How to Apply for the Emergency Repair Program (Instructions & Guidelines)

June 2007

Step 1:
Verify that the school being applied for is on the list of eligible schools.

- To view the eligible list of schools for the 7/2/07 through 6/30/10 application filing period, refer to the California Department of Education Web site: http://www.cde.ca.gov/eo/ce/wc/wmsschools.asp.

Step 2:
Verify that the Local Educational Agency (LEA) has met the "supplement, not supplant" requirement stipulated in Emergency Repair Program (ERP) Regulation, Section 1859.328. The LEA must do the following:

- If the LEA is participating in the School Facility Program, it must deposit the required funding level in the Routine Restricted Maintenance Account.
- If the LEA is participating in the Deferred Maintenance Program, it must deposit the LEA's maximum basic amount for the latest available and the next scheduled determination. The LEA shall not transfer excess local funds made from the deposits.
- If the above are not applicable, the LEA must budget for the current fiscal year an amount not less than the average maintenance budget for the previous three fiscal years.
- The LEA must expend or encumber the above funds to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the Deferred Maintenance Program five-year plan, or the Facility Inspection Tool that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek funding at any time provided that the LEA has met the above requirements.

Step 3:
Determine if the LEA is seeking reimbursement for projects that are 100 percent complete (reimbursement) or not started/ partially complete (grant).

- For reimbursements, the LEA must submit both the Grant Request (Form SAB 61-03) and Expenditure Report (Form SAB 61-04) simultaneously.
- For a grant, the LEA should submit the Form SAB 61-03 only, including the required supplementary documentation.
- The LEA then has 12 months – or 18 months if Division of the State Architect (DSA) approval is required – from the State Allocation Board (SAB) apportionment date to complete the emergency repairs and submit a Form SAB 61-04.

Step 4:
Complete the Form SAB 61-03

A. **Project Detail:** Each numbered section corresponds with a different project. Be sure to check the box that asks if any of the projects will need DSA approval.
   - Type of Project: choose a project type from the list. If the project the LEA is applying for is not listed, then select "other" and enter a one or two-word description (i.e. "gang graffiti" or "irrigation system")
   - Project Cost: Check "estimate" if applying for a grant (enter the estimated total amount in the line) and "actual" if applying for reimbursement (enter the total amount expended on the project). If a project has been partially completed and some costs are known, check both boxes.
   - Statement of Health and Safety Condition: In as few words as possible, explain the Health and Safety threat.
   - If applying for multiple projects, repeat the steps for each project.

B. **Total Grant Request:** Total amount of all the projects being applied for. If the total grant request is less than $5,000, it must be justified in the space provided.

C. **Certifications:** By filling out this section, the LEA representative is certifying that the information reported on the form is true and correct. Be sure to fill this portion out completely because it also identifies the LEA contact person for the application. Also, don't forget to fill out the date in the first certification.

D. **Required Supporting Documents:**
   - A completed and detailed cost estimate.
     - For further information on completing the cost estimate, refer to the ERP Resources available on the Office of Public School Construction (OPSC) website.
   - Documentation supporting the health and safety hazard(s) must be submitted with the Form SAB 61-03. The health and safety documentation provided can help to substantiate the following, as appropriate:
     - the system/component did exist in the first place
     - the work recorded in the LEA's cost estimate is all part of the minimum work necessary to mitigate the hazard
     - the work associated with the repair or replacement does not fall into any of the ineligible categories
   - Examples of acceptable supporting documentation.
     - Signed Copy of the Interim Evaluation Instrument (IEI) identifying the project as a health and safety threat
     - Copies of complaints made by parents, students, or staff referencing the problem
     - Inspection report by qualified individual(s) or firms(s)
     - Work orders that identify the health and safety hazard and the work done to mitigate the hazard
     - Photos showing the condition of the project prior to the repair work being performed
     - Other forms of documentation that substantiate the health and safety threat.

Step 5:
Complete the Form SAB 61-04:

A. **Project Detail:** List the project types and show the cost break-down in the columns provided, concluding with the total project cost. Enter the DSA number, if applicable. Be sure to enter the projects in the same order that they were listed on the Form SAB 61-03.
B. **Total Expenditure Amount:** Enter the total amount of eligible expenditures on all the projects from the application.
C. **Certifications:** By filling out this section, the LEA representative is certifying that the information reported on the form is true and correct. Be sure to fill this portion out completely because it also identifies the LEA contact person for the application. Also, do not forget to fill out the date in the first certification.

Please Note:
If the total eligible expenditures are more than the estimate (for grant projects) that was listed on Form SAB 61-03, the LEA may be eligible for a grant adjustment for the difference. The reverse is also true; if the total amount expended is less than the estimate, then the LEA must pay back the difference to the OPSC. If there is no difference (for reimbursement requests or grant requests that cost exactly what was estimated) then no adjustment will be made and the apportionment will be deemed "full and final" (provided that the Form SAB 61-04 submittal is complete).

The LEA has 12 months to turn in a Form SAB 61-04 (or 18 months if DSA approval is required on any of the projects) once the Form SAB 61-03 has been accepted and approved. If after that time the project is incomplete, the entire application will be rescinded (even if some of the projects applied for are completed), the LEA will have to pay back the entire grant and then reapply for the projects that have been completed or once the project in question is completed.

Helpful Tips:
The ERP now allows the LEA to apply for multiple projects at the same time, on the same application, provided that the projects are for the same school. Although the regulations do not limit which projects can be combined, the OPSC has suggestions that can facilitate the application review and approval:

- When completing the application, the LEA may consider submitting separate applications for some critical projects. The regulations stipulate that the LEA must complete all projects and submit the Form SAB 61-04 within the 12 or 18-months from SAB apportionment date. If all projects are not completed in time, the entire application will be rescinded, and the LEA will be required to return the funding to the State. If the application still contains eligible projects, the LEA would need to reapply for any eligible work once the funds have been received.
- It is recommended, but not required, that the LEA submit separate applications for reimbursement and grant projects, if possible. This will allow the SAB to grant the LEA a "full and final" apportionment for the reimbursement applications. In the event that any grant projects are not completed in the required time frame for combined reimbursement/grant applications, the LEA may risk having to pay back, and then reapply for, reimbursement projects that have been completed.
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If at any point the LEA representative has questions regarding the ERP process, contact the project manager assigned to that county.