State Allocation Board
Office of Public School Construction

An overview of the

# State School Facility Programs

*To enrich the lives of California's school children as stewards of the taxpayers' commitment to education.*

**STATE OF CALIFORNIA**
Edmund G. Brown Jr., *Governor*

**STATE AND CONSUMER SERVICES AGENCY**
Anna M. Caballero, *Secretary*

**DEPARTMENT OF GENERAL SERVICES**
Fred Klass, *Director*

**STATE ALLOCATION BOARD**
**OFFICE OF PUBLIC SCHOOL CONSTRUCTION**
Lisa Silverman,
*Executive Officer SAB/OPSC*

## Mission Statement

*To enrich the lives of California's school children as stewards of the taxpayers' commitment to education.*

# An overview of the
# State School Facility Programs

State Allocation Board
Office of Public School Construction

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# Contents

State Allocation Board ..... 1
- **State Allocation Board Members** ..... 1
- **State Allocation Board Executive Officers** ..... 1

State Allocation Board Meetings ..... 2
- **State Allocation Board** ..... 2
- **Implementation Committee** ..... 2

Office of Public School Construction ..... 3
- **OPSC Executive and Management Staff** ..... 3

School Facility Program ..... 4
- **New Construction Grant** ..... 4
- **Modernization Grant** ..... 4
- **Career Technical Education Facilities Program** ..... 5
- **Charter School Facilities Program** ..... 5
- **Critically Overcrowded School Facilities Program** ..... 5
- **Facility Hardship Grant** ..... 6
- **Facility Hardship - Seismic Mitigation** ..... 6
- **Financial Hardship** ..... 7
- **High Performance Incentive Grant** ..... 7
- **Joint-Use Program** ..... 8
- **Labor Compliance Program Grant** ..... 8
- **Overcrowding Relief Grant** ..... 9

School Facility Program Construction Process ..... 10

Other Programs Administered by the State Allocation Board ..... 12
- **Emergency Repair Program** ..... 12
- **Deferred Maintenance Program** ..... 12

Additional Information ..... 13

# Charts and Tables

- **Education Facilities Bond Breakdowns** ..... 7
- **Typical State School Building Funding Process** ..... 11

## State Allocation Board

The State Allocation Board (SAB) is responsible for determining the allocation of State resources (proceeds from General Obligation Bond Issues and other designated State funds) used for the construction, modernization and maintenance of local public school facilities. The SAB is also charged with the administration of the State School Facility Program, Emergency Repair Program, and Deferred Maintenance Program. The SAB is the policy level body for the programs administered by the Office of Public School Construction (OPSC).

The SAB is comprised of the Director of Finance (the traditional chair), the Director of the Department of General Services (DGS), the Superintendent of Public Instruction, three members of the Senate, three members of the Assembly, and one appointee by the Governor.

### State Allocation Board Members

| | ASSEMBLY MEMBERS | SENATE MEMBERS |
|---|---|---|
| **Ana J. Matosantos**<br>Director, Department of Finance | | |
| **Fred Klass**<br>Director,<br>Department of General Services | **Joan Buchanan**<br>15th Assembly District | **Loni Hancock**<br>9th Senate District |
| **Tom Torlakson**<br>State Superintendent of Public Instruction | **Curt Hagman**<br>60th Assembly District | **Mark Wyland**<br>38th Senate District |
| **Cesar Diaz**<br>Governor's Appointee | **Adrin Nazarian**<br>46th Assembly District | **Carol Liu**<br>25th Senate District |

### State Allocation Board Executive Officers

**Lisa Silverman**
Executive Officer

**Juan Mireles**
Deputy Executive Officer

**Bill Savidge**
Assistant Executive Officer

## State Allocation Board Meetings

### State Allocation Board

The SAB meets monthly to apportion funds to school districts, approve projects, act on appeals, and adopt policies and regulations as they pertain to the programs administered by the SAB. The SAB usually meets on the fourth Wednesday of each month at the State Capitol—at 4:00 p.m. when the State Legislature is in session and at 2:00 p.m. when the State Legislature is out on recess. Due to scheduling changes within the Legislature, some of the SAB meetings may be cancelled or changed with short notice. Meeting dates and locations, cancellation notices, and agenda topics are published on the OPSC website at www.dgs.ca.gov/opsc. Please check the OPSC website for the latest meeting dates, times and locations, as they are subject to change.

### Implementation Committee

The Implementation Committee is an informal advisory body established by the SAB to provide input as the OPSC develops its recommendations for the SAB for policy and legislation implementation. The committee membership is comprised of organizations representing the school facilities community.

Meetings are typically held at the State Capitol or Legislative Office Building at 1020 N Street in Room 100 in Sacramento. Meeting times are usually from 9:30 a.m. to 3:30 p.m. with a one-hour lunch break. Meeting dates, times and locations, meeting notices and agenda topics are published on the OPSC website at www.dgs.ca.gov/opsc. Please check the OPSC website for the latest meeting dates, times and locations as they are subject to change.

