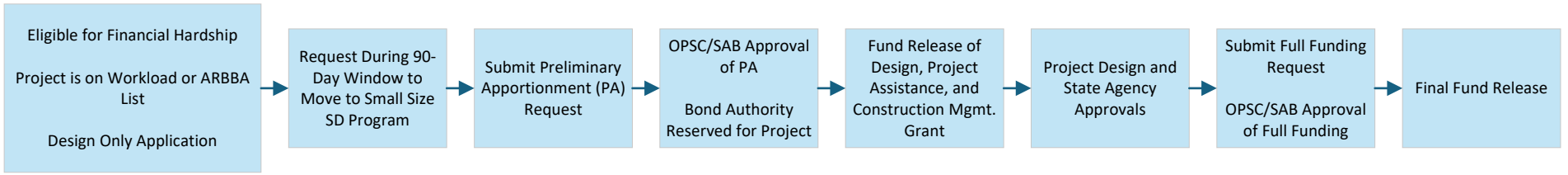
AUTHORITY (cont.)

(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.
(b) The board shall do both of the following:
(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).
(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

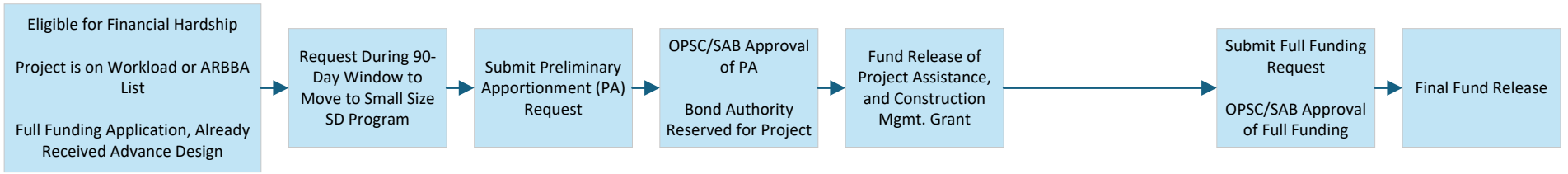
EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:
(a) The preliminary application and preliminary apportionment.
(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

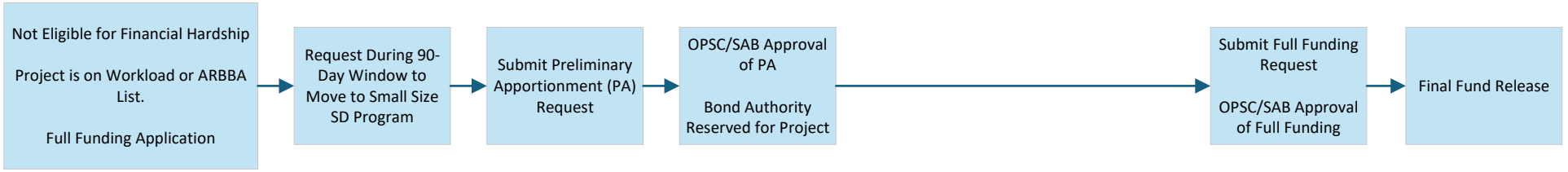
Scenario 1



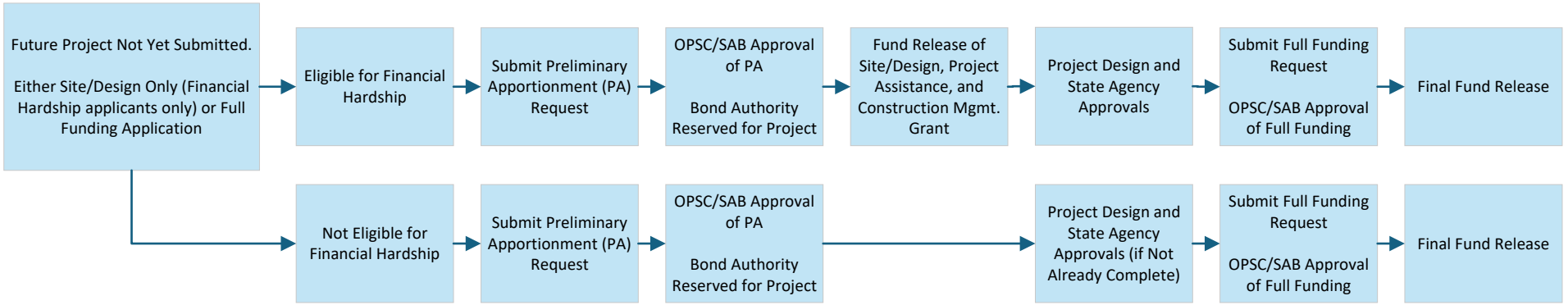
Scenario 2



Scenario 3



Scenario 4



February 28, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third St, 4th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING FEBRUARY 13, 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 second Proposition 2 Implementation meeting held on February 13, 2025. Below is a summary of our comments and concerns:

- **Topic 6 – Interim Housing and Natural Disaster Assistance**
  - We appreciate OPSC recognizing that the costs for interim housing assistance reimbursement may create barriers for some school districts. Is it possible to create a standard classroom-based emergency interim housing grant, similar to a design grant or a preliminary grant, that could be adjusted for a construction or "final" apportionment after additional information is provided and other government or insurance assistance is considered?

- **Topic 7 – Five-Year Master Plan**
  - We encourage OPSC to reconsider the costs of developing a facility master plan (FMP) as an eligible project expenditure. The costs to prepare a master plan range from tens of thousands of dollars to several hundreds of thousands of dollars. There does not appear to be a mechanism to provide funding for the preparation of an FMP, so to also disallow the expense as an allowable project expenditure creates an even larger hurdle for school districts and could be characterized as an unfunded mandate for participation in the School Facility Program (SFP).
  - We encourage OPSC to consider allowing an FMP to be valid for a full five years after school district board approval and then allowing 5-year updates to the FMP thereafter. A well-developed FMP can take anywhere from a few months up to a year (or beyond) for a district to prepare, and often includes significant community and stakeholder input, so requiring a school district to update the FMP annually is overly burdensome and unnecessary. Furthermore, small school districts are less likely to have the funding, staff or resources necessary to prepare annual updates, which will likely limit their ability to participate in the SFP if this becomes a requirement.

- **Topic 8 – Small Size School District Program**
  - We request that OPSC provide clarification on how pupils are to be counted for the Small Size School District program, within the *Enrollment Certification/ Projection* (SAB Form 50-01) instructions. The instructions seem to have conflicting direction on when to include enrollment if students are both "receiving non-classroom-based instruction" and "attending independent study". Many (or most) independent study programs do not have students attending physical classrooms 100 percent of the school day, and are considered "non-classroom-based", however they do still have the need for a certain number of classrooms.
  - For certain small-to-medium sized districts, including the below charter school students may mean the difference between being above or below the 2,500 pupil cut-off to be a small school district:

    SAB Form 50-01 instructions – Include: "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."

    This may be a rare occurrence, but it would be unfortunate if a district was not able to participate in the program due to a factor that is largely out of their control.

- **Topic 9 – Energy Efficiency Supplemental Grant**
  - No comments

- **Topic 10 – Supplemental Grants for Minimum Essential Facilities**
  - No comments

- **Topic 11 – Transitional Kindergarten (TK) Supplemental Grant**
  - We request that districts be able to utilize contracts signed *prior to* July 3, 2024 to justify projects under this program. This program is essentially taking the place of the CA Preschool, Transitional Kindergarten, Full Day Kindergarten Facilities Grant Program (CAPSTKFDKFGP), with the same intent, and we believe that districts who anticipated being able to participate in the CAPSTKFDKFGP should not be excluded from requesting the TK supplemental grant.

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

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Office of Public School Construction
Proposition 2 Stakeholder Meeting Public Comment
Attn.: Brian LaPask, Chief, Program Services

Brian,
We would like to thank you and your team for hosting these meetings and providing a forum for public comment.

Item 1:
REVISIONS TO THE SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY
Our understanding is that there are two options for discussion.
Option 1: …maintain the existing energy efficiency grant sliding scale calculation. This is a well-established program and has its merits.

Option 2: A streamlined approach. Please confirm that DSA will be providing compliance oversight and provide a real-world example project using both Options 1& 2 for a comparison. We request the following bridging technologies be included in the "Energy Efficiency Components" as listed in the amended EC 17077.35 (b).

- HVAC - Thermal Energy Storage.
- Electric Hybrid Heat Pumps with Natural Gas Auxiliary Heating.

Item 2:
PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR THE CREATION OF A SMALL SIZE SCHOOL DISTRICT PROGRAM
As per EC 17078.47 (a-d) & 10078.48 (a-d)
We believe that all the requirements as stated in the above listed EC Sections can be addressed with an AI tool. Due to the technical nature and importance of this section we recommend the creation of a stakeholder's task force for further input and parameter development.
Please clarify the certification process for *private construction consultants* and maintaining an up-to-date list of certified consultants for use by priority school districts, as per EC 17078.47 (d).

Item 3:
PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT
Include indoor school gardens that supply fruits and or vegetables to the districts' kitchens in the proposed minimum Essential Facilities Supplemental Grant.

Tim Sisson, LEED AP
Director of Educational Facilities Development
Trane Technologies
Mobile: 916-439-0086

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
June 26, 2025

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A8a.

DESCRIPTION

This report continues discussion of the implementation plans for the new Program. Prior stakeholder meetings for this topic were held on February 13, 2025 and April 17, 2025. This report includes proposed regulations for this new Program and a few additional topics, considerations, and proposals for which the Office of Public School Construction (OPSC) requests stakeholder feedback.

Attachment A8b includes the proposed regulations for this new Program. The proposed regulations sections are SFP Regulation Sections 1859.156 through 1859.158. Additional regulatory language has been added to SFP Regulation Sections 1859.2, 1859.90.2, and 1859.90.3.

BACKGROUND

Stakeholder Feedback
On February 13, 2025 and April 17, 2025, OPSC held public meetings to discuss proposed criteria for the new Program. OPSC seeks stakeholder input on any topics presented in this item.

The full text of the prior stakeholder meeting items can be found at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item

BACKGROUND (cont.)

The recordings from the stakeholder meetings are available at the links below. They include feedback that OPSC was able to respond to at the time of the meetings, which have all been considered and some of which have been incorporated into the proposed regulations:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording

STAFF ANALYSIS/DISCUSSION

No additional written questions or feedback was received by OPSC since the April 17, 2025 stakeholder meeting; however, staff met with the Small School District Association twice to discuss the prior items and the Program. Therefore, this item reflects those discussions as staff continues the development of the Program. This item contains proposed regulations for this new Program and a few additional topics, considerations, and proposals for which OPSC requests stakeholder feedback.

Summary of Proposed SFP Regulatory Amendments

Staff proposes new definitions under SFP Regulation Section 1859.2 for the Final Small School District Program Apportionment; a new State Allocation Board (SAB) form, the *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12); the Preliminary Small School District Program Apportionment; and the new Project and Construction Management Grant.

Staff proposes regulatory amendments to SFP Regulation Sections 1859.90.2 and 1859.90.3 to make the existing Priority Funding process to request an Apportionment or an advance release of design funds applicable to the Program and Preliminary Program Apportionments.

As this is a new program, OPSC proposes the addition of Article 13.5 for the new Program, which includes new SFP Regulation Sections 1859.156 through 1859.158.

A summary of the new article is provided below:

- Proposed SFP Regulation Section 1859.156 provides a proposed general overview of the new Program, under the authority of EC Sections 17078.35 through 17078.38, for the SAB to provide a new Preliminary Program Apportionment for small school districts seeking new construction or modernization funding using a new form, the *Preliminary Small School District Program Application* (Form SAB 50-12). This regulation section also provides the proposed regulatory requirements related to the eligibility component of the application process. Staff proposes the update of New

STAFF ANALYSIS/DISCUSSION (cont.)

Construction Eligibility for all small school districts, including those that previously "locked in" eligibility for three or five years, when applying for the new Program.

Under Proposition 2 provisions, when establishing or updating new construction eligibility, a small school district can "lock in" their new construction eligibility for five years. Under the Program, small school districts can reserve bond authority for a period of up to five years. Therefore, OPSC staff proposes a requirement for a small school district to update its new construction eligibility at the time a new construction application is being reviewed for a Preliminary Program Apportionment. This proposal would help to ensure that a small school district's five-year enrollment projection is current by aligning the five-year lock on the district's enrollment projection with the amount of time bond authority can be reserved under a Preliminary Program Apportionment. School districts that previously locked in new construction eligibility would have "stale" eligibility that is not current and does not align with the SAB's goal of ensuring a current projection at the time authority is assigned to a new construction project. Small school districts that do not want to update their eligibility may still submit applications under the new construction program, outside of the Program, during the time remaining on their previous new construction eligibility lock.

- Proposed SFP Regulation Sections 1859.157 through 1859.157.8 provide the proposed regulatory requirements for the following:
    - The application submittal and acceptance process for various circumstances
    - Preliminary Program Apportionment determinations for new construction and modernization applications
    - Preliminary Program fund release process
    - Conversion of a Preliminary Program Apportionment
    - Time limits and time limit extension requirements for a Preliminary Program Apportionment
    - Final Program Apportionment grant determination
    - Final Program Apportionment fund release

- Proposed SFP Regulation Section 1859.158 provides the proposed regulatory requirements for substantial progress and expenditure reporting timelines.

For stakeholder consideration, Attachment A8b includes the proposed new regulatory language for Article 13.5, which incorporates SFP Regulation Sections 1859.156 through 1859.158. Attachment A8b also includes the proposed additions to the current regulatory language in SFP Regulation Sections 1859.2, 1859.90.2, and 1859.90.3.

STAFF ANALYSIS/DISCUSSION (cont.)

Additional Considerations

In addition to the proposed new regulation sections and the proposed additions to current regulation sections for this new Program, OPSC requests stakeholder feedback regarding the following three considerations:

1. OPSC is considering the idea of adding language to the end of SFP Regulation Section 1859.157 to specify how applications that are remaining on the Program workload list should be addressed if this new Program becomes oversubscribed, and the process to be used if potential future funding becomes available for the Program.

2. SFP Regulation Section 1859.157(a) proposes an application filing period of 180 calendar days following approval of the Program regulations by the Office of Administrative Law that would allow only small school districts who have either never participated in the SFP new construction or modernization programs, or have not participated in either program for a to-be-determined amount of time, to apply to the Program and receive priority at the top of the Program's workload list by date order received of an Approved Application. OPSC requests stakeholder feedback on the period of time during which small school districts have not received new construction or modernization funding to be eligible to apply during the priority 180 calendar day period.

3. OPSC is considering the idea of allowing "design only" funding applications that are on the current SFP workload list and were submitted by a Small School District to be included in the proposed 180-calendar day period.

OPSC welcomes any feedback from our stakeholders regarding the proposed regulations. OPSC also welcomes any feedback from our stakeholders regarding the additional considerations mentioned above.

AUTHORITY

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

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

(b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.

(c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.

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

(e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

AUTHORITY (cont.)

EC Section 17078.37 – Assistance to Small School Districts

Notwithstanding subdivision (a) of Section 17072.30 and subdivision (a) of Section 17074.16, as applicable:
(a) Applicants for funding pursuant to this article shall do both of the following:
(1) Submit preliminary applications to the board.
(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.
(b) The board shall do both of the following:
(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).
(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:
(a) The preliminary application and preliminary apportionment.
(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

PROPOSED REGULATIONS

Section 1859.2. Definitions.

[…]

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

[…]

"Form SAB 50-12" means the *Application For Small School District Program Preliminary Apportionment*, Form SAB 50-12 (New [insert the approval date by OAL]), which is incorporated by reference.

[…]

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

[…]

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

[…]

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 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, 17078.35, 17078.36, 17078.37, 17078.38, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.90.2. 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, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Small School District Program Apportionment, 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:

[…]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 ~~and~~, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

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

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Article 13.5. Small School District Program

Section 1859.156. General.

A Small School District seeking a Preliminary Small School District Program Apportionment pursuant to the provisions of Education Code Sections 17078.35 through 17078.38 for New Construction or Modernization funding shall complete and file a Form SAB 50-12.

An applicant shall ensure that it has met the requirements for New Construction Eligibility or Modernization Eligibility pursuant to Section 1859.20, 1859.50, and 1859.60, as applicable. New Construction Eligibility shall be established or updated as appropriate at the time of a Preliminary Small School District Program Apportionment.

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

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

Section 1859.157. Application Process.

The Board shall accept applications for a Preliminary Small School District Program Apportionment as follows:

(a) Applicants who do not have a current Approved Application for funding on the SFP workload list or the Applications Received Beyond Bond Authority List, and have not received a New Construction Grant or a Modernization Grant since [Month Day, Year],

shall be provided with an established 180-calendar day period beginning [insert the approval date by OAL].

(b) Applicants who have a current design only funding or full funding application on the SFP workload list or the Applications Received Beyond Bond Authority List for New Construction or Modernization prior to the effective date for this Section shall be provided with a separate 45-calendar day window to elect for a transition of the current funding application to take place. The separate 45-calendar day window shall immediately follow the window in (a) above. If electing for a transition, applicants shall:

(1) Withdraw their current *Application for Funding* and submit a Form SAB 50-12.

(2) Include a cover letter that identifies that the application was previously submitted for New Construction or Modernization, the received date of the previous application, the previous application number, and state that the applicant requests placement on the Small School District Program workload list and is seeking a Preliminary Small School District Program Apportionment. The cover letter should also provide a certification from the applicant wherein the applicant acknowledges the withdrawal of their previous application and that the applicant understands that if their Form SAB 50-12 application is not funded, their previous Form SAB 50-04 application will be reinstated and placed back on the SFP workload list or the Applications Received Beyond Bond Authority List for New Construction or Modernization with the received date for the previous Form SAB 50-04 application being retained.

(c) Applicants who do not meet the criteria in subsection (b) above shall be eligible to apply to the Small School District Program immediately following the expiration of the window period provided in (b) above.

[Placeholder language for when the Program is oversubscribed and the potential for future funding to become available]

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

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

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

The Preliminary Small School District Program Apportionment allows for an applicant with a New Construction application to receive the sum of (a) through (c)(2) below:

(a) All eligible New Construction Grants as provided in Sections 1859.70 through 1859.77.4.

(b) The Project and Construction Management Grant shall be equal to five percent of the state share of the Preliminary Small School District Program Apportionment. To determine this grant:

(1) Determine the State share amount of the Preliminary Small School District Program Apportionment based on the amount of the pupil grants requested and any applicable supplemental grants.

(2) Multiply the State share amount that is determined in (b)(1) by five percent to determine the State share of the Preliminary Small School District Program Apportionment.

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

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

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

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

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

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

The Preliminary Small School District Program Apportionment allows for an applicant with a Modernization application to receive the sum of (a) through (c)(2) below:

(a) All eligible Modernization Grants as provided in Sections 1859.77.5 and 1859.78 through 1859.78.10.

(b) The Project and Construction Management Grant shall be equal to five percent of the state share of the Preliminary Small School District Program Apportionment. To determine this grant:

(1) Determine the State share amount of the Preliminary Small School District Program Apportionment based on the amount of the pupil grants requested and any applicable supplemental grants.

(2) Multiply the State share amount that is determined in (1) by five percent to determine the State share of the Preliminary Small School District Program Apportionment.

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

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

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

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

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

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

An applicant who qualifies for Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, may request an advance release of funds as follows:

(a) For a New Construction Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 40 percent of the amount determined in Section 1859.73.1 for New Construction project assistance grants and in Section 1859.157.1(b) for the Project and Construction Management Grant.

(b) For a Modernization Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 25 percent of the amount determined in Section 1859.78.2 for Modernization project assistance grants and in Section 1859.157.2(b) for the Project and Construction Management Grant.

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

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

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

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

When a Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, all the following criteria must be met:

(a) The Final Small School District Program Apportionment request must meet all criteria for a New Construction Adjusted Grant or a Modernization Adjusted Grant pursuant to Sections 1859.20 through 1859.23.

(b) An applicant seeking to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall complete and submit a Form SAB 50-04 to request a New Construction Adjusted Grant or a Modernization Adjusted Grant.

(c) The number of pupils being requested on the Form SAB 50-04 cannot exceed the amount the applicant originally requested and received at the Preliminary Small School District Program Apportionment. The pupils requested shall be for at least 50 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for Modernization funding.

If an applicant is unable to meet the criteria in this Section, the Preliminary Small School District Program Apportionment shall be rescinded pursuant to the provisions of Section 1859.157.5.

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

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

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

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

(b) If (a) is not met, and the applicant has not received an advance release of funds as provided in Section 1859.157.3, the Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District

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

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

(1) The Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District Program Apportionment, not released to the applicant, shall be returned to the fund source.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The amount of the Final Small School District Program Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Small School District Program Apportionment is submitted and accepted for processing by OPSC. The Board shall convert the amounts determined below from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment:

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

(2) If the Final Small School District Program Apportionment request is greater than the Preliminary Small School District Program Apportionment, the Board shall convert the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment by either of the following:

(A) If the balance in the fund source is greater than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment entirely. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

(B) If the balance in the fund source is less than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment using any remaining balance in the fund source. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

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

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

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

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

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

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

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
September 18, 2025

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new Program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A8a.

DESCRIPTION

This report continues discussion of the implementation plans for the new Program. Prior stakeholder meetings for this topic were held on February 13, April 17, and June 26, 2025. This report addresses feedback that was not answered at the June 26, 2025 meeting, provides revisions to the proposed regulations and presents the proposed *Application For Small School District Program Preliminary Apportionment* (Form SAB 50-12).

Attachment A8b includes the revised proposed regulations. Attachment A8c includes the proposed Form SAB 50-12.

BACKGROUND

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

The full text of the prior stakeholder meeting items can be found at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Item

BACKGROUND (cont.)

The recordings from the stakeholder meetings are available at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Recording

STAFF ANALYSIS/DISCUSSION

This report addresses feedback that was not answered at the June 26, 2025 meeting. Additionally, OPSC is providing revisions to the proposed regulations for this new Program and presenting the proposed Form SAB 50-12. Staff would like to thank stakeholders who were able to view, attend, or participate in these meetings and provide valuable feedback either during the meetings or through written correspondence to OPSC.

Summary of Stakeholder Feedback
OPSC received multiple comments regarding the previously proposed 180- and 45-day application periods, which specified when certain applications would be accepted. After careful consideration of all stakeholder feedback and the intent of the Proposition 2 provisions for Small School Districts, OPSC has removed these proposals. The proposed regulations now state that the Program will be open to all eligible Small School Districts as of November 2, 2026, assuming the regulations are in effect. Below is a summary of all other stakeholder feedback that was received following the June 26, 2025 meeting and OPSC's responses.

The full text of stakeholder feedback may be found on Attachment D, except as noted below.

