### Office of Public School Construction Converting Your Charter School Facilities Program Preliminary Apportionment

PRESENTATION BY:

Erin Cunneen – Program Analyst April 6, 2021



## Agenda Summary

Prop 51 Recap
Converting your Preliminary Apportionment (PA)
Funding Restrictions
Accessing Funding
Financial Reporting Requirements
Submitting Documents to OPSC
Top Tips and Resources

# Prop 51 Recap

### • Approximately \$650.0 million awarded

- \$500.0 million in Prop 51
- \$150.0 million in Props 47, 55, and 1D
  - Funding that returned through 2018

### • 62 PAs awarded

- 16 can still request advance funding (optional)
   Design costs
  - Site acquisition costs
- 47 need to convert to a final apportionment

# Converting Your PA

- Submit a <u>complete and valid</u> Application for Funding (Form SAB 50-04)
- Preliminary to Final Apportionment
  - Proposed project to actual project with approved plans
- At conversion, applicant can:
  - Request less funding than what was originally reserved
  - Request eligible supplemental grants not previously reserved
    - Cannot request additional square footage or pupil grants
  - Receive additional funding beyond what was reserved if:
    - Project qualifies
    - Financially sound
    - Available bond authority

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### Converting Your PA

### Form SAB 50-04 Supporting Documents

- Division of the State Architect (DSA) approved plans and specifications
- DSA and CDE Final Plan approval letters
- CTEAC certification letter
- Request for current financial soundness
  - Submit request to CSFA at the same time the Form SAB 50-04 package is submitted to OPSC
  - Do not submit financial soundness documentation to OPSC

# Converting Your PA

Additional items for New Construction projects

- Site development worksheet
- Offsite plans approved by local authority
- Projects with site acquisition
  - CDE Final Site Approval letter
  - Valid Opening/Closing escrow statement
  - Appraisal with valuation date within six months of application submittal date
    - Funding based on the lesser of the appraised value and actual cost
  - DTSC and hazardous waste removal invoices, if requesting

### Converting Your PA

• Site Development Worksheet (SFP Regulation Section 1859.76)

- Service-site
- Off-site
- Utilities

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<< PREV SEC	TION NEXT SECTION >>	District Name	Site Nar	ne		OPSC A	pp #	Print District Copy	Estimate Reference
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Category	Plan Location	Item	Quantity	Unit	Unit Cost	Architect's Estimate	OPSC Allowance	Architect's Comments	Current Construction Costs by Sierra West Group
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	1) Site clearance								
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# Converting Your PA

### Additional items for Rehabilitation projects

### • Cost Estimate

- Breakout total hard construction costs in the rehabilitation project
- Used to ensure work is allowed under rehabilitation and project meets 60% commensurate requirement
- Access/Fire Code Requirements DSA Checklist
  - ONLY if applicant requests funding based on the minimum work required by DSA
  - Can request 3% of the base grant without checklist
  - Must be approved by DSA prior to application submittal

# Converting Your PA

### **Conversion Deadline**

- Fours years from date PA awarded
- Submit complete and valid Form SAB 50-04 by deadline
  - Construction does not need to start
- Request a one-time, one-year extension
  - Meet all requirements in SFP Regulations, Section, 1859.166.1
  - Submitted no later than the original four-year conversion deadline

#### **No Additional Extensions**

Executive Officer Emergency Powers allows OPSC to provide extensions for applicants that are unable to meet OPSC's response deadlines as a result of the COVID-19 pandemic. This does not apply to the four-year conversion deadline which is required in statute (Education Code 17078.52(c)(3)).