Stakeholder Feedback	OPSC Response
1. A stakeholder inquired during the June 26, 2025 stakeholder meeting on this topic regarding the dollar amount for applications that are currently on the Workload List or ARBBA List for Small School Districts.	**1.** As of August 31, 2025, there are 71 New Construction applications from Small School Districts requesting a total of approximately $157.2 million in State funding (excluding duplicate applications and COE requests) on the OPSC Workload List. As of August 31, 2025, there are 77 Modernization applications from Small School Districts requesting a total of approximately $138.1 million in State funding (excluding duplicate applications and COE requests) on the OPSC Workload List.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
1. (cont.)	**1. (cont.)** As of August 31, 2025, there are 72 Modernization funding applications from Small School Districts requesting a total of approximately $77.4 million in State funding (excluding duplicate applications and COE requests) on the ARBBA List.
2. A stakeholder recommended that OPSC allow districts to utilize their New Construction Eligibility that is already on file, but has not yet been processed by OPSC, for the purpose of processing the Form SAB 50-12 for a Preliminary Small School District Program Apportionment. The stakeholder provided the following as an example: If a Small School District's Form SAB 50-12 is being processed in the 2025-2026 enrollment year and has an unprocessed New Construction Eligibility update from the 2023-2024 enrollment year, the Small School District should be allowed to use eligibility from either year, consistent with current SFP practices. This continued practice would align the five-year eligibility lock with the five-year window required to obtain Division of the State Architect (DSA) and California Department of Education (CDE) approvals.	**2.** If a Small School District would like to use the current State Allocation Board (SAB) Approved New Construction Eligibility under a 3 or 5-year lock, they may remain on the Workload List or Applications Received Beyond Bond Authority (ARBBA) List. Provided the eligibility lock is still valid at the time the application is processed, the project would draw from that eligibility. OPSC proposes that all participants in the Program would be required to update their New Construction Eligibility if a Form SAB 50-12 is submitted to participate in the Program. This ensures that the 5-year projection, and 5-year eligibility lock, are valid during the entire timeframe in which a Small School District can convert their Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment.
3. A stakeholder encouraged OPSC to consider maintaining unfunded Small School District projects on both: 1. A new list, the Program Workload Beyond Bond Authority List, and 2. The existing SFP ARBBA List.	**3.** At this time, OPSC is not planning to maintain any additional lists beyond the Program Workload List, as the SAB has already taken action to reserve the maximum amount allowed by statute for this Program. However, OPSC notes that Small School Districts can continue to submit Applications for Funding that will be tracked on OPSC's

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
3. (cont.) The stakeholder suggested that each Small School District would retain its place on each list based on the application date applicable to each list (original filing date or date of the Form SAB 50-12 submittal, whichever applies).	**3. (cont.)** existing Workload List and/or ARBBA List, as applicable.
4. A stakeholder provided the below enhancement recommendations for OPSC to consider: Continue to streamline application documentation and eligibility updates for Small School Districts. Provide targeted technical assistance funding to help small districts prepare and submit applications. Clarify Project and Construction Management Grant implementation so Small School Districts can effectively utilize these funds for outside expertise.	**4.** OPSC will provide additional outreach to Small School Districts in advance of accepting application submittals for Preliminary Small School District Program Apportionments, including a webinar about the Program once regulations are approved. Following Small School Districts' receipt of a Preliminary Small School District Program Apportionment, OPSC will continue to provide ongoing support for those Small School Districts through conversion to a Final Small School District Program Apportionment. These outreach efforts will include support from OPSC staff with application documentation, eligibility and funding applications, and clarification regarding the Project and Construction Management Grant as it relates to a specific application. OPSC recommends that stakeholders subscribe to our email list to be alerted about the future webinar for this Program and any additional workshops or other resources that may be announced in the future for this Program.

Summary of Updates to Proposed SFP Regulatory Amendments

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

STAFF ANALYSIS/DISCUSSION (cont.)

Section 1859.90.2 was updated to clarify that school districts must participate in the Priority Funding Process to be considered for approved advance release of project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program Apportionment.

Section 1859.90.3 was updated to specify that the advance release of design, project assistance, the Project and Construction Management Grant, and any site acquisition funds from a Preliminary Small School District Program Apportionment are excluded from occurrences related to non-participation in the Priority Funding Process.

Section 1859.106(e) was added to the proposed regulations to specify that if a Small School District requests the Project and Construction Management Grant and does not obtain project and/or construction management services described in Education Code (EC) Section 17078.35, the total project cost will be reduced for the Project and Construction Management Grant and associated required matching share.

Section 1859.156 was updated to specify that applications for Preliminary Small School District Program Apportionments will be processed in order of receipt of an Approved Application. Additionally, Section 1859.156 was reorganized with the addition of Sections 1859.156(a) and 1859.156(b) to clearly list the requirements for New Construction Eligibility and Modernization Eligibility separately from one another. New Construction Eligibility Establishment and Adjustments must be submitted with the Form SAB 50-12 using the current enrollment year.

Section 1859.157 is updated to allow all eligible Small School Districts to submit applications for a Preliminary Small School District Program Apportionment beginning on November 2, 2026. This would mean that the initial applications submitted to OPSC beginning November 2, 2026 would establish or update their New Construction Eligibility based on the 2026/2027 enrollment year.

Additionally, Section 1859.157 was updated to state that Program funds are set aside pursuant to EC Sections 101412(a)(1)(A) and 101412(a)(2)(A) and that once these funds are exhausted, the SAB would cease accepting Form SAB 50-12 submittals and return any Form SAB 50-12 submittals that were not approved due to insufficient funds for the Program.

Sections 1859.157.1 and 1859.157.2 were reorganized and updated to more clearly delineate the eligible additional grants that will be provided for New Construction Grant or Modernization grants, respectively. Additionally, these sections were reorganized and updated to specify that the calculation for the Project and Construction Management Grant will be made after the inflator factor is calculated for the Preliminary Small School District Program Apportionment.

STAFF ANALYSIS/DISCUSSION (cont.)

Sections 1859.157.3(a) and 1859.157.3(b) were updated to clarify the amounts for separate advance releases of design funds for applicants eligible for Financial Hardship assistance.

Section 1859.157.4 was updated to remove the previous proposal for Section 1859.157(a) regarding eligibility criteria because New Construction Eligibility and Modernization Eligibility will be established or updated, as applicable, prior to or on the date of the Form SAB 50-12 submittal.

Summary of Proposed Form SAB 50-12

OPSC proposes a new form, the Form SAB 50-12, which Small School Districts would submit to be considered for a Preliminary Small School District Program Apportionment. This form is a multiuse form for both New Construction and Modernization funding requests for the Program.

The funds that can be reserved at the Preliminary Small School District Program Apportionment stage include pupil grants, 50 years or older pupil grants, replacement funding for 75 years or older facilities, all New Construction and Modernization funding supplemental grants, including those recently provided as a result of the passage of Proposition 2, the Project and Construction Management Grant, excessive cost hardship grants, and the local funding adjustment grant.

The proposed Form SAB 50-12 can be found in this item as Attachment A8c.

OPSC welcomes any feedback from our stakeholders regarding the updates to the proposed regulations and the proposed Form SAB 50-12.

AUTHORITY

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

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

(b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.

(c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.

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

(e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

AUTHORITY (cont.)

EC Section 17078.37 – Assistance to Small School Districts

Notwithstanding subdivision (a) of Section 17072.30 and subdivision (a) of Section 17074.16, as applicable:
(a) Applicants for funding pursuant to this article shall do both of the following:
(1) Submit preliminary applications to the board.
(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.
(b) The board shall do both of the following:
(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).
(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:
(a) The preliminary application and preliminary apportionment.
(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

PROPOSED REGULATIONS

Section 1859.2. Definitions.

[…]

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

[…]

"Form SAB 50-12" means the *Application For Small School District Program Preliminary Apportionment*, Form SAB 50-12 (New [insert the approval date by OAL]), which is incorporated by reference.

[…]

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

[…]

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

[…]

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 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, 17078.35, 17078.36, 17078.37, 17078.38, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.90.2. 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, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment~~,~~; approved advance release of design, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program Apportionment; approved advance release of design funds from a Preliminary Charter School Apportionment~~,~~; or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the 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:

[…]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 ~~and~~, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

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

School Apportionment, and excluding advance release of design, project assistance, the Project and Construction Management Grant, and any site acquisition funds from a Preliminary Small School District Program Apportionment.

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.106. Program Accountability Expenditure Audit.

[…]

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

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

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

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

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

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17076.10 and 17078.52, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Article 13.5. Small School District Program

Section 1859.156. General.

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

An applicant shall ensure that it has met the following requirements:

(a) New Construction Eligibility shall be established pursuant to Section 1859.20 or updated pursuant to Section 1859.51, as applicable, using the current enrollment year that corresponds to the date of the Form SAB 50-12 submittal. OPSC shall present the eligibility establishment or update, as applicable, for the SAB's consideration prior to or concurrently with the Preliminary Small School District Program Apportionment.

(b) Modernization Eligibility shall be established pursuant to Section 1859.60 prior to or on the date of the Form SAB 50-12 submittal.

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

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

Section 1859.157. Application Process.

The Board shall accept applications for a Preliminary Small School District Program Apportionment beginning on November 2, 2026.

When the Small School District Program funds set aside pursuant to Education Code Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, the Board shall cease accepting Forms SAB 50-12. Any Form SAB 50-12 not apportioned because insufficient funding is available shall be returned to the applicant.

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

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

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

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

(a) A New Construction Grant for all eligible pupils included on the Form SAB 50-12 and New Construction additional grants, as applicable, provided by Section(s) 1859.71.2; 1859.71.3; 1859.72, 1859.73; 1859.73.1; 1859.73.2; 1859.74; 1859.74.2; 1859.74.3; 1859.74.4; 1859.74.5; 1859.75.1; 1859.76; and Sections 1859.86(a), 1859.83(b), 1859.83(c), and 1859.83(d).

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

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

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

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

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

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

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

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

(a) A Modernization Grant for all eligible pupils included on the Form SAB 50-12 and Modernization additional grants, as applicable, provided by Section(s) 1859.78.1, 1859.78.2; 1859.78.31859.78.4; 1859.78.5; 1859.78.6; 1859.78.7; 1859.78.10; and Sections 1859.83(a), 1859.83(b), 1859.83(d), and 1859.83(e).

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

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

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

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

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

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

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

An applicant who qualifies for Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, may receive an advance release of funds as follows:

(a) For a New Construction Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 40 percent of the sum of the New Construction Grant and the grant amount provided by Section 1859.157.1(c).

(b) For a Modernization Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 25 percent of the sum of the Modernization Grant and the grant amount provided by Section 1859.157.2(c).

Subject to the availability of funding to the Board for bond-funded projects, OPSC will release State funds included in a Preliminary Small School District Program Apportionment, pursuant to (a) or (b). State funds released from a Preliminary Small

School District Program Apportionment pursuant to this Section shall be subject to the provisions in Sections 1859.90 and 1859.90.2.

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

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

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

When a Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, all the following criteria must be met:

(a) An applicant seeking to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall complete and submit a valid Form SAB 50-04 to request a New Construction Adjusted Grant or a Modernization Adjusted Grant.

(b) The number of pupil grants requested on the Form SAB 50-04 cannot exceed the amount the applicant approved at the Preliminary Small School District Program Apportionment. The pupils requested by the Small School District and approved by the Board shall be for at least 50 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for Modernization funding.

If an applicant is unable to meet the criteria in this Section, the Preliminary Small School District Program Apportionment shall be rescinded pursuant to the provisions of Section 1859.157.5.

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

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

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

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

(b) If (a) is not met, and the applicant has not received an advance release of funds as provided in Section 1859.157.3, the Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District Program Apportionment, not released to the applicant, shall be returned to the fund source.

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

(1) The Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District Program Apportionment, not released to the applicant, shall be returned to the fund source.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The amount of the Final Small School District Program Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Small School District Program Apportionment is submitted and accepted for processing by OPSC. The Board shall convert the amounts determined below from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment:

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

(2) If the Final Small School District Program Apportionment request is greater than the Preliminary Small School District Program Apportionment, the Board shall convert the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment by either of the following:

(A) If the balance in the fund source is greater than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment entirely. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

(B) If the balance in the fund source is less than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment using any remaining balance in the fund source. The Final Small School District Program Apportionment shall become the full and final Apportionment for the project.

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

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

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

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

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

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

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

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

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

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

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

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

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

(b) A progress report, in the form of a narrative from the Small School District, shall be due 18 months from the date any funds were released to the Small School District for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the Small School District has made towards substantial completion of the project. If the notice of completion to OPSC has been filed within 18 months of the release of funds pursuant to Section 1859.90 or 1859.90.2, or

the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

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

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

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

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

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

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

APPLICATION FOR SMALL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

GENERAL INSTRUCTIONS

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

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 in accordance with Section 1859.60. The district must submit a determination of or an adjustment to the District's New Construction baseline eligibility upon request, in accordance with Regulation Sections 1859.20 or 1859.51, as applicable. The Board will only provide New Construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the 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 the Office of Public School Construction (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 Preliminary Small District Program Apportionment for New Construction pursuant to Section 1859.157.1. Districts may apply for a Preliminary Small District Program Apportionment for the design and/or for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE or a final site approval letter from the CDE (site apportionment only).
   - Real estate appraisal of property with valuation date within six months of the Form SAB 50-12 submittal, may be preliminary (site apportionment only).
   - Relocation cost estimate (if requested).
   - Department of Toxic Substances Control (DTSC) cost estimate (if requested).
   - Hazardous waste removal cost estimate (if requested).
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board findings that the non-school function on the district-owned site must be relocated (if applicable).

   If the district is requesting a Preliminary Small District Program Apportionment for 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 OPSC with this form. The district must also update its eligibility by separation of Special Day Class from regular K–12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. In addition, if the 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.

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group.

b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the 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). Or,
- 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. Check the box if the project may be eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
- The estimated total number of eligible classrooms and/or the estimated total eligible square footage building area being demolished. Refer to Section 1859.78.7.1.
- The estimated total number of eligible classrooms and/or the estimated total eligible square footage building area being constructed. Refer to Section 1859.78.7.1.
- Enter the appropriate number assigned to the project for each grade group. The estimated number of pupils entered cannot exceed the cumulative number of pupil grants requested in Section 2a. and determined by using the percentage factor above.

e. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

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

3. Number of Classrooms/Useable Acres

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

4. Type of Financial Hardship Request

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

5. Preliminary Small District Program Apportionment – New Construction Only

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

a. Estimated amount of therapy area in square feet as provided in Section 1859.72.

b. Estimated amount of multilevel classrooms in the Plans and Specifications (P&S) pursuant to Section 1859.73.

c. Check the box if the district is planning to request project assistance pursuant to Section 1859.73.1.

d. Check the box if the district is planning to request the Project and Construction Management pursuant to Section 1859.157.1(b).

e. If the project the district is planning to request SFP funding for does not require an Response Action (RA), refer to Section 1859.74. If the project the district is planning to request SFP funding for may require an RA on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If the project the district is planning to request SFP funding for may require an RA on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50

percent may be exceeded when unforeseen circumstances exist. CDE determines that the site is the best available site, and district must submit substantiation that the costs are the minimum required to complete the evaluation and RA.

1) Enter the estimated 50 percent amount of the actual cost.
2) Enter the estimated 50 percent amount of the appraised value of the site. If the request is made pursuant to Section 1859.74.5, enter 50 percent amount of the appraised value.
3) Enter the estimated 50 percent amount of the allowable relocation cost.
4) Enter the estimated two percent amount of the lesser of the actual cost or appraised value of the site (minimum $25,000).
5) Enter the estimated 50 percent amount of the 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 Section 1859.74.5.

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

g. Enter the estimated 50 percent amount of eligible service-site development, off-site development including pedestrian safety paths, and utilities costs allowed pursuant to Section 1859.76. If the District does not have an estimate available, the District can enter 35 percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.

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

h. If the district is planning to request an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the estimated percentage amount of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3). If the 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.

i. Check the box(es) if the district plans to request additional funding for fire code requirements authorized in Section 1859.71.2.

6. Preliminary Small District Program Apportionment – Modernization Only

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

a. Check the box if the district is planning to request project assistance allowance pursuant to Section 1859.78.2.
b. Check the box if the district is planning to request the Project and Construction Management pursuant to Section 1859.157.2(b).
c. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the estimated percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the 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. If the District does not have an estimate available, the District can enter 5 percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.
d. Check the box if the district plans to request an additional grant for site development utility cost necessary for the Modernization of 50 years or older permanent building(s). Enter the estimated 60 percent amount of the eligible costs allowable pursuant to Section 1859.78.7(a).
e. Check the box if the 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.
f. Check the box(es) if the district plans to request additional funding for fire code requirements authorized in Section 1859.78.4.
g. Check the box if the district is planning to request an Additional Grant for a Minimum Essential Facility pursuant to Section 1859.78.9.1. Check the box for the type of facility the district is anticipating to make a request for (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the estimated amount of eligible Toilet and Other square footage being built in the project. Check the appropriate box depending on whether the anticipated Minimum Essential Facility in the project is permanent or portable construction. Check the box if the district is planning to request an additional grant for Site Development pursuant to Section 1859.78.9.1. At the District's option, the district may request

35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).

h. 1) Check the box if the district is planning to request an Additional Grant for Transitional Kindergarten (TK) 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 district is planning to augment the grant with additional supplemental grants respective of the Transitional Kindergarten classroom project scope. Check the box if the district is planning to request an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The district may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).

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

Requests for funding shall include the following:

- 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 Small District plans to do with the project, and the resulting usage at the completion of the project.

i. If the district 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. Additional Project Information – Excessive Cost Hardship Request

Check the appropriate box(es) if the district is planning to request an excessive cost hardship for the item listed as part of the Final Small District Program Apportionment. The Preliminary Small District Program Apportionment will not provide a separate advance release of funds for any excessive cost hardship requests, but these requests will be reserved for the district and released at the time of the Final Small District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.83 for eligibility criteria.

Requests for excessive cost grants for accessibility requirements are allowed only if required by the DSA. At the 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, the district must submit a letter along with application indicating the requested amount.

8. Priority Order

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

9. Return of Funding Application

If the submittal of this application for a Preliminary Small District Program Apportionment will result in the need for a return of an application with the same scope of work that was previously submitted to OPSC prior to the effective date of the regulations for the Small District Program, enter the application number of the project. Failure to report this information may delay the processing of the application by OPSC.

10. Prior Apportionment

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

11. 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 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.

12. 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 an application for funding, to the OPSC for SFP New Construction or Modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

- 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.

13. Pending Reorganization Election – New Construction Only

Complete only for New Construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the 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.

14. 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.

15. Local Funding Adjustment Grant

Enter estimated amounts for each of the following:

a. The District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The district must provide a letter from the county auditor-controller that certifies the District's total assessed valuation.
b. The District's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25 percent for non-unified Districts or 2.5 percent for unified Districts, rounded to two decimal places.
c. The District's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.
d. The District's pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest CBEDS enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.
e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the 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.

16. Certification

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

The 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.

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

1. Type of Application

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

a. ☐ Site and/or Design – New Construction ☐ Design Only – Modernization

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 _____

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

3. Number of Classrooms/Useable Acres
Number of Classrooms: _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

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

5. Preliminary Small District Program Apportionment – New Construction Only

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

b. Multilevel Construction (CRS): _____

c. ☐ Project Assistance

d. ☐ Project and Construction Management

e. 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: $ _____

f. 50 percent hazardous waste removal: $ _____

☐ Response Action (RA)

APPLICATION FOR SMALL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

g. Site Development

- ☐ 50 percent Service-Site: $ _____
- ☐ 50 percent Off-Site: $ _____
- ☐ 50 percent Utilities: $ _____
- ☐ General Site

h. ☐ % 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): _____

i. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System

6. Preliminary Small District Program Apportionment - Modernization Only

a. ☐ Project Assistance
b. ☐ Project and Construction Management
c. ☐ % Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):

- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

d. ☐ Site Development—60 percent utilities: $ _____
e. ☐ Site Development—75 Years or Older: $ _____
f. ☐ Automatic Fire Detection/Alarm System
g. ☐ Minimum Essential Facility

- ☐ Multipurpose
- ☐ Gymnasium
- ☐ Library
- ☐ Kitchen
- ☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____
Construction Type

- ☐ Permanent
- ☐ Portable

☐ Site Development pursuant to Section 1859.78.9.1

- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work $ _____

h. 1) Transitional Kindergarten Classroom(s)

☐ New Construction
Number of Classroom(s): _____

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

☐ Retrofit
Number of Classroom(s): _____

- ☐ 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. Additional Project Information – Excessive Cost Hardship Request
New Construction Only

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

Modernization Only

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

8. Priority Order: # _____

9. Return of Funding Application: # _____

APPLICATION FOR SMALL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

10. Prior Apportionment

Site/Design—New Construction: 50/_____

Design—Modernization: 57/_____

11. Alternative Developer Fee—New Construction Only

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

12. Adjustment to New Construction Baseline Eligibility

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:

_____ _____

13. Pending Reorganization Election – New Construction Only

☐ Yes ☐ No

14. Joint-Use Facility/Leased Property

a. ☐ Joint-Use Facility

b. ☐ Leased Property

15. Local Funding Adjustment Grant

a. Total Assessed Valuation: _____

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

_____

c. District's unduplicated pupil percentage, rounded to two decimal places:

_____%

d. District's enrollment: _____

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

☐ Yes ☐ No

APPLICATION FOR SMALL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

16. Certification

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

- I am an authorized representative of the 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, Article 11, commencing with Section 17078.10, et. seq., of the Education Code was adopted by the District's Governing Board on, _____; and,
- The district will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The district has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs: and,
- The district will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered 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 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 has or will utilize the Preliminary Small District Program Apportionment for New Construction or Modernization purposes; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- The district acknowledges this request has or will be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Small District Program Apportionment is requested for the construction of school facilities on leased land, the district has or will enter into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The district understands that if the submittal of this application for a Preliminary Small District Program Apportionment will result in the need for a return of an application with the same scope of work that was previously submitted to OPSC prior to the effective date for the Small District Program, the district needed to enter the application number of the project that needed to be returned unprocessed into the form above. Failure to report this information may result in a delay for the processing of this application by OPSC and/or the return of this application unprocessed by OPSC; and,
- The district understands that an offset for prior funding received on a previously funded New Construction site and/or design or Modernization design application that is indicated in this application will occur on either the Preliminary Small District Program Apportionment or the Final Small District Program Apportionment to adjust for prior funding that was previously received by the district for the same scope of work being completed.
- The district understands that when the Preliminary Small District Program Apportionment is converted to a Final Small District Program Apportionment, the funding available for the Final Small School District Program Apportionment will be subject to the provisions of Sections 1859.157.7 and 1859.157.8; and,
- The district has or will comply with the reporting requirements in Section 1859.158 and shall annually hold, at a regularly scheduled meeting of the District's governing board, a public hearing to discuss, and receive public comment regarding the report(s); and,
- The district understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.157.5; and,
- The district has complied with the provisions of Section 1859.76 and 1859.79.2 that the portion of the project funded by the State does not contain work specifically prohibited in this Section; and,
- The district matching funds required pursuant to Section 1859.77.1 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 understands that if the project and construction management grant is requested pursuant to 1859.157.1 or 1859.157.2, and the district does not obtain project and/or construction management services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity, or expend funds on these services, the total approved project costs will be reduced by the construction management grant and associated required matching share .
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail.

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

Jack Schreder & Associates, Inc.
School Facilities Consultants

4094 C Street
Sacramento, CA
95819-1938

(916) 441-0986
www.jschreder.com
jschreder@jschreder.com

July 7, 2025

Joshua Potter, Operations Manager
Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Subject: Recommendations for Processing Small District Set-Aside Funds

Joshua:

We respectfully submit the following recommendations to improve the effectiveness and accessibility of the Small School District Set-Aside Funds within the School Facility Program (SFP). These recommendations reflect the unique challenges faced by California's smallest and most rural school districts.