# Funding Restrictions

• 60% Commensurate Requirement

- Hard construction costs must be at least 60% of total funding (less site acquisition)
- Verified at conversion, final fund release and closeout
- Financial Soundness Determination
- Available bond authority
  - For projects that qualify for more than was originally reserved

# Funding Restrictions

Capacity (rehab)

- Square footage base grant capped at classroom capacity in project
- Excess square footage/classrooms (rehab)
  - Reconfiguring existing facilities or demolishing and building back
  - Excess square footage or classrooms (even if within original square footage) not eligible rehabilitation expenditures
    - Can be funded by corresponding new construction project
- Occupancy (new construction)
  - Cannot submit Form SAB 50-04 once facilities occupied

# Accessing Funding

# Step One: Unfunded Approval on the Unfunded List (Lack of AB 55 Loans)

- Unfunded approvals that need cash
- Advances placed on list when PA awarded.
- Construction funding placed on list when conversion application approved by State Allocation Board (SAB)

# Accessing Funding

County	School District	Application Number	Program	Approval	Received Date	SAB Unfunded Approval	Financial Hardship Apportionment	Loan	State Share	Total Apportionment	Cumulative Amount	Submitted Certification Letter Nov. 2020	Grant Agreement Received as of 1/27/2021
MONTEREY	GREENFIELD UNION ELEMENTARY	58/66035-00-002	Rehabilitation	G	4/7/2020	9/30/2020	0.00	0.00	91,089.45	91,089.45	91,089.45	Yes	No
LOS ANGELES	LOS ANGELES UNIFIED	58/64733-00-004	Rehabilitation - Seismic	G	8/15/2018	10/28/2020	0.00	0.00	825,596.00	825,596.00	916,685.45	Yes	Yes
IMPERIAL	CALEXICO UNIFIED	51/63099-00-001	Facility Hardship - Seismic	G	6/29/2020	10/28/2020	0.00	0.00	949,620.00	949,620.00	1,866,305.45	Yes	No
IMPERIAL	CALEXICO UNIFIED	51/63099-00-001	Facility Hardship - Seismic	G	11/5/2020	12/9/2020	0.00	0.00	69,972.00	69,972.00	1,936,277.45	Yes	No
RIVERSIDE	TEMECULA VALLEY UNIFIED	58/75192-00-001	Rehabilitation	G	10/15/2019	12/9/2020	0.00	0.00	446,842.00	446,842.00	2,383,119.45	Yes	Yes
TRINITY	MOUNTAIN VALLEY UNIFIED	51/75028-00-004	Facility Hardship	D	6/26/2020	12/9/2020	378,961.80	0.00	422,940.80	801,902.60	3,185,022.05	Yes	Yes
NAPA	NAPA VALLEY UNIFIED	51/66266-00-002	Facility Hardship	G	8/19/2020	12/9/2020	0.00	0.00	11,780,096.78	11,780,096.78	14,965,118.83	Yes	Yes
NAPA	ST. HELENA UNIFIED	58/66290-00-001	Rehabilitation	G	8/24/2020	12/9/2020	0.00	0.00	137,427.00	137,427.00	15,102,545.83	Yes	Yes
SAN BERNARDINO	COLTON JOINT UNIFIED	58/67686-00-002	Rehabilitation	G	8/24/2020	12/9/2020	0.00	0.00	205,784.00	205,784.00	15,308,329.83	Yes	Yes
MERCED	GUSTINE UNIFIED	58/73619-00-001	Rehabilitation	G	8/26/2020	12/9/2020	0.00	0.00	562,696.00	562,696.00	15,871,025.83	Yes	Yes
MERCED	GUSTINE UNIFIED	58/73619-00-002	Rehabilitation	G	8/26/2020	12/9/2020	0.00	0.00	498,987.00	498,987.00	16,370,012.83	Yes	Yes
DEL NORTE	DEL NORTE COUNTY UNIFIED	58/61820-00-007	Rehabilitation	G	8/30/2020	12/9/2020	0.00	0.00	180,803.00	180,803.00	16,550,815.83	Yes	No
DEL NORTE	DEL NORTE COUNTY UNIFIED	58/61820-00-002	Rehabilitation	G	9/1/2020	12/9/2020	0.00	0.00	228,802.00	228,802.00	16,779,617.83	Yes	No
ORANGE	FULLERTON JOINT UNION HIGH	58/66514-00-003	Rehabilitation	G	10/8/2020	12/9/2020	0.00	0.00	5,297,431.00	5,297,431.00	22,077,048.83	Yes	Yes
ALAMEDA	OAKLAND UNIFIED	54/61259-09-010	Charter	D	6/5/2017	1/24/2018	0.00	200,206.10	200,206.10	400,412.20	22,477,461.03	No	No
ALAMEDA	OAKLAND UNIFIED	54/61259-09-011	Charter	D	6/5/2017	1/24/2018	0.00	2,150,284.80	2,150,284.80	4,300,569.60	26,778,030.63	No	No
ALAMEDA	SAN LORENZO UNIFIED	54/61309-00-003	Charter	D	6/5/2017	12/11/2018	0.00	845,455.40	845,455.40	1,690,910.80	28,468,941.43	No	No
SAN BERNARDINO	SAN BERNARDINO CITY UNIFIED	54/67876-00-004	Charter	D	6/5/2017	1/22/2019	0.00	229,399.00	229,399.00	458,798.00	28,927,739.43	No	No
SACRAMENTO	SACRAMENTO CITY UNIFIED	54/67439-00-008	Charter	S	6/5/2017	5/2/2019	0.00	212,228.00	212,228.00	424,456.00	29,352,195.43	No	Yes
SANTA CLARA	EAST SIDE UNION HIGH	54/69427-00-005	Charter	D	6/5/2017	7/23/2019	0.00	1,552,568.80	1,552,568.80	3,105,137.60	32,457,333.03	No	Yes
SANTA CLARA	EAST SIDE UNION HIGH	54/69427-00-006	Charter	D	6/5/2017	7/23/2019	0.00	27,429.70	27,429.70	54,859.40	32,512,192.43	No	Yes
LOS ANGELES	LOS ANGELES UNIFIED	54/64733-00-102	Charter	S	6/1/2017	3/23/2020	0.00	7,441,670.00	7,441,670.00	14,883,340.00	47,395,532.43	No	No

#### Unfunded Approvals as of January 27, 2021 SAB

# Accessing Funding

### Step Two: Submit Priority Funding Certification

### • Certification

 Ability to meet the requirements to request funds by a deadline specific to your type of funding

### • Bi-Annual Certification Rounds:

- May 12, 2021 June 10, 2021
  - Eligible for funding July 1, 2021-December 31, 2021
- November 10, 2021 December 9, 2021
  - Eligible for funding January 1, 2022-June 30, 2022



HOME » OFFICE OF PUBLIC SCHOOL CONSTRUCTION » RESOURCES » PRIORITY SCHOOL CONSTRUCTION FUNDING

### **Priority Funding for School Construction Projects**

Stakeholders can view information regarding priority funding eligibility, funding rounds, and non-participation in the funding rounds.

#### **Priority Funding Apportionments**

- Projects Receiving Priority Funding Apportionments at the May 27, 2020 SAB Meeting
- Projects Receiving Priority Funding Apportionments at the October 28, 2020 SAB Meeting

#### **Priority Funding Eligibility**

The priority funding process was created to allow projects that receive unfunded approval by the State Allocation Board (SAB) and are placed on the Unfunded List (Lack of AB 55 Loans) to receive an apportionment with accelerated timelines.

School Facility Program Regulation Section 1859.90.2 requires a school district to submit a written statement that requests to convert the unfunded approval to an Apportionment. Projects on the OPSC Workload List *cannot make this request*. Any priority funding requests received for projects on the OPSC Workload List will be returned to the district.

### Accessing Funding

Use for CSFP Advance Release of Funds Request - ONLY

#### Insert Date Here

Office of Public School Construction Department of General Services 707 Third Street, 6th Floor West Sacramento, CA 95605

RE: Priority Funding Certification for Charter School Facilities Program Advance Release of Funds

To Whom it May Concern:

The Applicant requests to receive an approved advance release of funds for the following project(s):

#### Project Name Application Number Type of Advance

- The Applicant acknowledges that a valid, signed Form SAB 50-05 must be submitted and received by the Office of Public School Construction (OPSC) within 90 calendar days from the date of approved advance release of design funds request and 180 calendar days from the date of approved advance release of funds acquisition funds request, and that failure to do so will result in the rescission of the approved release of funds request with urther Board action.
- The Applicant acknowledges that a valid, signed Grant Agreement for each project and each type of advance must be submitted pursuant to School FacilityProgram Regulation Section 1859.90.4 and received by OPSC prior to or concurrently with the Form SAB 50-05.