Use of New Construction Eligibility on File:
We recommend that the Office of Public School Construction (OPSC) allow districts to utilize new construction eligibility that is already on file but has not yet been formally processed by OPSC for the purpose of processing a Small District Set-Aside application.

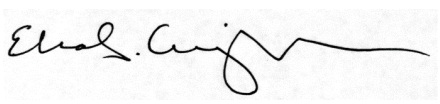
Example:
If a district's Small District Set-Aside application is being processed in fiscal year 2025–26 and has unprocessed new construction eligibility from 2023–24, the district should be allowed to use eligibility from either year, consistent with current SFP practices. This continued practice would align the five-year eligibility lock with the five-year window required to obtain Division of the State Architect (DSA) and California Department of Education (CDE) approvals.

Flexibility for Previously Approved Design Apportionments:
Districts who have received a design apportionment but have not yet secured DSA or CDE approvals may be unfairly disadvantaged if they are ineligible to enter the Small District Set-Aside funding queue until those milestones are met or a new preliminary apportionment application is submitted.

Recommendation:
We propose that OPSC establish a clearly defined process for allowing districts with previously approved design apportionments to transition into the Small District Set-Aside funding queue within a reasonable and practical timeframe, to be determined after further discussion at Stakeholder meetings. Providing this flexibility would preserve prior state investments in project design and help small districts move forward toward full project implementation.

We appreciate your time and thoughtful consideration of these recommendations. We remain committed to working in collaboration with OPSC to ensure the Small School District Set-Aside Fund effectively supports California's smallest and some of the most underserved school communities.

Sincerely,



Elona S. Cunningham

July 9, 2025

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

Re: SSDA Comments on Proposition 2 – Small School District Program Regulations; June 26, 2025 Stakeholder Meeting

Dear Ms. Kirk and Members of the OPSC Team,

On behalf of the Small School Districts' Association (SSDA), representing over 600 small school districts across California, I want to express our sincere appreciation for the Office of Public School Construction's (OPSC) leadership and responsiveness in developing the Proposition 2 Small School District Program. The process you have undertaken, characterized by openness, transparency, and proactive stakeholder engagement, stands in stark contrast to how small school districts have historically experienced state school facilities policymaking.

Longstanding Barriers for Small School Districts

For decades, small school districts in California have been systematically disadvantaged in their ability to access state facilities funding. Unlike larger districts with dedicated facilities departments, external bond counsel, grant writers, and specialized consultants, small districts typically rely on one or two overburdened administrators—often the superintendent—who juggle every operational responsibility, from curriculum to transportation to human resources.

Many of these districts have never received a single dollar of School Facility Program (SFP) funding for new construction or modernization. In fact, for hundreds of small districts, the time since their last access to state facilities funding exceeds 25 years—the same length of time used to define modernization eligibility under the SFP.

These barriers are not due to lack of need. They are the result of an overly complex application process, rigid eligibility requirements, and a system that has historically favored well-resourced districts with lobbying power and technical capacity.

Strong Support for the 180-Day Priority Application Window and the 25-Year Eligibility Threshold

We want to state in the strongest possible terms our full and unwavering support for the proposed 180-calendar day priority application window for small school districts that have not previously received SFP funding for new construction or modernization projects.

Given opposition from organizations that primarily represent districts already in the funding queue, we feel compelled to emphasize that this priority window is one of the most essential equity provisions OPSC has proposed in decades, addressing systemic exclusion.

This is not about queue jumping. It is about finally offering access to districts that, because of systemic disadvantages, were never in the queue to begin with.

We strongly recommend that OPSC define the threshold for eligibility for this priority window as districts that have not received state SFP new construction or modernization funding for at least 25 years.

This 25-year benchmark is both symbolically and operationally appropriate, as it directly aligns with the state's own modernization eligibility timeline under the SFP. By setting the window at 25 years, OPSC would ensure that the districts with the most deferred facilities needs and longest-standing exclusion from the program are given first priority during this critical application window.

We are aware that some organizations have voiced opposition to this window. Their arguments, while understandable from the perspective of protecting their existing client base, fail to acknowledge the critical fact that small school districts have historically lacked the capacity and resources even to enter the line in the first place.

The 180-day window is not about queue jumping. It is about finally giving small, rural, and often impoverished districts a realistic chance to access state resources that, by design, were always intended to serve all California schools, not just those with professional facilities teams and consultants.

//

SSDA Recommendations on Specific Regulatory Areas

1. Oversubscription and Dual List Placement

We strongly encourage OPSC to consider maintaining unfunded small school projects on both:

- A new list, the **Small School District Program Workload Beyond Bond Authority List**, and
- The existing **SFP "Applications Received Beyond Bond Authority" (ARBBA) list**,

with each district retaining its place on each list based on the application date applicable to each list (original filing date or date of Small School Program submission, whichever applies).

We also strongly support the proposal of OPSC to allow districts to move back to their original position on the regular SFP list if the Small School Program runs out of funds.

We further support OPSC's clarification that this dual list placement applies only to new construction and modernization projects under the Small School District Program.

2. Clarifying Eligibility for Districts with Prior Hardship-Only Funding

We recommend that OPSC explicitly state in regulation that small districts that have only previously received funding through the SFP Facility Hardship Program—but have never received a state-funded new construction or modernization grant—remain fully eligible to participate in the 180-day priority window.

Many small districts, in moments of emergency (such as natural disasters, health and safety failures, or structural deficiencies), may have been able to access small, one-time hardship grants that allowed them to address a singular issue. However, these districts have still never received full state funding for a modernization or new construction project, and they remain among the most underserved in the state.

Excluding them now would perpetuate historical inequities. Their prior facility hardship funding status should not disqualify them from this critical equity-driven priority period.

3. Flexibility for Existing Design-Only and SFP Workload Projects

We urge OPSC to remove the proposed 45-day limit on transitioning existing design-only or unfunded SFP workload list projects into the Small School District Program ***after the close of the 180-day window***.

The administrative and governance structures in small districts make compliance with short procedural windows especially challenging. Superintendents in these districts often oversee multiple job functions and may not have immediate board authority or capacity to respond to compressed timelines for application changes. Moreover, we do not believe that limiting movement for a small school district to a specific period serves any broader purpose, The objective of the small school program is to ensure these funds are spent on small school district projects.

We recommend that any eligible small school district with an active project on the SFP workload list—whether design-only or full funding—be permitted to transition into the Small School District Program at any time following the initial 180 day period for school districts that have not participated in the SFP program, as long as program funds remain available.

This ongoing flexibility is vital to ensuring that no small district misses this opportunity simply because of staffing or capacity constraints. Flexibility is equity in this context.

Additional Recommendations

In addition to the three areas raised for comment, we encourage OPSC to also consider the following enhancements:

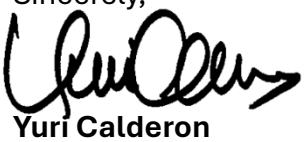
- **Continue to streamline application documentation and eligibility updates for small districts.**
- **Provide targeted technical assistance funding to help small districts prepare and submit applications.**
- **Clarify Project and Construction Management Grant implementation so small districts can effectively utilize these funds for outside expertise.**

//

In summary, the Small School District Program, and especially the proposed 180-day priority window, is a once-in-a-generation opportunity to bring long-overdue state facilities funding to California's smallest, most rural, and most underserved school districts.

We urge OPSC to remain steadfast in your commitment to access, equity, and inclusion as you finalize these important regulations.

Sincerely,



Yuri Calderon
Executive Director
Small School Districts' Association

July 11, 2025

Ms. Rebecca Kirk
Executive Officer, Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Subject: Proposition 2 Stakeholder Comments – Small School District Program

Dear Ms. Kirk:

The Coalition for Adequate School Housing (CASH) appreciates the opportunity to provide feedback on the implementation of Proposition 2, the 2024 state school bond. This letter addresses the Small School District Program item presented by the Office of Public School Construction (OPSC) at the Stakeholder Meeting on June 26, 2025.

Proposition 2 established the new Small School District Program, which uses a preliminary apportionment structure to reserve bond authority for projects at small school districts with enrollment of fewer than 2,501 pupils. The State Allocation Board previously reserved $400 million for Modernization and $330 million for New Construction for the Small School District Program. CASH actively supported this provision during the development of AB 247, which placed Proposition 2 on the November 2024 ballot. This program will be particularly helpful for Financial Hardship districts that submit a separate "Design-Only" request followed by a subsequent adjusted grant application, as it will ensure bond authority is available when the small school district completes planning and has a shovel-ready project. Such districts require the assistance of the state in order to prepare architectural plans for approval by the Division of the State Architect.

Priority Application Filing Periods

The agenda item for the June 26 stakeholder meeting includes a new recommendation to establish three priority application submission windows for a Preliminary Small School District Program Apportionment. Specifically, OPSC proposes:

> "[…] an application filing period of 180 calendar days following approval of the Program regulations by the Office of Administrative Law that would allow only small school districts who have either never participated in the SFP new construction or modernization programs, or have not participated in either program for a to-be-determined amount of time, to apply to the Program and receive priority at the top of the Program's workload list by date order received of an Approved Application."

CASH respectfully *opposes* this recommendation. This proposal would prioritize a subset of eligible projects at some small school districts over eligible projects at other small school districts, which was not the intent of AB 247 or Proposition 2. OPSC's proposal would prioritize projects that exist only in concept before eligible, shovel-ready projects that have already been submitted to OPSC.

At the April 17, 2025 stakeholder meeting, OPSC staff presented options for how a school district could transfer a funding application that is currently on the School Facility Program (SFP) Workload List or

the Applications Received Beyond Bond Authority (ARBBA) List to the future Small School District Program Workload List. These are the very applications that would be disadvantaged by OPSC's June 26 Priority Application Filing Period proposal. The following eligible small district projects would be negatively impacted by this proposal:

- Separate Design-Only (Financial Hardship) applications on the Workload List. Such projects are within bond authority, but only for the advance Design funding. If they are not able to convert to the Small School District Program, it is unlikely these projects will receive construction funding under Proposition 2 and would require a future funding source to be built.
- Projects on the ARBBA List, including Separate Design-Only (Financial Hardship) as well as Adjusted Grant (full funding) applications. If they are not able to convert to the Small School District Program, they would require a future funding source to be built. Adjusted Grant requests are shovel-ready and have approval from both the Division of the State Architect and the California Department of Education.

All small school districts face barriers related to their size and limited access to resources. OPSC's June 26 proposal would negate the work that has already been completed by small districts to plan projects and prepare application documents for eligible projects that are critical to the education and safety of their students. School districts and their students should not be punished because they proceeded with development of vital projects using the SFP guidelines in place upon passage of Proposition 2. Such districts operated with constrained resources, time, and funding, just like all small districts; they should not be penalized for proactive efforts to serve their students and communities.

CASH supports the concepts proposed at the April 17 Stakeholder meeting, which would provide a window of time for small school district projects on the Workload and ARBBA list to choose to convert to the Small School District Program. *CASH supports* processing applications based on the date of submittal, which ensures predictability and an even playing field for all districts with eligible applications. *CASH opposes* creating a separate application filing window that would prioritize new applications at the expense of applications that have already been submitted.

We thank you for the opportunity to provide these thoughts for your consideration, and we look forward to further collaboration.

Sincerely,

Rebekah Kalleen
CASH Legislative Advocate

cc: Michael Watanabe, Deputy Executive Officer, Office of Public School Construction
Brian LaPask, Chief of Program Services, Office of Public School Construction

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
December 10, 2025

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new Program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A8a.

DESCRIPTION

This report continues discussion of the implementation plans for the new Program. Prior stakeholder meetings for this topic were held on February 13, April 17, June 26, and September 18, 2025. This report addresses feedback that was not answered at the September 18, 2025 meeting, provides revisions to the proposed regulations, and provides revisions to the proposed *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12).

Attachment A8b includes the revised proposed regulations.
Attachment A8c includes the revised proposed Form SAB 50-12.

BACKGROUND

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

BACKGROUND (cont.)

OPSC would like to clarify any previous written and/or verbal comments in our past stakeholder items for the implementation of this Program by confirming that County Offices of Education (COE) that meet the SFP definition of a Small School District are eligible to participate in the Program.

OPSC is also providing updated dollar amounts for applications that are currently on the Workload List or Applications Received Beyond Bond Authority (ARBBA) List for Small School Districts because the amounts presented at the September 18, 2025 stakeholder meeting did not include applications from eligible COEs:

1. As of October 31, 2025, there are 78 New Construction applications from Small School Districts requesting a total of approximately $165.9 million in State funding (excluding duplicates) on the OPSC Workload List.

2. As of October 31, 2025, there are 77 Modernization applications from Small School Districts requesting a total of approximately $136.0 million in State funding (with no duplicates) on the OPSC Workload List.

3. As of October 31, 2025, there are 89 Modernization applications from Small School Districts requesting a total of approximately $110.3 million in State funding (excluding duplicates) on the ARBBA List.

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

The full text of the prior stakeholder meeting items can be found at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Item
September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Item

The recordings from the stakeholder meetings are available at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Recording
September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Recording

STAFF ANALYSIS/DISCUSSION

This report addresses feedback that was not answered at the September 18, 2025 meeting. Additionally, OPSC is providing revisions to the proposed regulations, and proposed Form SAB 50-12. Staff would like to thank stakeholders who were able to view, attend, or participate in these meetings and provide valuable feedback either during the meetings or through written correspondence to OPSC.

Summary of Stakeholder Feedback
Below is a summary of stakeholder feedback that was received following the September 18, 2025, meeting and OPSC's responses.

The full text of stakeholder feedback may be found on Attachment C.

Stakeholder Feedback	OPSC Response
1. Two stakeholders expressed concerns regarding OPSC's proposal from the September 18, 2025 stakeholder meeting to begin accepting Program applications from all eligible small school districts in November 2026. Specifically, the stakeholders expressed concerns including the following: • The proposed November 2026 date delays funding awards to small school districts, who will be unable to budget or design with confidence because they will not know whether they will receive Program funding until spring 2027 or later. • Beginning to accept applications on a single date abandons the first-come, first-served principle and disadvantages small school districts that have proactively planned to participate in the Program. • The large number of applications submitted all at once may overwhelm OPSC, the Division of the State Architect (DSA), and the California Department of Education (CDE) and add processing delays.	**1.** OPSC acknowledges and appreciates the stakeholder's feedback. Beginning to accept Program applications in November 2026 is intended to allow adequate time for thoughtful, comprehensive outreach to prospective Program applicants, as well as time for Program regulations and forms to be finalized and effective. Through OPSC's outreach and hands-on approach to planning for the submittal of applications, OPSC intends to provide all eligible small school districts an equal opportunity to apply for Program funds. Feedback that OPSC has received indicates that many small school districts would benefit greatly from such outreach. Additionally, the proposed November 2026 date to begin accepting Program applications provides small school districts more planning time to consult with their governing boards and communities and establish or update program eligibility. Ultimately, this will result in as many small school districts as possible having the opportunity and equitable access to apply for the

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
1. (cont.) • The timelines for DSA and CDE approvals make the November 2026 date to begin accepting applications unworkable for modernization schedules. The stakeholder recommended that OPSC process small school district applications in the order received, with prioritization for hardship and readiness. The stakeholder also recommended that timelines for the program be clarified.	**1. (cont.)** Program and have a chance to obtain funding for their projects. In response to the stakeholder's recommendations, OPSC has updated the proposed regulations to clarify that Program applications will be processed and prioritized in order of the date they were received. Additionally, OPSC has updated proposed regulations to reflect how Program applications will be prioritized if there are more applications submitted on the same date than can be funded with available resources (see the response to #4). In response to concerns that a large number of applications submitted at once could overwhelm OPSC, DSA, and CDE and add processing delays, OPSC notes that it administers existing programs that operate on a filing round basis that often result in a large number of applications submitted in a short timeframe. Additionally, small school districts can request and receive a Preliminary Program Apportionment prior to preparing project plans and receiving CDE and DSA plan approvals, and they have up to five years to complete these requirements. OPSC's experience administering Preliminary Charter School Apportionments suggests that applicants with preliminary apportionments often meet these requirements on different timelines within the maximum five-year period, staggering their submittal timeframes for CDE and DSA.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	1. (cont.) In regard to planning, OPSC suggests that districts continue their local planning processes. If a Program application is successful, the statute is written to allow for small school district to obtain a preliminary apportionment which reserves funding for a period of up to five years, providing a district confidence that bond authority has been reserved specifically for the district. Additionally, OPSC notes that small school districts are not precluded from applying for School Facility Program New Construction, Modernization, and Facility Hardship funding at any time, as they can also request funds under these longstanding programs to the extent, they meet requirements in advance of the proposed November 2026 date for OPSC to begin accepting Program applications.
2. The stakeholder expressed appreciation for OPSC's revised proposal from the September 18, 2025 stakeholder meeting to allow all small school districts to apply for Program funds beginning on the same application filing date.	**2.** OPSC acknowledges and appreciates the stakeholder's feedback.
3. The stakeholder recommended extending the proposed application filing commencement date of November 2, 2026 to December 1, 2026, to provide small school districts more time after the start of a new California Basic Educational Data System (CBEDS) enrollment year [on November 1] to update New Construction eligibility, meet with their governing board, and make informed decisions.	**3.** In response to these concerns, OPSC proposes a separate start date of January 15, 2027 to begin accepting Program applications for New Construction funding, separate from the previously proposed start date of November 2, 2026 to begin accepting Program applications for Modernization funding. This change would provide school districts with additional time to calculate potential New Construction eligibility and provide time for evaluating, planning, and submitting a funding application accordingly.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
4. The stakeholder expressed concern that OPSC's proposal does not reflect a clear process for prioritization if the Program is oversubscribed.	**4.** OPSC proposes that Program funding be prioritized in date order received of complete application submittal packages for a Preliminary Program Apportionment. OPSC has also updated Section 1859.157 of the proposed regulations to include the use of a lottery system to select the projects that would be funded in the event there are more applications submitted on the same day than can be funded with available Program authority.
5. Several stakeholders noted concerns with the proposed requirement for previously submitted applications with the same scope of work as a Program application to be returned to the applicant upon application to the Program. Stakeholders recommended that Program applicants should not have previously submitted applications with the same scope of work returned until they receive confirmation that their Program application is within bond authority for the Program, retaining their original application submittal date if set-aside funds for the Program are exhausted without the district's application being funded.	**5.** OPSC acknowledges and appreciates stakeholders' feedback on the proposed requirements. OPSC has updated the proposed Form SAB 50-12 and the proposed amendments to SFP Regulation Section 1859.107 to reflect that the first Board action on an Approved Application that shares a common scope of work with another Approved Application will result in the return of the duplicate application(s). This enables districts to apply for the Small School District Program without having to withdraw their existing application from the standard SFP Workload List or Applications Received Beyond Bond Authority List until such time that the Board acts on one of these applications.
6. Multiple stakeholders expressed concerns with the previously proposed requirement to update New Construction eligibility upon application for a preliminary apportionment, rather than retaining an eligibility lock that may be currently in place.	**6.** OPSC thanks stakeholders for their input on this proposal. Upon additional consideration, OPSC has removed the requirement from its proposed regulations and has amended Section 1859.156(a) to allow any small school district with an "eligibility lock" in place to retain that lock. However, if that lock period expires prior to OPSC's receipt of the full *Application for Funding* (Form SAB 50-04), the district will be required

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
6. (cont.)	**6. (cont.)** to submit an *Enrollment Certification/ Projection* (Form SAB 50-01) to update its New Construction eligibility. If the required eligibility update results in a loss of district eligibility compared to eligibility at the time of the preliminary apportionment, the application will be reduced, or the application may no longer be eligible for funding.

Summary of Updates to Proposed SFP Regulatory Amendments

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

After considering stakeholder feedback, OPSC updated proposed SFP Regulation Section 1859.156(a) to eliminate the previously proposed requirement for Program applicants to update New Construction eligibility using the current enrollment year corresponding to the submittal date of the Form SAB 50-12. The updates to this proposed SFP Regulation Section instead require Program applicants to use current New Construction eligibility that is valid on the OPSC received date of a Form SAB 50-12 for requests for Preliminary Apportionment. This change ensures Small School Districts can use the five-year New Construction Eligibility lock provided for in Section 1859.51(j) as the basis for New Construction eligibility. If a Small School District's New Construction Eligibility lock has expired by the time OPSC receives the Form SAB 50-04 requesting Final Apportionment, the Small School District will be required to update their New Construction Eligibility to the current enrollment year. For clarification regarding timelines, the enrollment year used for New Construction eligibility purposes is based on the Form SAB 50-01 submittal date, and the start of the five-year eligibility lock is based on the Board approval date of the Form SAB 50-01. Therefore, the five-year lock begins with the Board approval date of the Form SAB 50-01, and the enrollment year data is valid through the end of the enrollment year (October 31) in which the year the five-year lock expires.

Two illustrative examples of timeframes associated with New Construction eligibility and participation in the Program are outlined in the table below.

STAFF ANALYSIS/DISCUSSION (cont.)

Event	Scenario One	Scenario Two
OPSC received date of valid Form SAB 50-01 determines the enrollment year.	October 31, 2024 Enrollment year is 2023-24.	October 31, 2024 Enrollment year is 2023-24.
Board approval of Form SAB 50-01 starts the five-year eligibility lock.	January 22, 2025 Eligibility based on 2023-24 enrollment year data is valid through October 31, 2030.	January 22, 2025 Eligibility based on 2023-24 enrollment year data is valid through October 31, 2030.
OPSC received date of valid Form SAB 50-12	January 15, 2027 District opts to maintain existing eligibility lock using 2023-24 enrollment data.	January 15, 2027 District opts to submit a Form SAB 50-01 to update eligibility using 2026-27 enrollment data, *which starts a new five-year eligibility lock upon Board approval.*
Board approval of Form SAB 50-12	May 26, 2027 District has four years to convert the Preliminary Apportionment to a Final Apportionment, with a potential one-year extension subject to Board approval (maximum deadline May 26, 2032).	May 26, 2027 District has four years to convert the Preliminary Apportionment to a Final Apportionment, with a potential one-year extension subject to Board approval (maximum deadline May 26, 2032).
OPSC received date of valid Form SAB 50-04 requesting a Final Apportionment.	March 15, 2031 (after the five-year eligibility lock has expired). District must submit a Form SAB 50-01 to update eligibility concurrently with the Form SAB 50-04 . Enrollment year is 2030-31.	March 15, 2031 (before the five-year eligibility lock expires) Request for Final Apportionment is processed with current eligibility from the lock.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Section 1859.157 is updated to revise the date when OPSC will begin accepting New Construction applications for the Program. Acceptance of Modernization applications for the Program remains with the previously proposed start date of November 2, 2026. Acceptance of New Construction applications for the Program is now proposed to begin on January 15, 2027. This change was made to provide additional time for outreach and to allow additional time for Small School Districts to establish or update their New Construction Eligibility, as needed.

Proposed Section 1859.157 is also updated to specify that Program applications will be processed and funded in date order received by OPSC, and that a lottery system will be used to establish funding order in the event there are more applications submitted on the same date than can be funded with remaining Program authority.

Proposed Section 1859.157.1(a) is updated to include explicit references to the available New Construction additional grants.

Proposed Section 1859.157.2(a) is updated to include explicit references the available Modernization additional grants.