#### If the request includes advance funding for site acquisition, include the following certification:

 In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, The Applicant acknowledges 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.

#### If applicable, include the following certification:

 The Applicant acknowledges that, if the Applicant submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit a Labor Compliance Program third party report, pursuant to Section 1859.97(b), the report will be submitted to OPSC and the DIR at least 60 days prior to submitting the Form SAB 50-05. Onlyprojects approved from Proposition 47 or 55 bond authority, and have construction contracts awarded prior to January 1, 2012, are subject to this acknowledgement.

#### Electronic or Scanned Wet Signature Charter School Representative

#### Use for CSFP Apportionment Request - ONLY

#### Insert Date Here

Office of Public School Construction Department of General Services 707 Third Street, 6<sup>th</sup> Floor West Sacramento, CA 95605

RE: Priority Funding Certification for Charter School Facilities Program Apportionment

To Whom it May Concern:

The Applicant requests to convert an unfunded approval to an Apportionment for the following project(s):

#### Project Name Application Number

Type of Apportionment Request

- The Applicant acknowledges that a valid, signed Form SAB 50-05 must be submitted and received by the Office of Public School Construction (OPSC) within 90 calendar days from the date of Apportionment, and that failure to do so will result in the rescission of the approved release of funds request without further Board action.
- The Applicant acknowledges that a valid, signed Grant Agreement for each project and each Apportionment must be submitted pursuant to School Facility Program Regulation Section 1859.90.4 and received by OPSC prior to or concurrently with the Form SAB 50-05.
- The Applicant acknowledges that by participating in the priority funding round, the Applicant is waiving its right to a standard 18-month timeline for fund release submittal.

#### If applicable, include the following certification:

The Applicant acknowledges that, if the Applicant submits the Form SAB 50-05
on or after July 1, 2013 and is required to submit a Labor Compliance Program
third party report, pursuant to Section 1859.97(b), the report will be submitted to
OPSC and the DIR at least 60 days prior to submitting the Form SAB 50-05. Only
projects approved from Proposition 47 or 55 bond authority, and have
construction contracts awarded prior to January 1, 2012, are subject to this
acknowledgement.

Electronic or Scanned Wet Signature Charter School Representative

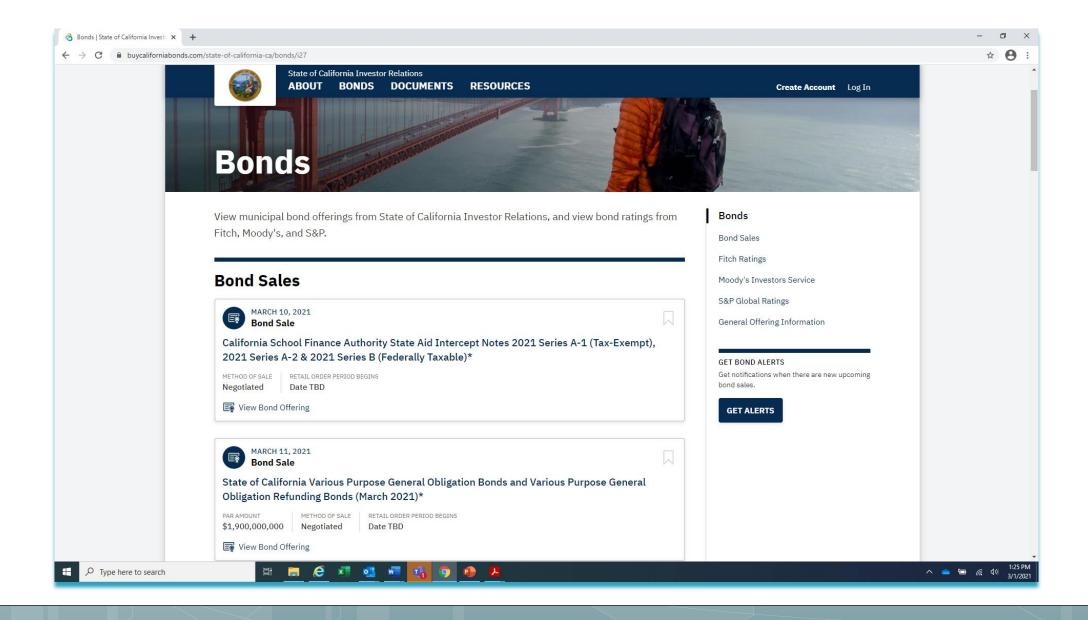
# Accessing Funding

# Step Three: Wait for funds to become available

• Usually from a Spring or Fall General Obligation Bond sale

• Must include funding for the School Facility Program

• Bond sales are not guaranteed



# Accessing Funding

### Step Four: Receive a Funded Approval

Back to the board to change approval to funded

### Step Five: Request funds by deadline

• 90 days from funded approval for design and construction

• 180 days from funded approval for site acquisition

### Step Six: Funds released

About 6 weeks from request submittal

# Accessing Funding

### **Requesting Funds**

Submit a complete and valid *Fund Release Request* (Form SAB 50-05) and supporting documents:

- Executed Grant Agreement (OPSC)
  - Specific to funding phase (design, site, construction)
- Executed Charter School Agreements
  - Memorandum of Understanding (CSFA)
  - Funding Agreement, if loan requested (CSFA)
  - Use Agreement, if District holds title (District)
  - Not specific to funding phase

# Accessing Funding

Additional items for advance fund release

- Current financial soundness determination (CSFA)
- California Department of Education (CDE) Contingent Site Approval (site advance)
- Preliminary Appraisal (site advance)
- Application for Charter School Preliminary Apportionment (Form SAB 50-09) (site advance)
- Additional items if charter holds title

# Accessing Funding

### Additional items for final fund release

• Full contract(s)

- Must be in contract for at least 50% of hard construction costs
- Notice(s) to Proceed
- Project Information Worksheet (PIW) (new construction projects only)
- Additional items if charter holds title

# Accessing Funding

### **Non-Participation Occurrences**

- Construction funding phase only
  - Do not apply to advances
- Certification not submitted
- Form SAB 50-05 not submitted by deadline

# After two non-participation occurrences the project is rescinded!

# Financial Reporting Requirements

Annual Expenditure Reports (SFP Regulation Section 1859.104)

- Submit an Expenditure Report (Form SAB 50-06) and Detailed Listing of Project Expenditures (DLOPE)
- Beginning one year from final fund release, submit every year until project complete:
  - Form SAB 50-06 submitted indicating project is 100% complete
  - 3 years from final fund release date for elementary school
  - 4 years from final fund release date for middle/high school

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### Financial Reporting Requirements

### Substantial Progress (SFP Regulations, Section 1859.105)

 18 months from final fund release after conversion, submit evidence substantial progress in the completion of the project is being made