Proposed Section 1859.157.3 is updated to provide clarifying language regarding qualifications for an advance release of funds on a Preliminary Program Apportionment, qualifications for Financial Hardship, and the amount of advance funds that may be released at the time of a Preliminary Program Apportionment.

Proposed Section 1859.157.4 is updated with non-substantive, clarifying changes. Previously proposed language regarding rescission of a Preliminary Program Apportionment was removed because it was unnecessary with language proposed in Section 1859.157.5. Subsection (b) is also added to ensure that a school district requests Financial Hardship on the Form SAB 50-04 request for Final Apportionment if they are seeking this assistance. A district's qualification for Financial Hardship at the Preliminary Apportionment phase of funding will be reassessed when the district requests Final Apportionment. Therefore, it is necessary for districts to request Financial Hardship on the Form SAB 50-04 request for Final Apportionment if they wish to be evaluated for this assistance.

Proposed Section 1859.157.5(b) is updated to clarify that if the school district has not submitted a complete and valid request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment within four years, or received Board approval for a one-year extension, then the Preliminary Small School District Program Apportionment shall be rescinded without further Board action and returned to the fund source.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Section 1859.157.5(c)(3) is also updated to indicate that both New Construction or Modernization baseline eligibility adjustments may occur for funds reduced to cost incurred and closed-out pursuant to Section 1859.106. OPSC erroneously omitted the inclusion of Modernization eligibility adjustments in the previous proposal.

Proposed Section 1859.157.7 is updated to clarify that if there are more applications submitted on the same date than can be funded with available program authority, a lottery system will determine the funding order of the applications.

Additional Related Proposed Changes
Non-substantive amendments to Section 1859.51(e) are proposed to note that the Form SAB 50-01 submitted must be complete and valid in accordance with existing regulatory language pertaining to applications, and to capitalize defined terms.

Proposed amendments to Section 1859.90.2 are updated to add subsection (c), which describes the requirements for participation in the Priority Funding process for a Small School District to request an Apportionment or an approved advance release of funds resulting from a Preliminary Program Apportionment. Non-substantive amendments are also added to this Section, primarily to capitalize defined terms.

Amendments to Section 1859.107 are proposed to specify how OPSC will address circumstances when a school district submits more than one application for the same scope of work under one or more Board-administered programs to OPSC. The goal is for OPSC to identify common scope during processing with the district's input. Then, when the first Board action on an application occurs, OPSC would return all other applications that contain the common scope of work to ensure that there is no duplicate funding. The proposed amendments also indicate that prior to the first Board action, the school district may submit a written request to modify the scope of work in other applications by clearly delineating the remaining eligible scope of work that is not duplicative. However, the proposed amendments also clarify that school districts cannot add scope of work to other applications without withdrawal and subsequent resubmittal of those applications. The proposed amendments to Section 1859.107 are intended to clarify treatment of applications for small school districts that are already on the OPSC Workload List or ARBBA List if the districts opt to submit an application for the same scope of work under the new Program. Additionally, the proposed amendments to Section 1859.107 would apply to other applications submitted for the same scope of work under one or more Board-administered program(s), such as applications that districts submitted on or after October 31, 2024 that duplicate the scope of work in applications on the OPSC Workload List with an earlier submittal date.

STAFF ANALYSIS/DISCUSSION (cont.)

Summary of Updates to the Proposed Form SAB 50-12

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

Former Section 9 (Return of Funding Application) of the proposed Form SAB 50-12 was removed because amendments to SFP Regulation Section 1859.107 are now proposed, which specify that if a school district submits more than one application for the same scope of work under one or more Board-administered programs, the first Board action on one of the applications will result in the return of all other application(s) containing the common scope of work. With the removal of previously proposed Section 9, all subsequent sections of the proposed Form SAB 50-12 were renumbered.

Section 15 of the proposed Form SAB 50-12 was updated to have the certifications included on the Form SAB 50-12 better match the certifications that are currently included on the Form SAB 50-04.

NEXT STEPS

OPSC welcomes any feedback from our stakeholders regarding the updates to the proposed regulations, and Form SAB 50-12.

AUTHORITY

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

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

(b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.

(c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.

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

(e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

AUTHORITY (cont.)

EC Section 17078.37 – Assistance to Small School Districts

Notwithstanding subdivision (a) of Section 17072.30 and subdivision (a) of Section 17074.16, as applicable:
(a) Applicants for funding pursuant to this article shall do both of the following:
(1) Submit preliminary applications to the board.
(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.
(b) The board shall do both of the following:
(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).
(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

EC Section 17078.38 – Assistance to Small School Districts

The board shall adopt regulations setting forth all of the following:
(a) The preliminary application and preliminary apportionment.
(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.
(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

PROPOSED REGULATIONS

Section 1859.2. Definitions.

[…]

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

[…]

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

[…]

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

[…]

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

[…]

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

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

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

…

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

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

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

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

…

(j) For Small School Districts:

(1) Decreased by any reduction in projected enrollment that follows a five-year period after the Small School ~~d~~District's eligibility was approved by the Board, and either (A) or (B), as applicable:

(A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.

(B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.

(2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

…

Section 1859.90.2. 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, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment~~,~~; approved advance release of design, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program Apportionment; approved advance release of design funds from a Preliminary Charter School Apportionment~~,~~; or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the School ~~d~~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 complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(5), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that, if the 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 School D~~d~~istrict or C~~c~~harter S~~s~~chool is waiving its right to the timeline for fund release submittal described in Section 1859.90.

(6) For a Career Technical Education Facilities Project that was granted an unfunded approval without the required CDE plan approval and/or required DSA-approved plans and specifications, the applicant's request must include:

(A) Acknowledgement that the applicant must submit the required approval(s) to ~~the~~ OPSC within 12 months from the date of the Apportionment. If the required submittal(s) is not received within 12 months, the Apportionment shall be rescinded without further Board action pursuant to Section 1859.197(c)(1); and

(B) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of the submittal described in (6)(A) and that failure to do so will result in the rescission of the Apportionment without further Board action; and

(C) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and ~~physically~~ received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(6)(B).

(b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized District R~~r~~epresentative within the 30-calendar day filing period, which~~and~~ shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,

(2) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

(c) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Small School District Program Apportionment, the School District must provide a priority funding request in the form of a written statement signed by an authorized District Representative within the 30-calendar day filing period, which shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and

(2) Acknowledgement that a complete and valid Form SAB 50-05 must be submitted and received by 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 received by OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (c)(2).

(~~c~~d) If a School ~~d~~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~~e) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the Application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for which an Apportionment cannot be provided shall retain their date order

position on the Unfunded List (Lack of AB 55 Loans). Requests not converted to Apportionments will not be returned to the School dDistrict or kept by the OPSC.

(ef) In the event that unexpected cash proceeds from sources other than bond funds become available for use for priority funding Apportionments, at a public meeting the Board may, based on considerations relevant to the amount of time available to effect a distribution of funds, waive the 30-calendar day filing provision specified in this section for impacted sSchool dDistricts to provide funds more rapidly.

[…]

(fg) For purposes of this section "rescinded" or "rescission" shall mean that the Apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date, except for (a)(5)(A). The new unfunded approval date will be 90 calendar days from the Apportionment date. The School dDistrict or Ccharter Sschool will not be required to re-submit the Application and no further Application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.41, 17071.75, 17072.12, 17072.30, 17073.10, 17074.16, 17076.10, 17077.40, 17077.42 and, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

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

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

Apportionment, the occurrences of (1) or (2) below shall be limited after the effective date of this regulation section [October 1, 2014]:

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.106. Program Accountability Expenditure Audit.
[…]

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

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

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

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

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

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.107. Amending and Withdrawal of Applications.
(e) […]

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

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

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

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

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

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

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

Article 13.5. Small School District Program

Section 1859.156. General.

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

Applicants must meet the following requirements:

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

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

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

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

Section 1859.157. Application Process.

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

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

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

When the Small School District Program funds set aside pursuant to Education Code Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, the Board shall cease accepting Forms SAB 50-12. Any Form SAB 50-12 not apportioned because insufficient funding is available shall be returned to the applicant.

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

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

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

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

(a) A New Construction Grant for all eligible pupils included on the Form SAB 50-12 and New Construction additional grants for an Individual with Exceptional Needs; multilevel construction; project assistance; site acquisition; hazardous waste removal; site development; energy efficiency; fire code requirements; geographic location; construct a new school project; small size projects; and urban location, security requirements, and impacted site.

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

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

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

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

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

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

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

(a) A Modernization Grant for all eligible pupils included on the Form SAB 50-12 and Modernization additional grants for 50 years or older permanent buildings; replacement of 75 years or older facilities; Individuals with Exceptional Needs; project assistance; energy efficiency; site development for 50 years or older permanent buildings utilities and/or 75 years or older buildings; fire code requirements; facilities previously modernized with State funds; minimum essential facility; transitional kindergarten

classroom(s); geographic location; small size projects; urban location, security requirements, and impacted site; and accessibility and fire code requirements.

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

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

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

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

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

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

To qualify for an advance release of funds on a Preliminary Small School District Program Apportionment, an applicant must qualify for Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, at the time of the application review for a Preliminary Small School District Program Apportionment.

If an applicant qualifies for Financial Hardship by meeting the above, the applicant may receive an advance release of funds as follows:

(a) For a New Construction Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 40 percent of the sum of the New Construction Grant and the grant amount provided by Section 1859.157.1(c).

(b) For a Modernization Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 25 percent of the sum of the Modernization Grant and the grant amount provided by Section 1859.157.2(c).

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

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

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

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

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

(a) The total number of pupil grants requested on the Form SAB 50-04 cannot exceed the number approved on the Preliminary Small School District Program Apportionment. The number of pupil grants on the Form SAB 50-04 shall be for at least 50 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for Modernization funding.

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

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

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

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

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

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

(1) The Preliminary Small School District Program Apportionment shall be rescinded without further Board action and any remaining Preliminary Small School District Program Apportionment, not released to the applicant, shall be returned to the fund source.

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

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

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

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

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

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

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

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

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

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

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

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

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

The amount of the Final Small School District Program Apportionment shall be based on the provisions of any amended or new regulations that are effective at the time the

complete and valid Form SAB 50-04, for the Final Small School District Program Apportionment, is submitted and accepted for processing by OPSC. The Board shall approve conversions from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment as follows:

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

(b) If the Final Small School District Program Apportionment is greater than the Preliminary Small School District Program Apportionment, the Board shall approve the Final Small School District Program Apportionment based on the following:

(1) If the balance in the fund source is greater than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, the Board shall approve the Final Small School District Program Apportionment entirely. Fund source authority shall be prioritized in date order that OPSC receives a complete and valid Form SAB 50-04. The Final Small School District Program Apportionment shall be the full and final apportionment for the project.

(2) If the balance in the fund source is less than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, the Board shall approve the funding for the Final Small School District Program Apportionment, using any remaining balance in the fund source. The Final Small School District Program Apportionment shall be the full and final Apportionment for the project.

(3) In the event there are more applications submitted on the same date than can be funded with available program authority, a lottery system will be used to determine the funding order.

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

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

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

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

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

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

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

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

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

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

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

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

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

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

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

extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).

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

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

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

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

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

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

GENERAL INSTRUCTIONS

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

If not previously submitted, a School District may file an application for Modernization funding by use of this form concurrently with a determination of or an adjustment to the School District's Modernization Eligibility in accordance with Section 1859.60. The School District must submit a determination of or an adjustment to the School District's New Construction baseline eligibility upon request, in accordance with Regulation Sections 1859.20 or 1859.51, as applicable. The Board will only provide New Construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the 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 the Office of Public School Construction (OPSC) returning the funding application to the School District unprocessed.

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

Requests for funding may be made as follows:

1. A Preliminary Small School District Program Apportionment for New Construction pursuant to Section 1859.157.1. Districts may apply for a Preliminary Small School District Program Apportionment for the design and/or for site acquisition on the same project. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

   - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE or a final site approval letter from the CDE (site Apportionment only).
   - Real estate appraisal of property with valuation date within six months of the Form SAB 50-12 submittal, may be preliminary (site Apportionment only).
   - Relocation cost estimate (if requested).
   - Department of Toxic Substances Control (DTSC) cost estimate (if requested).
   - Hazardous waste removal cost estimate (if requested).
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board findings that the non-school function on the district-owned site must be relocated (if applicable).

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of Pupils assigned to the project for each grade group.

b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the School District:
   - The total number of eligible classrooms or the total eligible Square Footage of building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A). Or,
   - The total number of permanent Classrooms or the total permanent Square Footage of building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
   - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
   - If this project includes eligible 50 year or older Pupil grants, enter the appropriate number assigned to the project for each grade group. The number of Pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings Pupil grants requested for all Modernization funding applications for the site as determined by using the percentage factor above.

c. If this request includes Pupil grants generated by an Alternative Enrollment Projection Method, enter the number of Pupils by grade level.

d. Check the box if the project may be eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being demolished. Refer to Section 1859.78.7.1.
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being constructed. Refer to Section 1859.78.7.1.
   - Enter the appropriate number of Pupils assigned to the project for each grade group. The estimated number of Pupils entered cannot exceed the cumulative number of Pupil grants requested in Section 2a. and determined by using the percentage factor above.

e. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

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

3. Number of Classrooms/Useable Acres

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

4. Type of Financial Hardship Request

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

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

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

a. Estimated amount of therapy area in square feet as provided in Section 1859.72.

b. Estimated number of multilevel classrooms in the Plans and Specifications (P&S) pursuant to Section 1859.73.

c. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.73.1.

d. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.1(b).

e. If the project the School District is planning to request SFP funding for does not require an Response Action (RA), refer to Section 1859.74. If the project the School District is planning to request SFP funding for may require an RA on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If the project the School District is planning to request SFP funding for may require an RA on a leased site or an addition to an

existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist. CDE determines that the site is the best available site, and the School District must submit substantiation that the costs are the minimum required to complete the evaluation and RA.

1) Enter the estimated 50 percent amount of the actual cost.
2) Enter the estimated 50 percent amount of the appraised value of the site. If the request is made pursuant to Section 1859.74.5, enter 50 percent of the appraised value.
3) Enter the estimated 50 percent amount of the allowable relocation cost.
4) Enter the estimated two percent amount of the lesser of the actual cost or appraised value of the site (minimum $25,000).
5) Enter the estimated 50 percent amount of the 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 School District-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Section 1859.74.5.

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

g. Enter the estimated 50 percent amount of eligible service-site development, off-site development including pedestrian safety paths, and utilities costs allowed pursuant to Section 1859.76. If the School District does not have an estimate available, the School District can enter 35 percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development and utilities costs.
Check the box if the School District is planning to request an Additional Grant for General Site Development pursuant to Section 1859.76.

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

i. Check the box(es) if the School District plans to request additional funding for fire code requirements authorized in Section 1859.71.2.

6. Preliminary Small School District Program Apportionment – Modernization Only

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

a. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.78.2.

b. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.2(b).

c. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the estimated percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment. If the School District does not have an estimate available, the School District can enter five percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.

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

e. 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.

f. Check the box(es) if the School District plans to request additional funding for fire code requirements pursuant to Section 1859.78.4.

g. Check the box if the School District is planning to request an Additional Grant for a Minimum Essential Facility pursuant to Section 1859.78.9.1. Check the box for the type of facility the School District is anticipating requesting (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the estimated amount of eligible Toilet and Other Square Footage to be constructed in the project. Check the appropriate box depending on whether the anticipated Minimum Essential Facility in the project is permanent or portable construction. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Section 1859.78.9.1. The School District may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).

h. 1) Check the box if the School district is planning to request an Additional Grant for the construction of a new Transitional Kindergarten classroom(s) and/or retrofit of an existing school facility to be a Transitional Kindergarten classroom(s). Check the appropriate boxes if the School District is planning to augment the grant with additional supplemental grants respective of the Transitional Kindergarten Classroom project scope. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The School District may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).
2) The information needed to complete this section is based on the latest CBEDS enrollment data. Applications filed on or after November 1st must include the current school year enrollment data. Enter the CBEDS enrollment for grades TK-3 at the school site the current year and the three prior years' TK–3 enrollment, as appropriate.

Requests for funding shall include the following:

- 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 Small School District plans to do with the project, and the resulting usage at the completion of the project.

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

7. Additional Project Information – Excessive Cost Hardship Request

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

Requests for excessive cost grants for accessibility requirements are allowed only if required by the DSA. At the School District's option, the School District may request three percent of the Modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.
If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the School District elects to request less than the maximum allowance, the School District must submit a letter along with application indicating the requested amount.

8. Priority Order

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

9. Prior Apportionment

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

10. Alternative Developer Fee

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

11. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the District's New Construction baseline eligibility must be made each time a School District submits an application for funding, to the OPSC for SFP New Construction or Modernization grants. These adjustments are made by the OPSC based on information reported by the School District on this form.

- Report all Classroom(s) provided after the School District submitted its request for determination of its New Construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- In the additional Classroom column, indicate the number of additional net Classrooms provided if not previously reported.
- In the replacement Classroom column, indicate the number of Classrooms that were included in the determination of the School District's New Construction Eligibility pursuant to Education Code Section 17071.75 and replaced in a locally funded project.
- Enter the date the initial construction contract was signed for additional or replacement Classrooms.

12. Pending Reorganization Election – New Construction Only

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

13. Joint-Use Facility/Leased Property

Check the box if:

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

14. Local Funding Adjustment Grant

Enter estimated amounts for each of the following:

a. The School District's total assessed valuation, pursuant to Section

1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.

b. The School District's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.

c. The School District's unduplicated Pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.

d. The School District's Pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest CBEDS enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.

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

15. Certification

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

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-12 (New XX/26)

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

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

1. Type of Application

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

a. ☐ Site and/or Design – New Construction ☐ Design Only – Modernization

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
TK–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?
TK–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)
TK–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 _____

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

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

3. Number of Classrooms/Useable Acres
Number of Classrooms: _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

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

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

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

b. Multilevel Construction (CRS): _____

c. ☐ Project Assistance

d. ☐ Project and Construction Management

e. 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: $ _____

f. 50 percent hazardous waste removal: $ _____

☐ Response Action (RA)

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

g. Site Development

- ☐ 50 percent Service-Site: $ _____
- ☐ 50 percent Off-Site: $ _____
- ☐ 50 percent Utilities: $ _____
- ☐ General Site

h. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):

- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

i. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System

6. Preliminary Small School District Program Apportionment - Modernization Only

a. ☐ Project Assistance
b. ☐ Project and Construction Management
c. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):

- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

d. ☐ Site Development—60 percent utilities: $ _____
e. ☐ Site Development—75 Years or Older: $ _____
f. ☐ Automatic Fire Detection/Alarm System
g. ☐ Minimum Essential Facility

- ☐ Multipurpose
- ☐ Gymnasium
- ☐ Library
- ☐ Kitchen
- ☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____
Construction Type

- ☐ Permanent
- ☐ Portable

☐ Site Development pursuant to Section 1859.78.9.1

- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work $ _____

h. 1) Transitional Kindergarten Classroom(s)

☐ New Construction
Number of Classroom(s): _____

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

☐ Retrofit
Number of Classroom(s): _____

- ☐ 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. Additional Project Information – Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

8. Priority Order: # _____

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

9. Prior Apportionment

Site/Design—New Construction: 50/_____

Design—Modernization: 57/_____

10. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to

Regulation Section 1859.77: $_____

11. Adjustment to New Construction Baseline Eligibility

Classroom(s) provided:

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

Construction Contract(s) for the project signed on:

_____ _____

12. Pending Reorganization Election – New Construction Only

☐ Yes ☐ No

13. Joint-Use Facility/Leased Property

a. ☐ Joint-Use Facility

b. ☐ Leased Property

14. Local Funding Adjustment Grant

a. Total Assessed Valuation: _____

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

_____

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

_____%

d. School District's enrollment: _____

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

☐ Yes ☐ No

15. Certification

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

- I am an authorized representative of the School District as authorized by the governing board of the School District; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, Article 11, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The School District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The School District has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs: and,
- If this funding request is for the modernization of a Portable Classroom(s) eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School District certifies that (check the applicable box below):
  - ☐ 1. The state modernization funds will be used to replace the Portable Classroom(s) and permanently remove the displaced Portables from the Classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the Portable Classroom(s) eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the School District has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This School District has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The School District matching funds are required or will be required to be met pursuant to Sections 1859.77.1 or 1859.79 and either need to be expended by the School District, deposited in the County School Facility Fund, or will need to be expended by the School District prior to the completion for the project; and,
- The School District has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- If the School District is requesting site acquisition funds as part of this application, the School District has or will comply with Sections 1859.74 through 1859.75.1 as appropriate; and,
- The School District understands that the lack of substantial progress toward increasing the Pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- The School District has or will utilize the Preliminary Small School District Program Apportionment for New Construction or Modernization purposes; and,
- The statements set forth in this application and supporting documents are true detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project and on the conversion Form SAB 50-04 and correct to the best of my knowledge and belief; and,
- The School District acknowledges this request has or will be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other P upils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The School District understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.157.5; and,
- The School District has or will comply with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the Preliminary Small School District Program Apportionment is requested for the construction of school facilities on leased land, the district has or will enter into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the Application contains a "Use of New Construction Grant" request, the School District has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The School District's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The School District will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a School District match within five years of project approval by the SAB and the School District must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The School District will utilize higher School District loading standards providing the loading standards are within the approved School District's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)].
  - ☐ 3. The Pupils requested from a different grade level will be housed in Classrooms at an existing school in the School District which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)].
- If the School District requests a reservation now and is planning to request additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4 at the time of conversion, the School District understands that they will need to include the automatic fire application; and,
- The School District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the School District is requesting a reservation now and is planning to request an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5 at the time of conversion, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project must exceed the amount of funding otherwise available to the School District at the time the conversion Form SAB 50-04 application is reviewed; and,
- If this application is submitted after January 1, 2004 for modernization funding, the School District has or will consider the potential for the

presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,

- The School District has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The School District has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the School District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The School District understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the School District has or will comply with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- The School District has or will consider the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- The School District has or will comply with all laws pertaining to the construction or Modernization of its school building.
- If the School District marked the box for 'Yes' in Section 14e. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used at the time of conversion, any additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage would be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) until funds are returned.
- If the School District is requesting a reservation now and is planning to request the modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this Application, the School District certifies that any Classrooms displaced or that will be displaced as a result of reconfiguration will be replaced in the same plan set, or the School District certifies that the Classrooms will not be replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School District's New Construction Eligibility would be made for the removal of these Classrooms; and,
- If this funding request is requesting a reservation now and is planning to request for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not or will not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If this funding request is requesting a reservation now and is planning to request for new or retrofitted Transitional Kindergarten classrooms, the School District certifies that _____ classrooms were or will be constructed or previously altered to meet the requirements for a kindergarten classroom; and,
- With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site; and,
- The School District understands that if the submittal of this Application for a Preliminary Small School District Program Apportionment will result in the need for a return of an Application with the same scope of work that was previously submitted to OPSC prior to the effective date for the Small School District Program, the district is responsible for ensuring that they comply with Section 1859.107 for the return of the Application with the same scope of work. Failure to report this information may result in a delay for the processing of this Application by OPSC and/or the return of this Application unprocessed by OPSC; and,
- The School District understands that an offset for prior funding received on a previously funded New Construction site and/or design or Modernization design application that is indicated in this application will occur on either the Preliminary Small School District Program Apportionment or the Final Small School District Program Apportionment to adjust for prior funding that was previously received by the School District for the same scope of work being completed.
- The School District understands that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small School District Program Apportionment will be subject to the provisions of Sections 1859.157.7 and 1859.157.8; and,
- The School District has or will comply with the reporting requirements in Section 1859.158 and shall annually hold, at a regularly scheduled meeting of the School District's governing board, a public hearing to discuss, and receive public comment regarding the report(s); and,
- The School District understands that if the Project and Construction Management Grant is requested pursuant to 1859.157.1 or 1859.157.2, and the School District does not obtain project and/or construction management services from a County Office of Education, other Local Educational Agency with applicable school facilities construction expertise, applicable State Department, or a certified private construction consulting entity, or expend funds on these services, the total approved project costs will be reduced by the Project and Construction Management Grant and associated required matching share.