GENERAL INFORMATION			
SFP Regulation Section 1859.104(b) requires a 18 months from the date any funds were release providing a narrative. The progress report shall i completion of the project.	ed to the district for the pro	ect. This worksheet may	be submitted in lieu of
SCHOOL DISTRICT		APPLICATION NUMBER	
SCHOOLNAME		COUNTY	
INSTRUCTIONS			
Check the appropriate box(es) if the activities ha met the substantial progress requirement.	we been completed in eac	h section to identify the o	criteria by which the district
SECTION 1 - Separate Site Financial Hardship Separate Site Environmental Han Progress Report. Refer to Regula Section 1859.105(b) or Section 1 Acceptable evidence of substantial progress he considered met when the district has completed following: Obtained the final appraisal of the site. Completed all California Environmental or equirements. Obtained final approval of the site by the Department of Education. Obtained final escrow instructions or wid district has field condemnation proceedin intends to request an order of possession site.	Jship tion SS:75.1 Accept consid all be all of the Auality Act California Jence the gs and	able evidence of substar red met when the distric 92: At least 75 percent of al is necessary prior to buil complete. At least 90 percent of th activities are under cont At least 90 percent of th activities are under cont construction activities complete. Other evidence satisfact	In Section 1859.105(a). Itial progress shall be at has completed <b>any</b> of the listle development work the listle development work the building construction activity is to delayed as a result of nent work. a are at least 50 percent ory to the State Allocation ory to the State Allocation percent of the bestantial progress being <b>explanation</b> and
The Office of Public School Construction reserv visit for this project.	es the right to request cop	ies of supporting evidence	ce as well as conduct a site
Certification: I certify, as the District Representative, that	the information reporte	d on this checklist is t	rue and correct.
	SIGNATURE OF DISTRICT	REPRESENTATIVE	DATE
PRINT OR TYPE: NAME	TITLE	E-MAIL	PHONE NUMBER
PREPARER'S NAME	PREPARER'S TITLE	E-MAIL	PHONE NUMBER

# Financial Reporting Requirements

### Project Closeout (EC 41024)

- K-12 Expenditure Audit must be completed by a local auditor within one year of project completion
- Review of expenditures reported on the final DLOPE to determine if they are eligible/ineligible
- Ineligible expenditures and savings will need to be returned
- Deposit funding in separate account or sub account to keep project expenditures separate from general charter school expenditures

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HOME > OFFICE OF PUBLIC SCHOOL CONSTRUCTION > RESOURCES > K-12 AUDIT RESOURCE

#### **K-12 Audit Resource**

To assist auditors conducting the local educational agency's audit, the Office of Public School Construction has set up this resource page with crucial audit information on both a districtwide and project specific basis.

#### CONTACT

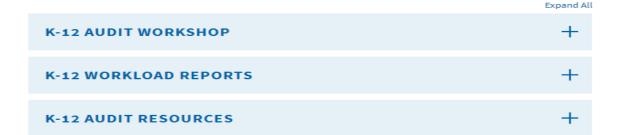
Jason Hernandez Department of General Services Office of Public School Construction

707 Third St. West Sacramento, CA 95605 Phone: (916) 376-5369

Email: jason.hernandez@dgs.ca.gov

Additional Contacts: Hung Bang - (916) 375-4618 Email: <u>hung.bang@dgs.ca.gov</u> Suzanne Reese - (916) 376-1612 Email: <u>suzanne.reese@dgs.ca.gov</u> Per Education Code Section 41024, a local agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 on or after April 1, 2017 and was apportioned on or after July 1, 2017 will have their project audited as required in this Education Code Section. Completed audit reports are to be submitted to the State Controller's Office (SCO) for review and certification. Audit reports for Completed Projects, Reduction to Costs Incurred (RCI) projects, or Savings Usage are due one year from the final submission of the Final Form SAB 50-06 Expenditure Report to OPSC per Education Code Section 41024(a)(6). Audit reports for savings audits are due one year from the submission of the "Use of Savings" report to OPSC. To assist auditors conducting the local educational agency's audit, the Office of Public School Construction has set up this resource page with crucial audit information on both a districtwide and project specific basis. For your use, below are links to documents that can be used with the goal of a successful and thorough audit.