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

UNION HILL ELEMENTARY SCHOOL DISTRICT
10879 Bartlett Dr. Grass Valley, CA 95945
530.273.0647
unionhillschooldistrict.org

Scott Mikal-Heine, Superintendent

September 23, 2025

To:
Office of Public School Construction
State Allocation Board
707 3rd Street, 6th Floor
West Sacramento, CA 95605

RE: Proposition 2 Implementation – Call for Clarity, Equity, and Preservation of the Small School District Set-Aside

Dear OPSC Staff and Honorable Members of the State Allocation Board,

I write to you on behalf of Union Hill School District to voice serious concerns regarding the current implementation path for Proposition 2 (AB 247) — specifically the treatment of the small school district set aside, and the proposed changes discussed at the September 18, 2025 stakeholder meeting (Meeting Resources Here).

I commend the State Allocation Board and OPSC staff for the vision and inclusion of small districts in Prop 2. However, recent proposals deviate from that intent and pose both philosophical and operational threats to small LEAs across California. Union Hill has acted in good faith, moving swiftly through complex requirements despite limited capacity — and we are deeply concerned that this new proposal effectively nullifies our efforts and punishes proactive planning.

Problematic Proposals

At the September stakeholder meeting, two critical changes were suggested:

1. A delayed timeline — prohibiting funding awards to small LEAs until November 2026 or later.

2. A reset of application order — reopening submissions on a single date, abandoning the first-come, first-served principle.

Together, these changes represent a step backward — reintroducing bureaucracy and uncertainty that the small district set aside was designed to eliminate.

Union Hill's Good Faith, Local Control-Aligned Effort

In anticipation of Prop 2 funds, Union Hill School District completed a rigorous Facilities Master Plan, engaging the community, staff, and stakeholders over the course of a year. As a rural, TK–8 district with no

UNION HILL ELEMENTARY SCHOOL DISTRICT
10879 Bartlett Dr. Grass Valley, CA 95945
530.273.0647
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Scott Mikal-Heine, Superintendent

dedicated facilities division, this was a heavy lift — led by administrators and staff already wearing multiple hats. We also did it the right way:

- We completed our application in alignment with early OPSC guidance and were led to understand that readiness and application date would be respected.
- We did not cut corners. Our plan was vetted and publicly prioritized in board meetings.
- We communicated frequently with our community, in full transparency, around the timeline and expectations.

We also made costly infrastructure investments out of necessity, such as the emergency structural repair in Building A (originally constructed in 1937). When districts like ours wait 20+ years for state modernization dollars, we should not be asked to wait another 3–5 years for policy clarity.

Alignment with State Policy Goals

Resetting the clock now contradicts not just the carve-out intent — but also the principles underlying the Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAPs):

> "Spend dollars received today on students here, today."

Union Hill exemplifies this principle — allocating annual LCFF funds with the urgency of serving current students. We respectfully ask: Shouldn't Prop 2 follow the same ethos?

Technical and Practical Issues

Allow me to also articulate several logistical and capacity-based problems with the proposed "November 2026 open-date" approach:

- Planning Paralysis: Districts will be unable to budget or design with confidence, as funding clarity won't emerge until 2027 or later.
- Application Tsunami: A flood of small LEA applications will potentially overwhelm OPSC, DSA, and CDE — clogging the pipeline and adding likely processing delays.
- Equity Reversal: The proposal favors inaction and penalizes readiness. Completed applications, including ours, in queue, will be effectively discarded.

UNION HILL ELEMENTARY SCHOOL DISTRICT
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- Loss of Bond Access: Districts will miss multiple bond sales (Spring 2026, Fall 2026, Spring 2027) and potentially be pushed into 2028–2029 before construction dollars are released.
- Timeline Breakdown: DSA and CDE approval cycles alone make this proposal unworkable for modernization schedules.

Our Call to Action

We urge OPSC and the State Allocation Board to:

1. Honor the queue: Process completed small district applications in the order received, with prioritization for hardship and readiness.
2. Reject the reset: Do not press "reset" on the queue — it erodes trust and fairness.
3. Maintain equity: Ensure that the small school carve-out remains a vehicle for access, not a bureaucratic bottleneck.
4. Offer clarity now: Ambiguity in timelines creates budget paralysis for small LEAs and defeats Prop 2's purpose.
5. Avoid the land rush model: "First come, first served" may not be perfect, but it's far better than a blind dash with no historical recognition of work already done.

Union Hill is a proud district with over 156 years of service to students in Nevada County. As a charter *and* traditional school system, we understand adaptability and accountability. We have planned responsibly, engaged authentically, and acted early — all under the assumption that Prop 2 would honor those efforts.

Please restore a clear, fair, timely pathway for funding.

Respectfully



Scott Mikal-Heine
Superintendent
Union Hill School District
smikal@uhsd.k12.ca.us
(530) 273-0647

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Scott Mikal-Heine, Superintendent

CC:

- Members of the State Allocation Board
- Assembly Education Committee
- Scott Lay, Nevada County Superintendent of Schools
- Union Hill School Board of Trustees
- Yuri Calderon, Executive Director, Small School Districts Association, SSDA
- Ivan Carillo, Senior Director of Policy and Governmental Relations, Association of CA School Administrators.

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September 25, 2025

Joshua Potter, Operations Manager
Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Joshua:

We respectfully submit the following recommendation regarding the Small School District Set Aside Funds within the School Facility Program (SFP).

SAB 50-12: Project Recission
Section 9 of the SAB 50-12 currently requires districts to withdraw a previously submitted application with the same scope of work upon submittal of the SAB 50-12. This presents a significant risk for districts, as they must withdraw an application already in line without knowing whether their project will receive funding from the $400 million allocation. Given the anticipated volume of applications and their variability in funding, it may take OPSC considerable time to evaluate and determine which projects fall within the available funds.

To address this issue, we recommend revising Section 9 to provide districts with two options:

- **Option 1:** Return previously submitted funding application Project #_____
- **Option 2:** If the District's project falls within the $400 million, the District certifies that they will withdraw the previously submitted application with the same scope as the application included in this SAB 50-12. If the project falls beyond the $400 million, the District will retain its original place in line.

We believe this adjustment is critical to protecting districts from unnecessary risk while still ensuring the integrity of the application process.

New Construction Eligibility: Update Requirement
Under the current proposed regulations, districts must update their new construction eligibility using the 2026/27 CBEDS in order to participate in the Small District Set Aside Program. However, because the loss of even a few students from one year to the next can significantly affect eligibility, we recommend that districts be allowed the option of using either the 2025/26 or 2026/27 CBEDS.

OPSC has explained that the requirement to use 2026/27 CBEDS is intended to align the five year eligibility lock with the five year reservation of funds. In practice, however, new construction eligibility is typically reviewed at the time an application is processed. Under this process, if a district chooses to use its 2025/26 new construction eligibility already filed with OPSC, the two five year locks would still align, meeting the intent of the Program.

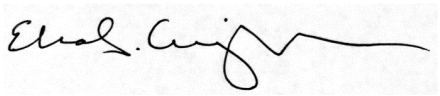
Program Commencement Date: Extension
Regarding the proposed commencement date of November 2, 2026, for the Small School District Set Aside Funds, we recommend extending the start date to **December 1, 2026**:

- The CBEDS date of October 7, 2026, allows very little time for districts to update new construction eligibility and decide whether to keep their original place in line (based on their current lock or eligibility previously filed with OSPC) or move forward with their updated eligibility required to participate in the Small District Set Aside program.
- Many districts may also wish to involve their Governing Board in this decision. Because most small districts only hold one Board meeting per month, the November 2 date may not provide enough time for discussion and formal action.

A December 1, 2026 commencement date would give districts adequate time for Board consideration and informed decision making.

Thank you for your time and thoughtful consideration of these recommendations. We remain committed to working collaboratively with OPSC to ensure the Small School District Set Aside Fund fulfills its purpose of supporting California's smallest and most underserved school communities.

Sincerely,



Elona S. Cunningham

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persingerarchitects.com

September 25, 2025

Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Re: Stakeholder comments on small school district set aside.

Dear OPSC Staff,

At the September 18th stakeholder meeting it was proposed that all small school districts be forced to wait until November of 2026 and that then all small districts would have the opportunity to submit for funding all together at that time. This idea poses serious problems which we would like to illuminate:

1. Lack of ability to plan. If the application date is pushed to November 2026, no one will know whether they will be funded until all of those applications are received and processed, which is likely to be no sooner than spring of 2027. In the meantime, small districts will effectively be on hold with no idea whether they will be funded or not.

2. No clear process for prioritization. Since it is likely that the quantity of small district applications will exceed the available funding from the Prop. 2, small district set aside, how does OPSC plan to prioritize who is funded and who is not?

3. Overwhelming government resources. If all of the small school district applications are presented at once, the enormous volume of applications will overwhelm OPSC staff and will take many months to process. Similarly, as the funded districts prepare plans and submit them to the Division of the State Architect and the Department of Education, those agencies in their turn will be overwhelmed and backlogged.

4. Small school districts will be unfairly excluded from early funding. If all application processing does not begin until November of 2026, it is likely that it will be 5 or 6 months, or more, before these applications can be processed and sent to the State Allocation Board for funding. This means that these districts will miss the spring 2026 bond sale, the fall 2026 bond sale, and the spring 2027 bond sale. Even assuming the processing is fast enough to meet the deadline for the fall 2027 bond sale that means that no small school district will receive funds earlier than January of 2028. For those districts that receive planning funds in January of 2028, it is likely to be at least a year to receive DSA and CDE approval, which means requesting construction funds no sooner than January of 2029 and the soonest they could

possibly get construction funding would be late in 2029, and most likely much later than that.

5. Small school districts that have been actively planning to participate in state funding will be penalized and their early action effectively nullified. Processing applications in date order recognizes that some districts have spent enormous time and energy to prepare to participate in the program. Those efforts will effectively be wasted by allowing all comers to submit on the same day in November 2026.

   While taking applications in date order received may not be a perfect system, it is superior to the current proposal, and we would recommend that OPSC return to that original system.

Sincerely,



Alexis Persinger, AIA
Principal
Persinger Architects

CALIFORNIA'S COALITION for ADEQUATE SCHOOL HOUSING℠

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Murdoch Walrath & Holmes
916/441-3300

October 2, 2025

Ms. Rebecca Kirk
Executive Officer, Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Subject: Proposition 2 Stakeholder Comments – Small School District Program (Sept. 18, 2025 Stakeholder Meeting)

Dear Ms. Kirk:

The Coalition for Adequate School Housing (CASH) appreciates the opportunity to provide feedback on the implementation of Proposition 2, the 2024 state school bond. This letter addresses the Small School District Program item presented by the Office of Public School Construction (OPSC) at the Stakeholder Meeting on September 18, 2025. This program will be particularly helpful for small Financial Hardship districts that submit a separate "Design Only" request followed by a subsequent adjusted grant application, ensuring bond authority is available when the district completes planning and has a shovel-ready project.

Priority Application Filing Periods
At the meeting on June 26, 2025, OPSC proposed establishing three priority application submission windows for a Preliminary Small School District Program Apportionment. The first proposed window would prioritize applications for small school districts who have never participated in the SFP New Construction or Modernization programs, or have not participated in either program in a to-be-determined amount of time. CASH *opposed* this recommendation, which would prioritize a subset of eligible projects at some small school districts over eligible projects at other small school districts.

At the meeting on September 18, 2025, OPSC indicated that they were removing this proposal. CASH supports this removal and thanks OPSC for their responsiveness to our concerns on this very important issue.

New Construction Eligibility Lock
OPSC proposed to begin accepting applications for the Small School District Program beginning November 2, 2026, and that all applications would be required to update their New Construction eligibility using the *current enrollment year* that corresponds to the date of the application submittal. This would inhibit the use of a pre-existing three-year or five-year eligibility lock that pre-dates the year of the application. *CASH opposes this proposal.*

CASH recommends that applicants be permitted to utilize an existing eligibility lock that pre-dates submittal of the Small School District Program funding application.

Prior to Proposition 2, school districts with enrollment of 2,500 or less were not required to update their enrollment projections – if it would result in a loss of eligibility – for a period of three years from the date the eligibility is approved by the State Allocation Board. Proposition 2 extended the eligibility lock period from three to five years.

We understand the logic behind OPSC's proposal, which would align the five-year lock period with the potential *maximum* statutory timeline to convert from a preliminary to final apportionment. Under this program, projects have four years to convert from a preliminary to a final apportionment, with the option to request a one-year extension. OPSC intends to avoid the circumstance of an eligibility lock expiring between a preliminary and final apportionment, resulting in a potential reduction of eligibility before the project can be constructed. However, many districts will convert to final apportionments in less than five years.

State law clearly specifies that an adjustment to enrollment projections at a small district "shall not result in a loss of ongoing eligibility to that school district for a period of five years from the date of approval of eligibility by the board." Proposition 2 did not create new limitations on the use of the eligibility lock, and the statute does not justify invalidating an existing eligibility lock that pre-dates the bond measure.

Due to their size, small districts may experience small shifts in enrollment that can have disproportionately significant impacts on enrollment projections. The eligibility lock is intended to protect small districts from this disruption and provide security to plan important facilities projects. Such districts should be able to utilize the eligibility to which they are entitled under the provisions of current law, including the use of a pre-existing eligibility lock. As such, districts would accept the risk of converting within the timeline of their existing eligibility lock or face a potential reduction in eligibility at their final apportionment stage if the lock expires.

Return of Prior Applications
Section 9 of the proposed *Form SAB 50-12* "Application for Small District Program Preliminary Apportionment" requires the application number for "return of an application with the same scope of work that was previously submitted to OPSC prior to the effective date of the regulations for the Small District Program." Some future applicants to the Small School District Program will have previously submitted a similar application (a "duplicate application") under the regular School Facility Program.

CASH recommends that rescission of another application with the same scope of work should not occur until the school district receives confirmation from OPSC that their application is within bond authority for the Small School District Program and is guaranteed funding. Requiring rescission of a prior application any earlier, such as at submission of the *Form SAB 50-12*, would significantly disadvantage a small school district and could mean they do not receive any funding for a project to which they are entitled *and* for which they submitted an application within bond authority.

We thank you for the opportunity to provide these thoughts for your consideration, and we look forward to further collaboration.

Sincerely,

Rebekah Kalleen
CASH Legislative Advocate

cc: Michael Watanabe, Deputy Executive Officer, Office of Public School Construction
Brian LaPask, Chief of Program Services, Office of Public School Construction

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
January 29, 2026

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new Program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A8a.

DESCRIPTION

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

Attachment A8b includes the revised proposed regulations.
Attachment A8c includes the revised proposed Form SAB 50-12.
Attachment A8d includes the proposed amendments to the Form SAB 50-05.
Attachment A8e includes the proposed amendments to the Grant Agreement [Proposition 2].

BACKGROUND

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

BACKGROUND (cont.)

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

The full text of the prior stakeholder meeting items can be found at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Item
September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Item
December 10, 2025 OPSC Proposition 2 Stakeholder Meeting #19 - Item

The recordings from the stakeholder meetings are available at the links below:
February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording
April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording
June 26, 2025 OPSC Proposition 2 Stakeholder Meeting #12 - Recording
September 18, 2025 OPSC Proposition 2 Stakeholder Meeting #16 - Recording
December 10, 2025 OPSC Proposition 2 Stakeholder Meeting #19 - Recording

STAFF ANALYSIS/DISCUSSION

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

Summary of Updates to Proposed SFP Regulatory Amendments

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

manner substantially identical to the preliminary apportionment requirements established in EC Section 17078.24…"

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

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

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

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

Proposed Section 1859.157.1 is amended, as follows:

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

Proposed Section 1859.157.2 is amended, as follows:

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

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

Occupancy Requirement

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

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

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

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

Additional Related Proposed Changes

Summary of Updates to the Proposed Form SAB 50-12

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

Summary of Proposed Amendments to the Form SAB 50-05

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

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

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

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

NEXT STEPS

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

Staff will review any feedback obtained in today's meeting and anything received through close of business on Friday, February 6, 2026, and will address those suggestions in the next public meeting on the corresponding topic.

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

AUTHORITY

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

For purposes of this article, the following definitions apply:

(a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.

(b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.

(c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.

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

(e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

EC Section 17078.36 – Assistance to Small School Districts

(a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.

(b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:

(1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.

(2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

AUTHORITY (cont.)

EC Section 17078.37 – Assistance to Small School Districts

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

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

(1) Submit preliminary applications to the board.

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

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

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

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

EC Section 17078.38 – Assistance to Small School Districts

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

(a) The preliminary application and preliminary apportionment.

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

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

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

Section 1859.2. Definitions.

[…]

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

[…]

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

[…]

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

[…]

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

[…]

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

[…]

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

[…]

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

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

Section 1859.18.1 Master Plan Submittal Time Frames
When submittal of a Master Plan or updated Master Plan is required pursuant to subsections (a) through (c) of Section 1859.18, inclusive, School Districts shall submit a complete and valid Master Plan and a local governing board resolution, as applicable, to OPSC within the time frames stated below. If a complete and valid Master Plan or a local governing board resolution is not submitted within the specified time frame, the application for funding shall be returned or the Apportionment may be rescinded.

…

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

(1) If the School District receives a Preliminary Small School District Apportionment on or after October 31, 2024, the Master Plan must be submitted with the Form SAB 50-04 request for Final Small School District Apportionment.

(2) A local governing board resolution acknowledging the requirement in (e)(1) must be submitted with the Form SAB 50-12 requesting a Preliminary Small School District Apportionment.

…

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17070,54, 17070.75, 17071.10, 17071.25, 17071.75, 17071.76 and 41024, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

…

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

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

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

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

…

(j) For Small School Districts:

(1) Decreased by any reduction in projected enrollment that follows a five-year period after the Small School ~~d~~District's eligibility was approved by the Board, and either (A) or (B), as applicable:

(A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.

(B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.

(2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

…

Section 1859.74.1. Site Acquisition Guidelines.

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35 and 17072.12, Education Code.

Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to School Ddistricts or charter schools that request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the

filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment~~,~~; approved advance release of design, project assistance, the Project and Construction Management Grant, and/or any site acquisition funds from a Preliminary Small School District Program Apportionment; approved advance release of design funds from a Preliminary Charter School Apportionment~~,~~; or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the School ~~d~~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 complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of Apportionment or approved advance release of funds request, except for a Career Technical Education Facilities Project in (a)(5), and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that, if the School D~~d~~istrict submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit an LCP third party report, pursuant to Section 1859.97(b), the report will be submitted to ~~the~~ OPSC and ~~the~~ DIR at least 60 days prior to submitting the Form SAB 50-05; and

(5) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the School D~~d~~istrict or C~~c~~harter S~~s~~chool is waiving its right to the timeline for fund release submittal described in Section 1859.90.

(6) For a Career Technical Education Facilities Project that was granted an unfunded approval without the required CDE plan approval and/or required DSA-approved plans and specifications, the applicant's request must include:

(A) Acknowledgement that the applicant must submit the required approval(s) to ~~the~~ OPSC within 12 months from the date of the Apportionment. If the required submittal(s) is not received within 12 months, the Apportionment shall be rescinded without further Board action pursuant to Section 1859.197(c)(1); and

(B) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 90 calendar days of the submittal described in (6)(A) and that failure to do so will result in the rescission of the Apportionment without further Board action; and

(C) Acknowledgement that a Grant Agreement must be submitted pursuant to Section 1859.90.4 and ~~physically~~ received by the OPSC prior to, or concurrently with, the Form SAB 50-05 referenced in (a)(6)(B).

(b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized District R~~r~~epresentative within the 30-calendar day filing period, which~~and~~ shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,

(2) Acknowledgement that a complete and valid~~, original signature~~ Form SAB 50-05 must be submitted and ~~physically~~ received by ~~the~~ OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and

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

(4) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

(c) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Small School District Program Apportionment, the School District shall provide a priority funding request in the form of a written statement signed by an authorized District Representative within the 30-calendar day filing period, which shall contain all of the following:

(1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and

(2) Acknowledgement that a complete and valid Form SAB 50-05 shall be submitted and received by OPSC within 180 calendar days of the approved advance release of funds request and that failure to do so shall result in the rescission of the approved advance release of funds request without further Board action; and

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

(~~c~~d) If a School ~~d~~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~~e) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the Application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Requests not converted to Apportionments will not be returned to the School ~~d~~District or kept by ~~the~~ OPSC.

(~~e~~f) In the event that unexpected cash proceeds from sources other than bond funds become available for use for priority funding Apportionments, at a public meeting the Board may, based on considerations relevant to the amount of time available to effect a distribution of funds, waive the 30-calendar day filing provision specified in this section for impacted ~~s~~School ~~d~~Districts to provide funds more rapidly.

[…]

(~~f~~g) For purposes of this section “rescinded” or “rescission” shall mean that the Apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date, except for (a)(5)(A). The new

unfunded approval date will be 90 calendar days from the Apportionment date. The School ~~d~~District or C~~c~~harter S~~s~~chool will not be required to re-submit the Application and no further Application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.41, 17071.75, 17072.12, 17072.30, 17073.10, 17074.16, 17076.10, 17077.40, 17077.42 ~~and~~, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.90.3. Participation in the Priority Funding Process.

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

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.106. Program Accountability Expenditure Audit.
[…]

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

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

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

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

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

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

[…]

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.107. Amending and Withdrawal of Applications.
(e) […]

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

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

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

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

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

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

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

Article 13.5. Small School District Program

Section 1859.156. General.

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

Applicants must meet the following requirements:

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

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

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

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

Section 1859.157. Application Process.

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

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

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

When the Small School District Program funds set aside pursuant to Education Code Sections 101412(a)(1)(A) and 101412(a)(2)(A) are exhausted, the Board shall cease

accepting Forms SAB 50-12. Any Form(s) SAB 50-12 not apportioned because insufficient funding is available shall be returned to the applicant.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.1. Preliminary Apportionment Grant Determination for New Construction Applications.

A Preliminary Small School District Program Apportionment for New Construction funding shall be equal to the sum of (a) through (c)(2) below:

(a) A New Construction Grant for all eligible pupils included on the Form SAB 50-12 at the per-pupil grant amounts in effect at the time the Preliminary Small School District Program Apportionment is approved by the Board, and eligible New Construction additional grants as follows:
(1) Fire code requirements pursuant to Section 1859.71.2,
(2) Energy efficiency pursuant to Section 1859.71.3,
(3) Individuals with exceptional needs pursuant to Section 1859.72,
(4) An amount equal to 12 percent of the amount determined in (a) for multilevel construction pursuant to Section 1859.73,
(5) Project assistance pursuant to Section 1859.73.1,
(6) An amount equal to one-half of the site acquisition value pursuant to Sections 1859.74, 1859.74.5, and 1859.75.1, which shall be the sum of one of the following:
(A) The value of the property, determined by one of the following:
1. An appraisal or preliminary appraisal of the property made no more than six months prior to the date the valid and complete Form SAB 50-12 is accepted by OPSC, pursuant to Section 1859.74.1. The preliminary appraisal may be made without access to the property. The acreage identified in the appraisal or the preliminary appraisal may not exceed the proposed useable acreage requested on the Form SAB 50-12.
2. The Median Cost of an acre of land in the General Location of the proposed project using historical information in the General Location multiplied by the number of proposed useable acres requested on Form SAB 50-12. Historical information that may be considered to determine land cost may include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company’s escrow instructions. For purposes of historical information, include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Form SAB 50-12 is accepted by OPSC.
(B) An amount for the estimated relocation cost and estimated DTSC costs for review, approval and oversite of the POESA and the PEA as determined by one of the following:

1. 15 percent of the value determined in (a)(6)(A)(1.).
2. The sum of the following:
a. The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. Seq.
b. The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.
3. The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the School District or other School Districts in the General Location.
4. Four percent of the amount determined in (a)(6)(A), but not less than $50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.
5. For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(6)(A)(1.) or (a)(6)(A)(2.), pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4.
(7) An amount for site development cost determined, at the option of the School District, by one of the following:
(A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
(B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the General Location.
(C) $70,000 multiplied by the proposed acres requested on the Form SAB 50-12.
(D) 35 percent of the New Construction base grant.
(8) An amount due to urban location, security requirements, and impacted site equal to 15 percent of the amount determined in (a) for a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
(A) The School District has requested an increase for multilevel construction pursuant to (a)(4) above.
(B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size determined by multiplying the sum of the pupil grants requested on the Form SAB 50-12, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on the Form SAB 50-12 as either elementary, middle or high school pupils based on the type of project selected by the School District on the Form SAB 50-12.

(C) The value of the property as determined in (a)(6)(A) is at least $750,000 per Usable Acre. This criterion does not apply to an application for an addition to an existing school site.
(9) An amount for the geographic location of the proposed project pursuant to Section 1859.83(a),
(10) Small size projects pursuant to Section 1859.83(b), and
(11) If the Form SAB 50-12 request is for a new school on a site with no existing school facilities, an amount equal to the difference in the amount determined in (a) and the amount shown in the chart in Section 1859.83(c). To determine the number of classrooms in the proposed project, divide the number of pupils requested on the Form SAB 50-12, by 25 for elementary school pupils, 27 for middle and high school pupils, 13 for Non-Severely Disabled Individuals with Exceptional Needs and 9 for Severely Disabled Individuals with Exceptional Needs. Round up.

(b) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amount determined in (a) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

(c) The Project and Construction Management Grant shall be equal to five percent of the sum of the amounts determined in (a) and (b).

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code Reference: Sections 17070.15, 17078.24, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

The Preliminary Small School District Program Apportionment for Modernization funding shall be equal to the sum of (a) through (c)(2) below:

(a) A Modernization Grant for all eligible pupils included on the Form SAB 50-12 at the per-pupil grant amounts in effect at the time the Preliminary Small School District Program Apportionment is approved by the Board, and eligible Modernization additional grants as follows:

(1) Labor compliance program or prevailing wage monitoring and enforcement costs pursuant to Section 1859.78.1,

(2) Project assistance pursuant to Section 1859.78.2,
(3) Individuals with exceptional needs pursuant to Section 1859.78.3,
(4) Fire code requirements pursuant to Section 1859.78.4,
(5) Energy efficiency pursuant to Section 1859.78.5,
(6) Site development necessary for 50 years or older permanent buildings pursuant to Section 1859.78.7(b),
(7) Replacement of 75 years or older buildings and necessary site development pursuant to Section 1859.78.7.1,
(8) Minimum Essential Facilities pursuant to Section 1859.78.9.1,
(9) Transitional Kindergarten Classroom(s) pursuant to Section 1859.78.9.2,
(10) Geographic location pursuant to Section 1859.83(a)
(11) Small size projects pursuant to Section 1859.83(b)
(12) Urban location and security requirements and impacted site pursuant to Section 1859.83(d), and
(13) Accessibility and fire code pursuant to Section 1859.83(e).

(b) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amount determined in (a) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

(c) The Project and Construction Management Grant shall be equal to five percent of the sum of the amounts determined in (a) and (b).

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.3. Preliminary Small School District Program Apportionment Fund Release.

Once the provisions in Section 1859.157.5 have been met, an applicant that meets the following may request an advance release of funds from a Preliminary Small School District Apportionment:

(a) An applicant that meets the Financial Hardship criteria in Section 1859.81 is eligible for an amount not to exceed the following:

(1) 40 percent of the New Construction Grant and the amounts determined in Sections 1859.157.1(a), (a)(5), and (c).

(2) 25 percent of the Modernization Grant and the amount determined in Sections 1859.157.2(a), (a)(2), and (c).
(b) An applicant that meets the Financial Hardship criteria in Section 1859.81 is eligible for an amount, not to exceed the Preliminary Small School District Program Apportionment, for site acquisition pursuant to Section 1859.81.1(a), (b) or (c) after submittal of a Form SAB 50-12 pursuant to Section 1859.157.

(c) An applicant is eligible for an amount, not to exceed the Preliminary Small School District Program Apportionment, for environmental hardship site acquisition pursuant to Section 1859.75.1 after submittal of a Form SAB 50-12 pursuant to Section 1859.157.

Qualified applicants may request a separate advance release of funds for the design and for the site acquisition for the same project. An applicant seeking an advance release of funds pursuant to Section 1859.157.3(a) and/or (b) must have been approved and maintained Financial Hardship status pursuant to Section 1859.81. OPSC will release State funds included in a Preliminary Small School District Program Apportionment pursuant to (a), (b), or (c) to the School District after submittal of the Form SAB 50-05.

Subject to the availability of funding to the Board for bond-funded projects, OPSC will release State funds included in a Preliminary Small School District Program Apportionment, pursuant to (a) or (b). State funds released from a Preliminary Small School District Program Apportionment pursuant to this Section shall be subject to the provisions in Sections 1859.90 and 1859.90.2.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.4. Conversion of Preliminary Small School District Program Apportionment.

To request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, an applicant must submit a valid and complete Form SAB 50-04 and meet all the following criteria:

(a) The total number of pupil grants requested on the Form SAB 50-04 cannot exceed the number approved on the Preliminary Small School District Program Apportionment. The number of pupil grants on the Form SAB 50-04 shall be for at least 50 percent of

the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupil grants approved by the Board on the Preliminary Small School District Program Apportionment for Modernization funding.

(b) An applicant seeking Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, must request Financial Hardship on the Form SAB 50-04.

(c) Any applicant that qualified to participate in the program and received a Preliminary Small School District Program Apportionment as a Small School District based on the applicant's total enrollment at the time of the Preliminary Small School District Program Apportionment, may submit a complete and valid form SAB 50-04 to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment.
(d) At the time of converting the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, additional funding for Modernization supplemental grants shall be calculated using the qualifying enrollment demonstrated at the time of the Preliminary Small School District Program Apportionment for the following additional grants:
(1) Minimum Essential Facility pursuant to Section 1859.78.9.1.
(2) Transitional Kindergarten Classroom pursuant to Section 1859.78.9.2.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.
Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.5. Time Limit on Preliminary Small School District Program Apportionment.

(a) A complete and valid request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment, pursuant to Section 1859.157.4, shall be made within four years of the date of the Preliminary Small School District Program Apportionment, unless the applicant receives approval for an extension pursuant to Section 1859.157.6.

(b) If (a) is not met, the Preliminary Small School District Program Apportionment shall be rescinded without further Board action and returned to the fund source.

(c) If (a) is not met, and the applicant has received an advance release of funds as provided in Section 1859.157.3, the following shall occur:

(1) The Preliminary Small School District Program Apportionment shall be rescinded without further Board action and any remaining Preliminary Small School District

Program Apportionment not released to the applicant, shall be returned to the fund source.

(2) The New Construction Eligibility or Modernization Eligibility shall be adjusted by the number of pupil grants not used. The number of pupil grants returned shall be equal to the number of pupil grants requested on the Form SAB 50-12, less the pupil grants equivalent to the total amount of state funding retained by the applicant.

(3) Funds released pursuant to Section 1859.157.3(a) or (b) shall be reduced to cost incurred and closed-out, pursuant to Section 1859.106, with a corresponding New Construction or Modernization baseline eligibility adjustment for the pupil grants assigned to the Preliminary Small School District Program Application. Funds returned pursuant to Section 1859.106 shall be returned to the fund source.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code. Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.6. Preliminary Small School District Program Apportionment Time Limit Extension.

An applicant that has received a Preliminary Small School District Program Apportionment pursuant to Section 1859.157.1 or 1859.157.2 may request a single one-year extension of the time limit prescribed in Section 1859.157.5. The Board may approve the request provided the criteria in (a) or (b) are met:

(a) The applicant has provided evidence of both of the following:

(1) CDE has made a contingent or final approval for the project or of the proposed site; and,

(2) DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.

(b) Other evidence satisfactory to the Board justifying the extension.

A single one-year extension request from an applicant may be approved by the Board after the time limit prescribed in Section 1859.157.5 has elapsed. OPSC must receive the single one-year extension request from the applicant on or prior to the deadline for which the applicant’s time limit would elapse.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.7. Final Small School District Program Apportionment Grant Determination.

The amount of the Final Small School District Program Apportionment shall be based on the provisions of any amended or new regulations that are effective at the time the complete and valid Form SAB 50-04, for the Final Small School District Program Apportionment, is accepted by OPSC for processing. The Board shall approve conversions from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment as follows:

(a) If the Final Small School District Program Apportionment is equal to or less than the Preliminary Small School District Program Apportionment, the Final Small School District Program Apportionment shall be funded entirely. The difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment shall be returned to the fund source. The Final Small School District Program Apportionment shall be the full and final Apportionment for the project.

(b) If the Final Small School District Program Apportionment is greater than the Preliminary Small School District Program Apportionment, the applicant shall receive an increase using any remaining balance in the fund source.

(1) Availability of any remaining balance in the fund source shall be prioritized in date order that OPSC receives a complete and valid Form SAB 50-04.

(2) In the event there are more applications submitted on the same date than can be funded with the balance in the fund source, a lottery system will be used to determine the funding order.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.8. Final Small School District Program Apportionment Fund Release.

Once the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment pursuant to Sections 1859.157.4 through 1859.157.7, the applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

A Small School District receiving funds in accordance with the Act shall submit the following:

(a) An expenditure report from the Small School District on the Form SAB 50-06. The program reporting requirements are as follows:

(1) The first expenditure report shall be due one year from the date that any funds were released to the Small School District for the project pursuant to Section 1859.90 or 1859.90.2, or upon notice of completion of the project to OPSC, whichever occurs first. A project shall be deemed complete when either of the following occur:

(A) When the notice of completion for the project has been filed with OPSC, all outstanding invoices, claims, and change orders have been satisfied, and the facility is currently in use by the Small School District.

(B) Three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(2) The second and subsequent expenditure reports, if necessary, shall be due annually beginning one year from the first report, or upon notice of completion of the project to OPSC, whichever occurs first. The final expenditure report must be made no later than three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(b) A progress report, in the form of a narrative from the Small School District, shall be due 18 months from the date any funds were released to the Small School District for the project, pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the Small School District has made towards substantial completion of the project. If the notice of completion to OPSC has been filed within 18 months of the release of funds, pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

(c) A progress report, in the form of a narrative from the Small School District, shall be due 12 months from the date the site acquisition funds were apportioned to the Small School District for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the Small School District has made towards acquiring the site as outlined in Section 1859.105.1, and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).

(d) If an Apportionment was made for a Small School District owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the Small School District owned site has been discontinued or relocated is required. The certification must be submitted to OPSC no later than the following dates:

(1) If the project is for an elementary school, 66 months from the date of the site Apportionment.

(2) For all other projects, 78 months from the date of the site Apportionment.

Note: Authority cited: Sections 17070.35, 17072.13, 17075.15 and 17079.30, Education Code.

Reference: Sections 17070.15, 17070.35, 17070.99, 17072.12, 17072.13, 17076.10, 17078.35, 17078.36, 17078.37, 17078.38, and 17079.30, Education Code.

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

GENERAL INSTRUCTIONS

This form is used to request a preliminary Apportionment for new construction or Modernization of school facilities for Small School Districts. This Apportionment is available only to School Districts that meet the definition of a Small School District in Section 1859.2 for new construction projects. For Modernization projects, this Apportionment is available only to School Districts that have 2,500 or less Pupils in their District on their latest California Basic Education Data System (CBEDS) enrollment reporting. The Apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Small School District Program Apportionment based on Sections 1859.157.4 through 1859.157.8.

If not previously submitted, a School District may file an application for Modernization funding by use of this form concurrently with a determination of or an adjustment to the School District's Modernization Eligibility in accordance with Section 1859.60. The School District must submit a determination of or an adjustment to the School District's new construction baseline eligibility upon request, in accordance with Regulation Sections 1859.20 or 1859.51, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the School District has a pending reorganization election that will result in the loss of eligibility for the proposed project, the School District must submit an adjustment to the School District's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in the Office of Public School Construction (OPSC) returning the funding application to the School District unprocessed.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file Modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A Preliminary Small School District Program Apportionment for new construction pursuant to Section 1859.157.1. School Districts may apply for a Preliminary Small School District Program Apportionment for the design and/or for site acquisition on the same project. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):
   - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
   - Contingent site approval letter from the CDE or a final site approval letter from the CDE (site Apportionment only).
   - Real estate appraisal of property with valuation date within six months of the Form SAB 50-12 submittal, may be preliminary (site Apportionment only).
   - Relocation cost estimate (if requested).
   - Department of Toxic Substances Control (DTSC) cost estimate (if requested).
   - Hazardous waste removal cost estimate (if requested).
   - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board findings that the non-school function on the district-owned site must be relocated (if applicable).

   If the School District is requesting a Preliminary Small School District Program Apportionment for new construction funding after the initial baseline eligibility was approved by the Board and the School District's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the School District's baseline eligibility or adjusted eligibility, the School District must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to OPSC with this form. The School District must also update its eligibility by separation of Special Day Class from regular TK–12 grade level Pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. In addition, if the School District's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the School District must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of five years from the date the School District's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

2. A Preliminary Small School District Program Apportionment for Modernization pursuant to Section 1859.157.2. For purposes of this Apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

A complete list of the application submittal guidelines can be found on OPSC's website.

SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the School District has already assigned a PTN to this project by prior submittal of an application to either DSA or CDE for approval, the School District must use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained through OPSC Online.

1. Type of Application

Check the appropriate box that indicates the type of request the School District is requesting with this form.

a. If the School District is requesting upfront funding for either site and/or design in a new construction project or requesting upfront funding for design in a Modernization project, check the appropriate box in addition to the box for the Preliminary Small School District Program Apportionment above.

2. Type of Project

a. Select the type of project that best represents this application request and enter the total number of Pupils assigned to the project for each grade group.

b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the School District:
   - The total number of eligible classrooms or the total eligible Square Footage of building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A). Or,
   - The total number of permanent Classrooms or the total permanent Square Footage of building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
   - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
   - If this project includes eligible 50 year or older Pupil grants, enter the appropriate number assigned to the project for each grade group. The number of Pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings Pupil grants requested for all Modernization funding applications for the site as determined by using the percentage factor above.

c. If this request includes Pupil grants generated by an Alternative Enrollment Projection Method, enter the number of Pupils by grade level.

d. Check the box if the project may be eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being demolished. Refer to Section 1859.78.7.1.
   - The estimated total number of eligible Classrooms and/or the estimated total eligible Square Footage of building area being constructed. Refer to Section 1859.78.7.1.
   - Enter the appropriate number of Pupils assigned to the project for each grade group. The estimated number of Pupils entered cannot exceed the cumulative number of Pupil grants requested in Section 2a. and determined by using the percentage factor above.

e. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

f. Indicate the site scenario that best represents the project request.

3. Number of Classrooms/Useable Acres

Enter the:
- Estimated number of Classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

4. Type of Financial Hardship Request

If the School District is requesting Financial Hardship assistance because it is unable to meet its matching share requirement on this application, the School District must check the box and comply with the requirements of Section 1859.81.

5. Preliminary Small School District Program Apportionment – New Construction Only

Check the appropriate box(es) if the School District is planning to request the item listed as part of the Final Small School District Program Apportionment. All remaining item requests that are not released as part of the Preliminary Small School District Program Apportionment, but are made on this form, will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.157.1 for eligibility criteria and further details. The School District may be required to submit supporting documentation to substantiate any of the requests being made. Enter the:

a. Estimated amount of therapy area in square feet as provided in Section 1859.72.

b. Check the box if the applicant is requesting additional funding due to multilevel construction. See Section 1859.157.1(a)(4).

c. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.73.1.

d. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.1(b).

e. Site Acquisition
   Enter either:
   1) Enter the estimated 50 percent amount of the actual cost, or
   2) Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.157.1(a). If the purchase price of the site is being determined using the Median Cost of the General Location enter the nearest street intersection to the school site.
   Enter the following:

3) To determine an allowance for relocation cost and DTSC cost, the applicant may request 15 percent of the property value determined above or specific historic values of these costs. See Section 1859.157.1(a). If specific or historic values are reported, the applicant must submit appropriate documentation to support the amount reported.

4) Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.157.1(a).

If the project the School District is planning to request SFP funding for does not require an Response Action (RA), refer to Section 1859.74. If the project the School District is planning to request SFP funding for may require an RA on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If the project the School District is planning to request SFP funding for may require an RA on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist. CDE determines that the site is the best available site, and the School District must submit substantiation that the costs are the minimum required to complete the evaluation and RA.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A School District-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Section 1859.74.5.

4) Enter the estimated 50 percent amount of the allowable amount for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1.

f. To determine an allowance for site development, the applicant may request $70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.157.1(a). If specific or historic estimated costs are used, the applicant must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

In addition, check the box if the applicant is requesting General Site Development pursuant to Section 1859.157.1.

g. If the School District is planning to request an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the estimated percentage amount of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment.

h. Check the box(es) if the School District plans to request additional funding for fire code requirements authorized in Section 1859.71.2.

6. Preliminary Small School District Program Apportionment – Modernization Only

Check the appropriate box(es) if the School District is planning to request the item listed as part of the Final Small School District Program Apportionment. All remaining item requests that are not released as part of the Preliminary Small School District Program Apportionment, but are made on this form, will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.157.2 for eligibility criteria and further details.

a. Check the box if the School District is planning to request project assistance grant pursuant to Section 1859.78.2.

b. Check the box if the School District is planning to request the Project and Construction Management grant pursuant to Section 1859.157.2(b).

c. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the estimated percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete request for Final Small School District Program Apportionment. If the School District does not have an estimate available, the School District can enter five percent of the New Construction or Modernization Grant amount for the projects eligible service-site development, off-site development, and utilities costs.

d. Check the box if the School District plans to request an additional grant for site development utility costs necessary for the Modernization of 50 years or older permanent building(s) pursuant to Section 1859.78.7(b).

e. Check the box if the School District requests an additional grant for site development costs necessary for the replacement of a 75 Years or Older Building for either 35 percent of the grant determined by Section 1859.78.7.1 (b) and (d) or enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7.1(e), if not already provided under the provisions pursuant to Section 1859.78.7(a).

f. Check the box(es) if the School District plans to request additional funding for fire code requirements pursuant to Section 1859.78.4.

g. Check the box if the School District is planning to request an Additional Grant for a Minimum Essential Facility pursuant to Section 1859.78.9.1. Check the box for the type of facility the School District is anticipating requesting (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the estimated amount of eligible Toilet and Other Square Footage to be constructed in the project. Check the appropriate box depending on whether the anticipated Minimum Essential Facility in the project is permanent or portable construction. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Section 1859.78.9.1. The School District may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).

h. 1) Check the box if the School District is planning to request an Additional Grant for the construction of a new Transitional Kindergarten classroom(s) and/or retrofit of an existing school facility to be a Transitional Kindergarten classroom(s). Check the appropriate boxes if the School District is planning to

augment the grant with additional supplemental grants respective of the Transitional Kindergarten Classroom project scope. Check the box if the School District is planning to request an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The School District may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).
2) The information needed to complete this section is based on the latest CBEDS enrollment data. Applications filed on or after November 1st must include the current school year enrollment data. Enter the CBEDS enrollment for grades TK-3 at the school site the current year and the three prior years' TK–3 enrollment, as appropriate.

Requests for funding shall include the following:

- 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 Small School District plans to do with the project, and the resulting usage at the completion of the project.

i. If the School District is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 60 percent of the estimated costs for the eligible CTE component(s) in the entire Modernization application.

7. Additional Project Information – Excessive Cost Hardship Request
Check the appropriate box(es) if the School District is planning to request an excessive cost hardship for the item listed as part of the Final Small School District Program Apportionment. The requests will be reserved for the School District and released at the time of the Final Small School District Program Apportionment as detailed in Sections 1859.157.7 and 1859.157.8. Refer to Section 1859.83 for eligibility criteria.

Requests for excessive cost grants for accessibility requirements are allowed only if required by the DSA. At the School District's option, the School District may request three percent of the Modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.
If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the School District elects to request less than the maximum allowance, the School District must submit a letter along with application indicating the requested amount.

8. Priority Order
Enter the School District priority order of this application in relation to other applications for Preliminary Small School District Program Apportionment that were submitted by the School District on the same date.

9. Prior Apportionment
If the School District received a separate Apportionment for the project under the SFP for either site and/or design, enter the application number of the project. Failure to report this information may delay the processing of the application by OPSC.

10. Alternative Developer Fee
The School District must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to OPSC. Refer to Section 1859.77 for details. School Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

11. Adjustment to New Construction Baseline Eligibility
Pursuant to Section 1859.51 certain adjustments to the District's new construction baseline eligibility must be made each time a School District submits an application for funding, to the OPSC for SFP New Construction or Modernization Grants. These adjustments are made by the OPSC based on information reported by the School District on this form.

- Report all Classroom(s) provided after the School District submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- In the additional Classroom column, indicate the number of additional net Classrooms provided if not previously reported.
- In the replacement Classroom column, indicate the number of Classrooms that were included in the determination of the School District's New Construction Eligibility pursuant to Education Code Section 17071.75 and replaced in a locally funded project.
- Enter the date the initial construction contract was signed for additional or replacement Classrooms.

12. Pending Reorganization Election – New Construction Only
Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the School District must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the School District's New Construction Eligibility as a result of the reorganization and submit them with this form.

13. Joint-Use Facility/Leased Property
Check the box if:

a. The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
b. The New Construction or Modernization Grants will be used for facilities located or to be located on leased property.

14. Local Funding Adjustment Grant
Enter estimated amounts for each of the following:

a. The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.
b. The School District's gross bonding capacity, rounded to the nearest whole

dollar. To calculate this, take the total assessed valuation and multiply that by 1.25 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.

c. The School District's unduplicated Pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.

d. The School District's Pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest CBEDS enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.

e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the School District indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

15. Certification

The District Representative must complete this section. For additional information regarding School District certifications, refer to the SFP handbook located on the OPSC website at www.dgs.ca.gov/opsc.