#### K-12 AUDIT RESOURCES



# Financial Reporting Requirements

Loan Repayment

• Payments begin one year from occupancy date

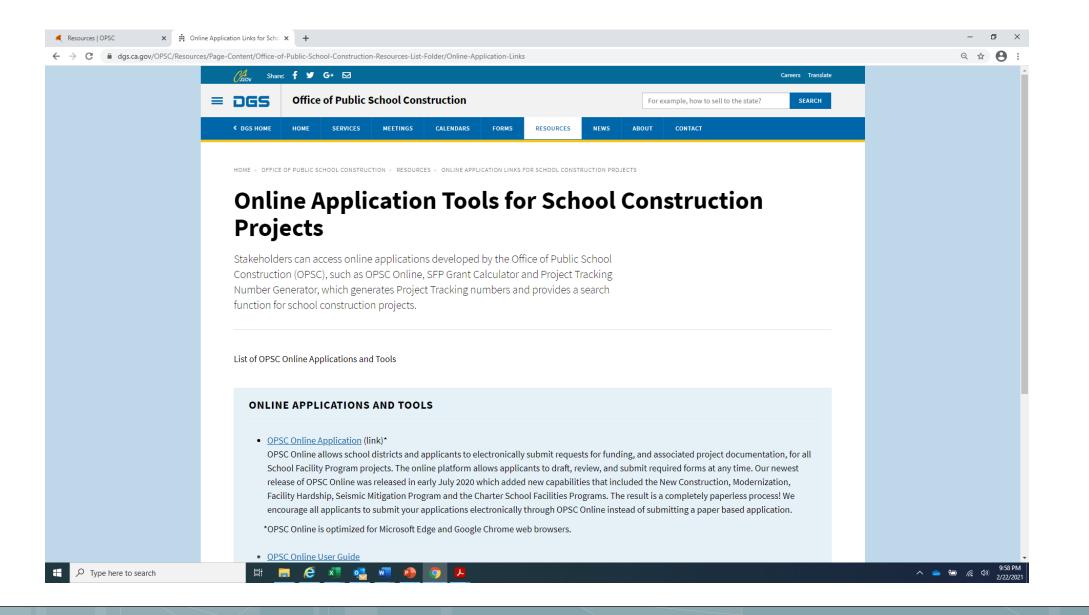
- Applicant must notify OPSC when facilities are occupied
- CSFA creates payment schedule
- Up to 30 years to repay
- 9-month schedule
  - No payments June, July or February
- Payments collected via interception of CDE Average Daily Attendance (ADA) payment

# Submitting Documents to OPSC

### Two ways to submit:

• By email (scanned signatures accepted

- OPSCApplicationReviewTeam@dgs.ca.gov and cc erin.cunneen@dgs.ca.gov
- Priority Funding Certifications also cc <u>Haley.Jensen@dgs.ca.gov</u>
   OPSC Online



# Top Tips

- Charter School Agreements: Work on executing as early as possible to avoid missing Form 50-05 submittal deadlines
- **Designing Project:** Certain variances between preliminary and final project scopes allowed
  - Discuss these with OPSC early on to see if they are eligible or will affect funding
- Occupancy: Do not occupy new construction projects prior to submitting complete and valid Form SAB 50-04
  - Project will be ineligible for funding
  - Rehabilitation projects can be occupied

# Top Tips

- No Lease, Lease-Backs: Charter schools may not use a lease, lease-back (LLB) construction delivery method (Districts may use LLB)
- **Public Works Project:** Follow all Labor Code, Public Contract Code and Government Code requirements
- **Closeout Pre-Review:** Request a pre-review by our office to help identify ineligible expenditures prior to submitting your final 50-06. Once a final 50-06 is submitted, a pre-review cannot be requested.

### Resources

SAB Forms https://www.dgs.ca.gov/OPSC/Forms

SAB Meeting Agendas (current and archived) https://www.dgs.ca.gov/OPSC/Meetings

Priority Funding Webpage

https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Priority-Funding-Information

Advertised Bond Sales https://www.buycaliforniabonds.com/state-of-california-ca/bonds/i27

#### K-12 Audit

https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/K-12-Audit-Resource

#### **OPSC Online and User Guide**

https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Online-Application-Links

### E-mail Subscription List

• To receive the latest news from OPSC that is specific to charter schools please subscribe to our email list:

https://www.dgs.ca.gov/OPSC/Contact

• By subscribing to the Charter Schools list you will receive notifications regarding information that is specific to the Charter School Facilities Program such as important program changes and new funding round notifications.

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