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-12 (New XX/26)

The School District named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		PRELIMINARY APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Application – Check Only One

☐ Preliminary Small School District Program Apportionment (New Construction)
☐ Preliminary Small School District Program Apportionment (Modernization)

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
TK–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?
TK–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)
TK–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 _____

e. Is this a 6–8 school? ☐ Yes ☐ No
If you answered yes, how many TK–6 Pupils reported above are sixth graders? _____
Is this an Alternative Education School? ☐ Yes ☐ No

f. Project to be located on:
☐ Leased Site
☐ New Site
☐ Existing Site with Additional Acreage Acquired
☐ Existing Site with No Additional Acreage Acquired

3. Number of Classrooms/Useable Acres

Number of Classrooms: _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)

5. Preliminary Small School District Program Apportionment – New Construction Only

a. Therapy:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

b. ☐ Multilevel Construction

c. ☐ Project Assistance

d. ☐ Project and Construction Management

e. Site Acquisition
(1) 50 percent Actual Cost: $ _____
(2) 50 percent Appraised Value or Median Cost: $ _____
(3) Relocation/DTSC Cost:
☐ 15 percent
☐ 50 percent of specific or historical cost: $ _____
(4) Hazardous material clean-up: $ _____

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

f. Site Development
- ☐ 50 percent of specific or historical cost: $ _____
- ☐ $70,000 per proposed usable acre
- ☐ 35 percent of New Construction base grant
- ☐ General Site

g. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System

6. Preliminary Small School District Program Apportionment - Modernization Only

a. ☐ Project Assistance
b. ☐ Project and Construction Management
c. ☐ Percentage Above Energy Efficiency for each building: _____
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)

OPSC CA-CHPS Score (Indicate Points): _____

d. ☐ Site Development (utilities) – 50 Years or Older Buildings
e. ☐ Site Development—75 Years or Older pursuant to 1859.78.7.1:
- ☐ 35 percent of base grant pursuant to 1859.78.7.1(b) and (d); or,
- ☐ 60 percent of minimum work $ _____

f. ☐ Automatic Fire Detection/Alarm System
g. ☐ Minimum Essential Facility
- ☐ Multipurpose
- ☐ Gymnasium
- ☐ Library
- ☐ Kitchen
- ☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____
Construction Type
- ☐ Permanent
- ☐ Portable

☐ Site Development pursuant to Section 1859.78.9.1
- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work $ _____

h. 1) Transitional Kindergarten Classroom(s)
- ☐ New Construction
  Number of Classroom(s): _____
  - ☐ Automatic Fire Detection/Alarm System
  - ☐ Automatic Sprinkler System
  - ☐ Multilevel Classrooms(s) Construction: _____
- ☐ Retrofit
  Number of Classroom(s): _____
  - ☐ 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. Additional Project Information – Excessive Cost Hardship Request

New Construction Only
- ☐ Geographic Percent Factor: _____ %
- ☐ New School Project [Section 1859.83(c)(1)]
- ☐ New School Project [Section 1859.83(c)(2)]
- ☐ Small Size Project
- ☐ Urban/Security/Impacted Site;
  If a new site, $ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only
- ☐ Geographic Percent Factor: _____ %
- ☐ Small Size Project
- ☐ Urban/Security/Impacted site
- ☐ Accessibility/Fire Code
  - ☐ 3 percent of base grant; or,
  - ☐ 60 percent of minimum work $ _____
- ☐ Number of 2-Stop Elevators: _____
- ☐ Number of Additional Stops: _____

8. Priority Order: # _____

9. Prior Apportionment

Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

10. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: $ _____

11. Adjustment to New Construction Baseline Eligibility

Classroom(s) provided:

Additional		Replacement	
TK–6:	_____	TK–6 :	_____
7–8:	_____	7–8 :	_____
9–12:	_____	9–12:	_____
Non-Severe:	_____	Non-Severe:	_____
Severe:	_____	Severe:	_____

Construction Contract(s) for the project signed on:

_____ _____

12. Pending Reorganization Election – New Construction Only

☐ Yes ☐ No

13. Joint-Use Facility/Leased Property

a. ☐ Joint-Use Facility

b. ☐ Leased Property

14. Local Funding Adjustment Grant

a. Total Assessed Valuation: _____

b. School District's gross bonding capacity, (rounded to the nearest whole dollar): _____

c. School District's unduplicated Pupil percentage, rounded to two decimal places: _____%

d. School District's enrollment: _____

e. Does this project include the use of a Project Labor Agreement?

☐ Yes ☐ No

15. Certification

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am an authorized representative of the School District as authorized by the governing board of the School District; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, Article 11, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The School District will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The School District has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs: and,
- If this funding request is for the Modernization of a Portable Classroom(s) eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School District certifies that (check the applicable box below):
  - ☐ 1. The state Modernization funds will be used to replace the Portable Classroom(s) and permanently remove the displaced Portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the Portable Classroom(s) eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the School District has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design Apportionment; and,
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This School District has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The School District matching funds are required or will be required to be met pursuant to Sections 1859.77.1 or 1859.79 and either need to be expended by the School District, deposited in the County School Facility Fund, or will need to be expended by the School District prior to the notice of completion for the project
- The School District acknowledges this request has or will be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by Pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other Pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The School District understands that some or all the State funding for the project must be returned to the State as a result of an audit pursuant to Section 1859.157.5; and,
- The School District has or will comply with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the Preliminary Small School District Program Apportionment is requested for the construction of school facilities on leased land, the School District has or will enter into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the Application contains a "Use of New Construction Grant" request, the School District has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The School District's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The School District will construct or acquire facilities for housing the Pupils with funding not otherwise available to the SFP as a School District match within five years of project approval by the SAB and the School District must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The School District will utilize higher School District loading standards providing the loading standards are within the approved School District's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)].
  - ☐ 3. The Pupils requested from a different grade level will be housed in Classrooms at an existing school in the School District which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)].
- If the School District requests a reservation now and is planning to request additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4 at the time of conversion, the School District understands that they will need to include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project and on the conversion Form SAB 50-04 application; and,
- The School District has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- If the School District is requesting site acquisition funds as part of this application, the School District has or will comply with Sections 1859.74 through 1859.75.1 as appropriate; and,

- The School District understands that the lack of substantial progress toward increasing the Pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- The School District has or will utilize the Preliminary Small School District Program Apportionment for new construction or Modernization purposes; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- The School District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the School District is requesting a reservation now and is planning to request an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5 at the time of conversion, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project must exceed the amount of funding otherwise available to the School District at the time the conversion Form SAB 50-04 application is reviewed; and,
- If this application is submitted after January 1, 2004 for Modernization funding, the School District has or will consider the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The School District has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The School District has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the School District has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The School District understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the School District has or will comply with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- The School District has or will consider the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- The School District has or will comply with all laws pertaining to the construction or Modernization of its school building.
- If the School District marked the box for 'Yes' in Section 14e. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used at the time of conversion, any additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage would be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) until funds are returned.
- If the School District is requesting a reservation now and is planning to request the Modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this Application, the School District certifies that any Classrooms displaced or that will be displaced as a result of reconfiguration will be replaced in the same plan set, or the School District certifies that the Classrooms will not be replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School District's New Construction Eligibility would be made for the removal of these Classrooms; and,
- If this funding request is requesting a reservation now and is planning to request for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not or will not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If this funding request is requesting a reservation now and is planning to request for new or retrofitted Transitional Kindergarten classrooms, the School District certifies that _____ classrooms were or will be constructed or previously altered to meet the requirements for a kindergarten classroom; and,
- With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site; and,
- The School District understands that if the submittal of this Application for a Preliminary Small School District Program Apportionment will result in the need for a return of an Application with the same scope of work that was previously submitted to OPSC prior to the effective date for the Small School District Program, the School District is responsible for ensuring that they comply with Section 1859.107 for the return of the Application with the same scope of work. Failure to report this information may result in a delay for the processing of this Application by OPSC and/or the return of this Application unprocessed by OPSC; and,
- The School District understands that an offset for prior funding received on a previously funded new construction site and/or design or Modernization design application that is indicated in this application will occur on either the Preliminary Small School District Program Apportionment or the Final Small School District Program Apportionment to adjust for prior funding that was previously received by the School District for the same scope of work being completed.
- The School District understands that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small School District Program Apportionment will be subject to the provisions of Sections 1859.157.7 and 1859.157.8; and,
- The School District has or will comply with the reporting requirements in Section 1859.158 and shall annually hold, at a regularly scheduled meeting of the School District's governing board, a public hearing to discuss, and receive public comment regarding the report(s); and,
- The School District understands that if the Project and Construction Management Grant is requested pursuant to 1859.157.1 or 1859.157.2, and the School District does not obtain project and/or construction management services from a County Office of Education, other Local Educational Agency with applicable school facilities construction expertise, applicable State Department, or a certified private construction consulting entity, or expend funds on these services, the total approved project costs will be reduced by the Project and Construction Management Grant and associated required matching share.

APPLICATION FOR SMALL SCHOOL DISTRICT PROGRAM PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

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/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

GENERAL INFORMATION
(Refer to title 2, California Code of Regulations, sections 1859.90 and 1859.91)

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the School ~~d~~District has completed and submitted this form to the OPSC. Design funds apportioned pursuant to Section 1859.81(e) will automatically be released to the School ~~d~~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 ~~s~~School ~~d~~District and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
   - Third party contract(s).
   - A written finding that the School ~~d~~District has initiated and enforced, or had contracted with a third party to initiate and enforce, an LCP pursuant to Section 1859.97(a).
   - If the School ~~d~~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 ~~s~~School ~~d~~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 ~~s~~School ~~d~~District.

SPECIFIC INSTRUCTIONS

Part I. Preliminary Apportionment—Design Only
Check the boxes if the School ~~d~~District has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 1859.149(a)(2).

Part II. Preliminary Charter School Apportionment
Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2. Attach to this form the Charter School Agreements.

Part III. Preliminary Small School District Program Apportionment
Check the boxes if the School District is requesting a release of a Preliminary Small School District Program Apportionment for a design and/or separate site apportionment pursuant to Section 1859.157.3.

Part ~~II~~IV. Separate Site Apportionment
Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

Part ~~III~~V. Overcrowding Relief Grant - Advance Site Funds
Check the boxes if the School ~~d~~District is requesting an advance release of funds pursuant to Section 1859.184.1.

Part VI. New Construction/Modernization/Charter School Rehabilitation
Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

a. Date of written approval by the Division of the State Architect (DSA).
b. Enter the percent of the construction the School ~~d~~District has under binding contract(s).
c. Issue date of the Notice to Proceed for the construction phase of the project(s); and,
d. Award date(s) of the construction contract(s) entered into by the School ~~d~~District for this project. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

For Final Charter School Apportionment attach to this form the Charter School Agreements if not previously submitted or if since revised.

Part VII. New Construction—Site Acquisition Only
Check the boxes if the School ~~d~~District is requesting a separate release of site acquisition funds as part of a new construction project.

Part VIII. Joint-Use Projects
Check the boxes if the School ~~d~~District is requesting release of joint-use project funds.

Part ~~VIII~~IX. Identify District and Joint-Use Partners' Funding Sources
Check the appropriate box(es) that identify the School ~~d~~District funding sources that have or will be used for the district's share of the project.

Part ~~I~~X. Career Technical Education Facilities Projects
Check the appropriate box(es) in Part IX if the School ~~d~~District is requesting a release of Career Technical Education Facilities funds.

Part XI. Natural Disaster Assistance Projects
Check the appropriate box(es) in Part X if the School ~~d~~District is requesting a release of Natural Disaster Assistance funds.

Part XII. Identify District's Construction Delivery Method
Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

Part XIII. Submittal of Project Grant Agreement
Check the appropriate box that identifies the timing of the submittal of the signed Grant Agreement for the project.

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~06/17~~ xx/26)

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 School ~~d~~District certifies it has complied with Section 1859.149(a).

☐ The School ~~d~~District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~District prior to the Notice of Completion for the project

☐ The School ~~d~~District certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II. Preliminary Charter School Apportionment

A. Design Only

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the Charter School for the project
- will be expended by the Charter School prior to the Notice of Completion for the project

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

B. Separate Site Apportionment

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the Charter School for the project
- will be expended by the Charter School prior to the Notice of Completion for the project

☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

Part III. Preliminary Small School District Program Apportionment

A. Design Only

Pursuant to Section 1859.157.3(a), must be able to check the following boxes:

☐ The School District certifies it has complied with Section 1859.157.5.

☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the School District for the project
- will be expended by the School District prior to the Notice of Completion for the project

☐ The School District certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

B. Separate Site Apportionment

Pursuant to Section 1859.157.3(b), must be able to check all boxes:

☐ Release site acquisition funds. The School District certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The School District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the School District for the project
- will be expended by the School District prior to the Notice of Completion for the project

Part ~~III~~IV. Separate Site Apportionment

☐ RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, School ~~d~~District must be able to check both boxes:

☐ Release site acquisition funds. The School ~~d~~District certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The School ~~d~~District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~District prior to the Notice of Completion for the project

Part ~~IV~~V. Overcrowding Relief Grant - Advance Site Funds

Pursuant to Section 1859.184.1, School ~~d~~Districts that have received Financial Hardship approval that are acquiring sites through condemnation must be able to check all boxes:

☐ Release site acquisition funds. The School ~~d~~District certifies the funds are needed to place on deposit in order to secure the site acquisition.

☐ The School ~~d~~District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~District prior to the Notice of Completion for the project

☐ The School ~~d~~District certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

Part VI. New Construction/Modernization/Charter School Rehabilitation

School District/Charter School must be able to check all boxes:

☐ The School ~~d~~District certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
- has already been expended by the School ~~d~~District for the project
- will be expended by the School ~~d~~District prior to the Notice of Completion for the project

☐ The School ~~d~~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 ~~School~~ District certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit written confirmation from the ~~School~~ District's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the ~~School~~ District consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

The Charter School must also be able to check the following box:

☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

Part VII. New Construction—Site Acquisition only

The School District must be able to check both boxes:

☐ The ~~School~~ District certifies it has entered escrow for the site (attach copy of escrow instructions).

☐ The ~~School~~ District certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the ~~School~~ District for the project
- will be expended by the ~~School~~ District prior to the Notice of Completion for the project.

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

Part VIII. Joint-Use Projects

☐ The ~~School~~ District certifies that the Joint-Use Partners' financial contribution has either:

- been received and deposited in the County School Facility Fund
- has been received and expended by the ~~School~~ District
- will be received and expended by the ~~School~~ District prior to the Notice of Completion

for the project

☐ The ~~School~~ District certifies it has entered into a binding contract(s) for _____ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

Part ~~VIII~~IX. Identify School District and Joint-Use Partners' Funding Sources

☐ Available bond funds such as general obligation, or Mello-Roos.

☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.

☐ Other funds available (identify)

☐ Funds already expended by the ~~School~~ District for the project.

☐ Funds already expended by the Joint-Use Partners for the project.

☐ Future revenue sources to be used for the project (identify)

Part ~~IX~~X. Career Technical Education Facilities Projects

☐ The School District certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the ~~School~~ District for the project
- will be expended by the ~~School~~ District prior to the Notice of Completion for the project. If the ~~School~~ District requested a loan for its matching share pursuant to Section 1859.194, the ~~School~~ District certifies that it has entered into a loan agreement with the State.

Part XI. Natural Disaster Assistance Projects

☐ The ~~School~~ District certifies it has complied with Section 1859.81.1.

☐ The ~~School~~ District certifies that its applicable matching share has either:

- been deposited in the County School Facility Fund
- has already been expended by the ~~School~~ District for the project
- will be expended by the ~~School~~ District prior to the Notice of Completion for the project

Part XII. Identify School District's Construction Delivery Method

☐ Design-Bid-Build

☐ Design-Build

☐ Developer Built

☐ Lease Lease-Back

☐ Energy Performance Contract

☐ This project includes or will include piggyback contract(s), as defined in Section 1859.2

☐ Other: _____

Part XIII. Signed Grant Agreement

☐ The ~~School~~ District has already submitted the signed Grant Agreement for this project.

☐ The signed Grant Agreement for this project accompanies this Form.

STATE OF CALIFORNIA
FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM
SAB 50-05 (REV ~~10/25~~ XX/26)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am an authorized representative of the ~~School d~~District as authorized by the governing board of the ~~School d~~District; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The ~~School d~~District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The ~~School d~~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 ~~O~~ffice of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, the ~~School d~~District has initiated and enforced an LCP that has been approved by the DIR.
- If required by Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, DIR has or will perform the required Prevailing Wage Monitoring and Enforcement for the project, or the requirement is waived pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The ~~School d~~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 REREPRESENTATIVE	DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE
EMAIL ADDRESS	TELEPHONE NUMBER

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, Small School District Program, or Career Technical Education Facilities Program)

Future Priority Funding Rounds: _____(first priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____(e.g., New Construction, Modernization, Career Technical Education Facilities Program New Construction, Facility Hardship rehabilitation work funded with New Construction grants, Facility Hardship replacement work funded with Modernization grants, etc.)

New School or Addition to an Existing Site: _____

Number of Classrooms: _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____(date)

Agreement includes Grants for: _____(Site Acquisition; Department of Toxic Substances Control fees and hazardous waste removal; etc.)

Agreement includes Grants for: _____(Site Development, if appropriate)

Other Facilities being newly constructed, modernized, replaced, or rehabilitated: _____

Office of Public School Construction Application Number: _____

Square Footage being replaced: _____Toilet Area sq. ft.
_____Other Area sq. ft. (all non-toilet area)
(include for Facility Hardship replacement or Seismic Mitigation Program replacement projects)
For purposes of Facility Hardship and Seismic Mitigation Program projects, shower/locker area is considered "toilet area."

Approved rehabilitation cost estimate: _____
(include for Facility Hardship rehabilitation or Seismic Mitigation Program rehabilitation projects)

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- The Funding Application (Form SAB 50-04), executed by the District Representative on XXXXX
- The Application for Charter School Preliminary Apportionment (Form SAB 50-09), executed by the District Representative on XXXXX
- The Application for Small School District Preliminary Apportionment (Form SAB 50-12), executed by the District Representative on XXXXX
- The Application for Career Technical Education Facilities Funding (Form SAB 50-10), executed by the District Representative on XXXXX
- Site Approval letter from the California Department of Education dated XXXXX
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX
- The industry specialist report prepared by (insert name of specialist or firm), dated XXXXX that details the minimum work necessary to mitigate the (health and safety or seismic) threat in this (rehabilitation or replacement) application
- Written concurrence dated XXXX from (enter name of governmental agency) agreeing with the (health and safety or seismic) threat and the minimum work to mitigate the threat in the industry specialist report

A copy of the documentation listed here is available as part of the project file maintained by OPSC, and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

Office of Public School Construction Application Number: _____

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).
"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.
"Application" means a request pursuant to the Act to receive funding for a school project.
"Apportionment" shall have the meaning set forth in Education Code Section 17070.15(a).
"Audit report" means the annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.
"Board" means the State Allocation Board as established by Section 15490 of the Government Code.
"Capital Outlay," for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.
"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.
"Charter School Agreements" mean a memorandum of understanding, a funding agreement, and a use agreement as established by the California School Finance Authority.
"Classroom" means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).
"Expenditure Report" means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.
"Financial Hardship" means State funding for all or a portion of the Grantee's matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.
"Funding Application" means the Form SAB 50-04, *Application for Funding,* or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding,* and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.
"Form SAB 50-12" means the *Application for Small School District Program Preliminary Apportionment,* Form SAB 50-12 (New [XX/26]), which is incorporated by reference.
"Fund Release Application" means the Form SAB 50-05, *Fund Release Authorization,* and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

Office of Public School Construction Application Number: _____

"Grants" means all eligible program grants provided by the Board to the Grantee in this Agreement.
"Grantee" means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.
"Grantee Representative" means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.
"Hazardous Material/Waste Removal Fund" shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).
"In Escrow, Governmental Entities" means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee's receipt of funding from the Board.
"In Escrow, Non-Governmental Entities" means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee's receipt of funding from the Board.
"Ineligible Expenditure" means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.
"Local auditor" means an auditor hired at the Grantee's expense who conducts annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.
"Material Inaccuracy" means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.
"Modernization" means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).
"Most Vulnerable Category 2 Buildings" means the building meets the criteria outlined in Section 1859.82.2 and is one of the following building types:
C1 – Concrete Moment Frame
C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms
C2A - Concrete Shear Wall with Flexible Diaphragms
C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms
PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms
PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms
PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms
URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms
RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms
URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms
S1B – Steel Cantilever Columns with Flexible Diaphragms
S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or
M – Mixed construction containing at least one of the above structure types.

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.
"Preliminary Small School District Program Apportionment" means a reservation of bond authority for eligible applicants under Article 11.5 of Chapter 12.5 of the Education Code. The reservation of bond authority is in advance of full compliance with all of the application requirements otherwise required for a Final Small School District Program Apportionment, pursuant to Chapter 12.5 of the Education Code.
"Project" means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.
"Project and Construction Management Grant" means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Education Code Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.
"Regulations" means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).
"Relocation/DTSC Fee Fund" shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.
"Savings" means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee's efficient and prudent expenditure of Grants.
"School District" shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.
"School Facility Program (SFP)" means the programs implemented under the Act.
"State" means the state of California.
"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the state's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.
(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior

to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Funding Application.

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; Small School District Program: Article 12.5 commencing with Section 1859.157)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

   i. The Funding Application was accepted on_____(date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

   ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

   iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

   iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: _____

4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:

   i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least $1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.

   ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).

   iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.

   iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date_____

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: _____

D. Receiving Board Approval

1. Grantee must have (1) title, (2) leasehold, or (3) other interest to Project lands. Title may include an order for pre-judgement possession issued by a court in an eminent domain proceeding.

(Authority: Education Code Section 17070.70; SFP Regulation Sections 1859.74 and 1859.74.1)

2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.

(Authority: Education Code Section 17070.63(a))

3. The Grantee has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

(Authority: SFP Regulation Section 1859.100 and Form SAB 50-04 certifications)

4. The Grantee has or will comply with Education Code Section 17076.11 regarding at least a three (3) percent expenditure goal for disabled veteran business enterprises.

(Authority: Form SAB 50-04 certifications)

5. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for both New Construction and Charter School Facilities Program projects, and (2) Grants not used by the Grantee that failed to meet substantial progress and (3) unspent Financial Hardship Grants, (4) unspent Charter School Facilities Program Grants, or (5) unspent Career Technical Education Facilities Program Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17076.10 and Education Code Section 41024, as applicable.

6. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the Office of Public School Construction, and if no repayment plan has been approved pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

7. If the Grants will be used for the construction or modernization of school facilities on leased land, the Grantee has entered into a lease agreement for the leased property that meets the requirements of School Facility Program Regulation Section 1859.22.

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8. The Grantee has established a facilities inspection system to ensure that each of its schools is maintained in good repair.

[Authority: Education Code Section 17070.75(f)]

9. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the project.

(Authority: Education Code Sections 17072.30, 17074.16, 17078.72(g)(1), 17078.54(d), and 17075.10(b)(2); Form SAB 50-04 certifications)

10. The Grantee has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process

i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid (Financial Hardship approvals are valid for 180 days) on the date the Approved Funding Application was received by the Office of Public School Construction.

[Authority: SFP Regulation Section 1859.81(e)]

ii.

a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place, or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.

b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

iii. If the Project remained on the Unfunded List (Lack of AB 55 Loans) for more than 180 days, the Grantee understands and agrees that the Office of Public School Construction shall conduct a review to determine if the Grantee has additional funds available to contribute to the Grantee's matching funds.

[Authority: SFP Regulation Section 1859.81(e) and (f)]

iv. If the additional Office of Public School Construction review, pursuant to Section (iii) above, determined that the amount of the Financial Hardship Grant required an adjustment, pursuant to Financial Hardship rules detailed in SFP Regulation Section 1859.81, the amount of the Grants detailed in this Agreement will be amended.

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[Authority: SFP Regulation Section 1859.81(a)]

12. [Instructions: The following sections only apply to the program, or other circumstance, that is detailed in this Agreement.]

New Construction:

i. The Grantee has received approval of the site and the plans from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment.

(Authority: SFP Regulation Section 1859.81.1)

ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Seismic Mitigation Program Replacement or Facility Hardship Replacement:
The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the_____ _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ _____(health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the “Most Vulnerable Category 2 Buildings”.

Site Acquisition: The Grantee has complied with Sections 1859.74 through 1859.75.1, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (increase or decrease) to the Grant amount based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

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Modernization of Portable Classrooms: If this Agreement includes the modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15(a), the Grantee certifies that either:

i. The Grants will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,

ii. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.

Modernization of Portable Classrooms on Military Installations: If this Agreement includes the modernization of portable classrooms eligible for an Apportionment pursuant to Education Code Section 17073.15(b), the Grantee certifies that the Grants will be used to replace the portable classrooms located on a military installation that is a recipient of a federal grant for facilities modernization that requires a local matching share with a permanent structure.

(Authority: SFP Regulation Section 1859.78.8)

Modernization or Charter School Facilities Program Rehabilitation: If this Agreement includes the modernization or Charter School Facilities Program Rehabilitation funding, the Grantee has received approval of the plans for the project from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment or advance release of funds for design from a Preliminary Charter School Apportionment.

(Authority: Modernization: SFP Regulation Section 1859.81.1; Charter: SFP Regulation Section 1859.163)

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation:
The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the “Most Vulnerable Category 2 Buildings”.

The Project must have the approval letter from DSA indicating that the work in the

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project plans is the minimum work required to mitigate the_____
_____
(health and safety or seismic) threat, which includes any other work triggered by the
_____
(health and safety or seismic) mitigation work and that is required in order to obtain DSA approval.

Charter:

i. Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.

ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Charter-Preliminary Charter School Apportionment:

i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
(Authority: SFP Regulation Section 1859.166)

ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
(Authority: SFP Regulation Section 1859.167)

iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
(Authority: SFP Regulation Section 1859.163)

iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
(Authority: SFP Regulation Section 1859.90.2)

Career Technical Education Facilities Program:
The Grantee has complied with the Career Technical Education Facilities Program (CTEFP) eligibility criteria as outlined in Section 1859.192; and,

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):
i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary

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approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.
ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education
iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.

(Authority: SFP Regulation Section 1859.197)

Preliminary Small School District Program Apportionment:

i. The Grantee agrees that failure to submit a request to convert the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment within the timelines prescribed for a Preliminary Small School District Apportionment (four years with a possible one-year extension subject to Board approval) shall result in the rescission of the Preliminary Small School District Program Apportionment; and,

(Authority: SFP Regulation Section 1859.157.7.)

ii. The Grantee agrees that when the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, the funding available for the Final Small School District Program Apportionment is subject to the provisions of Section 1859.157.4.

(Authority: SFP Regulation Section 1859.157.4)

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E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.
(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

1. If the project is awarded an Unfunded Approval, the Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
   i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
   ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
   iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
   iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.

2. Once an Apportionment is awarded, any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a valid Fund Release Authorization, and shall not exceed $_____ except for
   _____.
   (site-related exceptions)
(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)

3. Supplementary documentation submitted with, or prior to, a Fund Release Authorization must include this Agreement as well as documentation that proves the following:
   i. The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
   ii. Notice to Proceed dates.
   iii. For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.
   (Authority: Form SAB 50-05 certifications)

4. If the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be

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invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Authorization within 90 days of Apportionment. However, if the Grantee does not submit a valid Fund Release Authorization within 90 days of the Apportionment the Grantee will receive a non-participation occurrence as described in (1.)(ii) above. The Grantee will not receive Grants at that time. Furthermore, any penalties imposed on the Grantee by a contractor, or other consequence, because of delays in payment will be paid by the Grantee and is not reimbursable under this Agreement.

(Authority: proposed amendment to School Facility Program Regulations)

5. If the project received an Apportionment and the Office of Public School Construction finds that the Fund Release Authorization is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Authorization within 180 calendar days of Apportionment for non-Financial Hardship districts or 365 calendar days for districts with Financial Hardship approval. However, if the Grantee does not submit a valid Fund Release Authorization within 180 or 365 calendar days the Apportionment will be rescinded without further Board action.

(Authority: SFP Regulation Section 1859.90)

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F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Reports required pursuant to Education Code Section 17076.10, over the course of the project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.

(Authority: Education Code Section 17076.10)

2. Annual Expenditure Reports
   Pursuant to Education Code 17076.10, beginning 12 months from the first fund release, and continuing annually for a period of up to _____ years after the final fund release, as described in SFP Regulation Section 1859.104, the Grantee shall submit an Expenditure Report to the Office of Public School Construction.

3. Substantial Progress Compliance Reviews

   i. Pursuant to Education Code Section 17076.10, the Grantee shall be subject to a substantial progress review by the Office of Public School Construction under this Agreement with respect to all matters connected with this Agreement. The Grantee shall provide substantial progress documentation 18 months from the latest fund release. The Office of Public School Construction will consider the requirements of substantial progress met if the Grantee submits its Expenditure Report for a completed project up to 18 months from the latest fund release. The Office of Public School Construction must notify the Grantee within 60 days of receiving the documentation if a review and analysis of the information will be conducted.

   (Authority: SFP Regulation Section 1859.105)

   ii. For Grantees That Have Received Grants for Construction:
   The substantial progress documentation required shall include evidence that either 75 percent of the site development work is complete, or 90 percent of the building work is under contract, or 50 percent of all construction activities are complete.

   (Authority: School Facility Program Regulation Section 1859.105)

   The documentation that the Grantee shall provide shall include, but is not limited to:
   a) The fund source indicated, for each project cost,
   b) Assessor's parcel number, for site acquisition costs,
   c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
   d) Architect/Engineer/Construction Management Agreement(s),
   e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
   f) Construction Contract Agreements to date,
   g) Construction Bid Summaries,
   h) Construction Delivery Method,

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i) Project expenditures, to date, submitted on Detailed Listing of Project Expenditures (DLOPE) worksheet or in an equivalent format [the Office of Public School Construction will review expenditure totals for purposes of determining compliance with substantial progress requirements but will not review expenditures to determine eligibility under the program (this will be done by the local auditor)],
j) General ledger report that details project expenditures to date
k) Submittal of written policy and procedures that documents processes for accounting of School Facility Program project activities.
l) Construction schedule of values or Continuation Sheet
m) Project cost estimate

(Authority: Education Code Section 17071.10 and SFP Regulation Section 1859.105)

iii. For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants:
The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:
a) The final site appraisal,
b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

(Authority: SFP Regulation Section 1859.105 or 1859.105.1, as applicable)

iv. For Grantees That Have Received Advanced Financial Hardship Grants for Design:
The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:
a) An Approved New Construction or Modernization Adjusted Grant Application; or,
b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

v.
a) Should the Office of Public School Construction determine that the Grantee has not made substantial progress as described in (F)(3)(i), (ii), (iii), and (iv), it will inform the Grantee of its findings and require the Grantee to submit a final expenditure report within 60 days of notification, pursuant to SFP Regulation Section 1859.105. If no Grants have been expended by the Grantee, then the Office of Public School Construction will recommend to the Board that the project be rescinded.
b) If Grants have been expended by the Grantee, then
    l. The Project shall be subject to an audit pursuant to Section 41024 of the Education Code and the applicable provisions outlined in Section (F)(4) of this Agreement. The audit shall identify Grants expended in accordance

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with program requirements and the amount of any unspent Grants and the amount of any Ineligible Expenditures.

II. Once the amount of unspent Grants has been determined in the audit report described in (i) to be repaid and the Grantee repays the Grants, the Office of Public School Construction shall take an item to the State Allocation Board make a corresponding baseline eligibility adjustment, when applicable.

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

i. Upon Project completion pursuant to SFP Regulation Section 1859.104, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:

a) Proof of acreage purchased
b) Proof of site costs and adjusted site grants, where applicable
c) Copy of Form SAB 50-04
d) Copy of SAB Board item(s) (Approval of project Apportionment)
e) DSA Approval Letter
f) Final CDE Approval Letter
g) Architect Final Billing
h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
j) Final construction billing and invoices,
k) Any and all change orders
l) Proof of date of Occupancy
m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the fund that the proceeds from the COP were originally deposited

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into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the project is completed, as described complete pursuant to SFP Regulation Section 1859.104. If the Grantee has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.

iv. The Grantee understands and agrees that:
(a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the Office of Public School Construction of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
(b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
(c) The Office of Public School Construction will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
(d) The Grantee may request a repayment plan from the Office of Public School Construction related to the recovery of Grants described in (c).
(e) In order to recover funds as part of a repayment plan described in (d), the Office of Public School Construction will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to SFP Regulation Section 1859.104, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17076.10)

vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with the Board-approved project scope, including a final inspection for a Project deemed complete pursuant to SFP Regulation Section 1859.104.

(Authority: Education Code Section 17076.10)

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5. Savings Audit(s)

Grantees may retain Savings for expenditure for other high priority Capital Outlay
(Authority: Education Code Section 17070.63 and SFP Regulation Section 1859.103)

The Grantee understands and agrees to the following:

i. Upon the Grantee declaring Savings pursuant to SFP Regulation Section 1859.103, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
   a) The Grantee's final expenditure report submitted to the Office of Public School Construction, and
   b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
   c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds for high priority Capital Outlay, and
   d) Construction billing and related invoices.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.

iv. The Grantee understands and agrees that:
   (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the Office of Public School Construction of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
   (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
   (c) The Office of Public School Construction will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
   (d) The Grantee may request a repayment plan from the Office of Public School Construction related to the recovery of Grants described in (c).

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(e) In order to recover funds as part of a repayment plan described in (d), the Office of Public School Construction will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17076.10.

vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with eligible uses of Savings.

(Authority: Education Code Section 17076.10)

6. Site Adjustments
Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

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G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the School Facility Program.*

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment
  (Authority: Education Code Section 41024)
- The expenditures are expended or encumbered prior to the time a project is deemed complete, pursuant to SFP Regulation Section 1859.104
  (Authority: Education Code Section 17076.10)

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development work pursuant to SFP Regulation Section 1859.76.
(Authority: SFP Regulation Section 1859.76)

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1. New Construction - Separate Apportionment for Design Costs
Or Adjusted Grant
Charter Schools Facilities Program - Separate Apportionment for Design Costs
Or Adjusted Grant
Small School District Program – Separate Apportionment for Design Costs
Or Adjusted Grant
Common Eligible Project Expenditures

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35
g.	Energy Analysis Fee	Ed. Code Section 17072.35*
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses.	
i.	Local Agency Plan Check Fees	Ed. Code Section 17072.35
j.	Preliminary Site Tests	
k.	Engineering Fees	

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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 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
m.	For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed. Code Section 17078.47

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.

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2. New Construction - Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities Program - Separate Apportionment for Site Acquisition Costs
Small School District Program – Separate Apportionment for Site Acquisition Costs
Common Eligible Project Expenditures

	Type of Expenditure	Authority
	Site Acquisition	
a.	Purchase Price of Property – provided site was not previously funded under Lease-Purchase Program or School Facility Program. Eligible purchase expenditure is the lesser of the appraised value (submitted within six months of a complete Form SAB 50-04) or actual site cost.	Ed. Code Sections 17072.12, 17072.35 & SFP Reg. Section 1859.74
	Site (Other) (4 % Allowance)	
b.	Appraisal Fees	Ed. Code Section 17072.35 & SFP Reg. Sections 1859.74, 1859.74(2) or 1859.74(3), as appropriate
c.	Escrow Fees	
d.	Legal Fees associated with: • The review of site acquisition documents • Site condemnation or relocation proceedings. • The review of the SFP project-related lease agreements.	
e.	Litigation costs not to exceed the total SFP project funding Apportionment.	
f.	Preparation of POESA and PEA when required by the Department of Toxic Substances Control.	
g.	Survey Costs	
	DTSC Fees	

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	Type of Expenditure	Authority
h.	DTSC Phase One Environmental Site Assessment (POESA) fees, Preliminary Environmental/ Endangerment Assessment (PEA) fees, and Response Action costs paid to the Department of Toxic Substances Control.	Ed. Code Sections 17072.13 & 17072.35
	Hazardous Waste Removal	
i.	CEQA expenditures as long as they are not for services rendered by district personnel.	Ed. Code Sections 17072.13 & 17072.35
j.	Hazardous waste removal costs - only when associated with a Department of Toxic Substances Control issued determination of a need for a Remedial Action Plan, Removal Action Work Plan or Supplemental Site Investigation Plan to address necessary cleanup. Including: • 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

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	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.	

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3. New Construction - Adjusted Grant
Charter Schools Facilities Program - Adjusted Grant
Small School District Program – Adjusted Grant
Common Eligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed. Code Section 17072.35
b.	Building Construction Costs – Including: • 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

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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)

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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

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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*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
r.	Seismic Mitigation Costs – the cost must be attributable to design, study, and testing.	Ed. Code Section 17072.35*
s.	Support for constructing the construction of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed. Code Section 17072.35*
t.	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
u.	Services from a county office of education, other local education agency with applicable school facilities construction experience, applicable state department, or a certified private construction consulting entity from the list maintained pursuant	Ed. Code Section 17078.47

	to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	

*These costs are recognized as components of allowable costs pursuant to EC Section 17072.35, and may be included as allowable expenditures under the New Construction program.
**Eligible expenditures in these sections may exceed the amounts requested on the Funding Application.

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4. Modernization - Separate Apportionment for Design Costs Or Adjusted Grant
Small School District Program – Separate Apportionment for Design Costs
Common Eligible Project Expenditures

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Section 1859.105
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25*
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25
g.	Energy Analysis Fee	Ed Code Section 17074.25*
h.	Legal Fees associated with: • 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

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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.	
m.	For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed. Code Section 17078.47

*****These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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5. Modernization - Adjusted Grant
Small School District – Adjusted Grant
Common Eligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	Ed Code Section 17074.25
b.	Building Construction Costs – Including: • 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

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
	To be eligible must be supported by time cards or time logs.	
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25
h.**	Utility Services – Only if approved for fifty years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Section 1859.78.7
i.	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

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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*

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
s.	Support for expanding an existing, or constructing a new, gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17074.25*
t.	Costs associated with the modernization of a school kitchen, a transitional kindergarten classroom, a facility to support a local education agency-administered preschool program, including but not limited to, a California state preschool program that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.	Ed Code Section 17074.25*
u.	Districts apportioned funds pursuant to Section 17073.16(a) shall use the supplemental grant for expanding an existing, or constructing a new gymnasium, multipurpose room, library, or school kitchen.	Ed Code Section 17073.16(a)
v.	Districts apportioned funds pursuant to Section 17073.16(b) shall use the supplemental grant for retrofitting an existing facility or constructing new classrooms to house transitional kindergarten pupils.	Ed Code Section 17073.16(b)
w.	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

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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.	
x.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed. Code Section 17078.47

*****These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

******Eligible expenditures in these sections may exceed the amounts requested on the Funding Application.

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6. Career Technical Education Facilities Program - New Construction Common Eligible Project Expenditures

To be considered eligible, a cost must be part of the detailed project cost estimate approved by Office of Public School Construction.

PLANNING COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
g.	Energy Analysis Fee	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
h.	Legal Fees associated with: • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses.	
i.	Local Agency Plan Check Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
j.	Preliminary Site Tests	

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ENGINEERING COSTS		
Type of Expenditure		Authority
k.	Engineering Fees	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(a)&(b)
l.	Construction Management Fees	Ed Code Section 17078.72 & SFP Reg. Section 1859.193(a)&(b)
m.	Building Construction Costs	
n.	Construction Security (Campus Security not eligible and administrative overhead – not eligible)	
o.	Construction Tests	
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(a)(4) & (b)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a)
r.	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

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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)

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	• 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.

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7. Career Technical Education Facilities Program - Modernization
Common Eligible Project Expenditures

To be considered eligible, a cost must be part of the detailed project cost estimate approved by the Office of Public School Construction.

	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
b.	Architect's Fee for Plans	
c.	CDE Plan Check Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
e.	Consultant Fees – specific to SFP project (prorate if necessary)	
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) &

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	Type of Expenditure	Authority
		SFP Reg. Section 1859.193(c)
o.	Construction Tests	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
p.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district "third party providers" costs, district's own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.193(c)(5)
q.	Energy Conservation Costs	Ed Code Section 17078.72(a) & SFP Reg. Section 1859.193(c)
r.	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)

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	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)

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	Type of Expenditure	Authority
	Career Technical Education Facilities Program project (see SFP Regulation Section 1859.76(c) for more information) as follows: • Water • Sewage • Gas • Electric • Communication systems	
x.	Equipment expenditures for Career Technical Education Facilities Program projects – Equipment must have been approved by the California Department of Education (CDE). The CDE approved equipment list must be submitted with the application for funding and later approved by the SAB. Equipment must also have an average life expectancy of at least 10 years.	Approved by CDE & Ed Code Section 17078.72(a)

**Eligible expenditures in these sections may exceed the amounts requested on the Funding Application.

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8. Facility Hardship (Non-Seismic) - Replacement
Separate Apportionment for Design Costs
Or Adjusted Grant
Common Eligible Project Expenditures

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Sections 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed. Code Section 17072.35 & SFP Reg. Section 1859.82
g.	Energy Analysis Fee	Ed. Code Section 17072.35* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: • 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
Small School District Program – Separate Apportionment for Design Costs
Or Adjusted Grant
Common Ineligible Project Expenditures

DESIGN COSTS		
	Type of Ineligible Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17072.35
b.	For projects that received Design funds only any site and/or construction related expenditures are not eligible	
c.	For the Small School District Program, services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

2. New Construction – Separate Apportionment for Site Acquisition Costs
Charter Schools Facilities Program – Separate Apportionment for Site Acquisition Costs
Small School District Program – Separate Apportionment for Site Acquisition Costs
Common Ineligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Relocation costs not considered reasonable such as: goodwill not court ordered; the difference between the salvage value and new value of furniture and equipment costs, if the business vendor retains the furniture and equipment.	Ed Code Section 17072.35
b.	For projects that received site funds only (did not receive construction funds) any construction related expenditures are not eligible.	

Office of Public School Construction Application Number: _____

3. New Construction – Adjusted Grant
Charter Schools Facilities Program – Adjusted Grant
Small School District Program – Adjusted Grant
Common Ineligible Project Expenditures

CONSTRUCTION COSTS		
	Type of Ineligible Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17072.35
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
e.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
f.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17072.35 & CSAM Procedure 770
g.	Items not considered Furniture and Equipment because they are considered operational or supplies in nature, including: • 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	
h.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

Office of Public School Construction Application Number: _____

4. Modernization – Separate Apportionment for Design Costs Or Adjusted Grant
Small School District Program – Separate Apportionment of Design Costs Or Adjusted Grant
Common Ineligible Project Expenditures

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25
b.	For projects that received Design funds only any construction related expenditures are not eligible	
c.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

5. Modernization – Adjusted Grant
Small School District Program – Adjusted Grant
Common Ineligible Project Expenditures

	Type of Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17074.25
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Repair of damages incurred during construction are not eligible	
d.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
e.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
f.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	

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.	Ed Code Section 17074.25
h.	Services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity not on the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.	Ed Code Section 17078.47

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

CALIFORNIA'S COALITION *for* ADEQUATE SCHOOL HOUSING℠

Officers

Tom Pace
Chair
San Bernardino City USD
909/388-6100

Brooke Murray
Vice Chair
Ontario-Montclair SD
909/418-6369

Gil Fullen
Treasurer
Balfour Beatty
949/502-4000

Directors

Amanda Bonivert
Petaluma City Schools
707/778-4621

Frank Camarda
San Juan USD
916/971-5740

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Los Angeles Co. Ofc. of Education
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Kevin Fleming
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Pacific Grove USD
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559/905-4191

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559/327-9000

Immediate Past Chair

Alan Reising
Immediate Past Chair
Reising Group
562/631-8037

Legislative Advocates

Murdoch Walrath & Holmes
916/441-3300

February 6, 2026

Ms. Rebecca Kirk
Executive Officer, Office of Public School Construction
707 Third Street
West Sacramento, CA 95605

Subject: Proposition 2 Stakeholder Comments: Small School District Program
January 29, 2026 Stakeholder Meeting – Occupancy Provisions

Dear Ms. Kirk:

The Coalition for Adequate School Housing (CASH) appreciates the opportunity to provide feedback on the implementation of Proposition 2, the 2024 state school bond. This letter addresses the Small School District Program item presented by the Office of Public School Construction (OPSC) at the Stakeholder Meeting on January 29, 2026. Specifically, we have concerns with the "Occupancy Requirement" identified in the agenda item and discussed at the Stakeholder Meeting.

At the January 29, 2026 meeting, a stakeholder inquired about a School Facility Program (SFP) New Construction application currently on the SFP Workload List. The stakeholder asked if the application could be submitted to the Small School District Program if the classrooms were occupied *after* submittal of the original SFP application but *prior* to submittal of a Small School District Program application. OPSC indicated that "a school district would not be able to apply for a preliminary apportionment or receive funding [from the Small School District Program] due to the classrooms being occupied prior to the submittal date of the Form SAB 50-02."

CASH has concerns with this proposal, as it could prevent school districts from receiving funds for eligible New Construction projects.

Under the proposed framework of the Small School District Program, OPSC would accept applications for New Construction in the Small School District Program beginning on January 15, 2027. This is more than two years after voters approved Proposition 2 in November 2024. There are districts that need to construct and occupy school facility projects after passage of Proposition 2 but prior to January 15, 2027 that meet all other criteria for an eligible New Construction project in the new program. While there is still New Construction bond authority available for new applications in the standard SFP, it is possible that this authority will be exhausted prior to January 15, 2027. In that case, a small school district that needs to occupy a new facility prior to January 15, 2027 may be shut out from participating in both the standard School Facility Program *and* the Small School District Program.

As the SFP has evolved over more than two decades, districts have generally been granted the flexibility to access new funding opportunities through grandfathering options. We request you extend this same consideration to the small school districts who must proceed with educating students in new

facilities *prior* to the date – still well in the future – that OPSC plans to accept applications for New Construction funding in the Small School District Program. These are the very districts that policymakers intended to support with the program revisions included in Proposition 2.

We thank you for the opportunity to provide these thoughts for your consideration, and we look forward to further collaboration.

Sincerely,

Rebekah Kalleen
CASH Legislative Advocate

cc: Michael Watanabe, Deputy Executive Officer, Office of Public School Construction
Brian LaPask, Chief of Program Services, Office of Public School Construction