## Office of Public School Construction

As staff to the SAB, and on behalf of the Director of DGS, the OPSC administers all SAB programs, including the School Facility Program (SFP). The OPSC is also charged with verifying that all applicant school districts meet specific criteria based on the type of funding which is being requested. The OPSC also prepares recommendations for the SAB's review and approval.

It is also incumbent on OPSC staff to prepare regulations, policies and procedures which carry out the mandates of the SAB, and to work with school districts to assist them throughout the application process. The OPSC is responsible for ensuring that funds are disbursed in accordance with statutes and regulations and with the decisions made by the SAB.

The OPSC prepares the SAB meeting agendas which keep the SAB members, school districts, staff, and other interested parties apprised of all actions to be taken up by the SAB. The agenda serves as the underlying source document used by the State Controller's Office for the appropriate release of funds. The agenda further provides a "historical record" of all SAB decisions, and is used by school districts, facilities planners, architects, consultants and others wishing to track the progress of specific projects and/or availability of funds.

### OPSC Executive and Management Staff

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## School Facility Program

Funds for the SFP may be from any source made available to the SAB. This includes proceeds from the sale of State General Obligation Bonds and the State General Fund. In addition, districts are required to provide a portion of the project cost from funds available to the school district, which may include local general obligation bonds, developer fees, general fund, etc.

### New Construction Grant

The New Construction Grant provides State funds on a 50/50 State and local sharing basis for public school capital facility projects in accordance with statute. Eligibility for State funding is based on a district's need to house pupils and is determined by criteria set in law.

Education Code Section 17072.10 establishes the new construction grant per unhoused pupil for new construction projects. The annual adjustment to the grant, based on the change in the Class B Construction Cost Index, is approved by the SAB each January. Education Code Section 17072.11 authorizes the SAB to increase (up to 6 percent) or decrease (unlimited), in any fiscal year, this grant amount to correspond with the current costs to build a school. The current adjusted grant amounts are available on the OPSC website at www.documents.dgs.ca.gov/opsc/Resources/SFP_Grant_Adj.pdf.

This new construction grant amount is intended to provide the State's share for all necessary project costs, with the exception of site acquisition, utilities, off-site, service-site, and general-site development, which may qualify for additional project funding. The necessary project costs include, but are not limited to, funding for design, the construction of the building, education technology, tests, inspections and furniture/equipment.

### Modernization Grant

The Modernization Grant provides State funds on a 60/40 State and local sharing basis for improvements to educationally enhance school facilities. Projects eligible under this program include, but are not limited to, modifications such as air conditioning, plumbing, lighting, and electrical systems. Site acquisition may not be included in modernization applications.

Education Code Section 17074.10 establishes the modernization grant for each pupil to be housed in buildings to be modernized. The annual adjustment to the grant, based on the change in the Class B Construction Cost Index, is approved by the SAB each January. The current adjusted grant amounts are available on the OPSC website at www.documents.dgs.ca.gov/opsc/Resources/SFP_Grant_Adj.pdf.

The modernization grant amount is intended to provide the State's share for all necessary project costs. The necessary project costs include, but are not limited to, funding for design, the modernization of the building, education technology, tests, inspections and furniture/equipment.

## Career Technical Education Facilities Program

The Career Technical Education (CTE)Facilities Program provides funding to qualifying school districts and joint powers authorities for the construction of new facilities or the modernization or reconfiguration of existing facilities to integrate CTE programs into comprehensive high schools. CTE provides a program of study that involves a multi-year sequence of courses that integrates core academic knowledge with occupational knowledge to provide students with technical skills and a pathway to postsecondary education and careers.

## Charter School Facilities Program

This program is intended to provide a charter school with funding to construct new facilities or to rehabilitate existing district-owned facilities for charter school use. To qualify for funding, a charter must be deemed financially sound by the California School Finance Authority and meet the eligibility criteria outlined in law. Title to the project facilities may be held by the local school district, or, under certain conditions, by a local governmental entity or the charter school itself.

A charter, or school district filing on behalf of a charter under this program, may receive a reservation of funding by submitting a preliminary application prior to receiving the necessary approvals from other State entities. Once those approvals are received, the preliminary apportionment must be converted to a final apportionment within four years, with a possible one-year extension. During this period, applicants have the ability to access advance fund releases for design and/or site acquisition to help move the project toward conversion. Following conversion of the preliminary apportionment to a final apportionment, the funds previously set aside by the SAB may then be released.

## Critically Overcrowded School Facilities Program

The Critically Overcrowded School Facilities Program (COS) allowed school districts with qualifying critically overcrowded school facilities to apply for a preliminary apportionment for new construction projects to relieve overcrowding. The preliminary apportionment served as a reservation of funds and had to be converted within a four-year period, with a possible one-year extension, to a final apportionment meeting all the SFP New Construction program laws and regulations required for such an apportionment.

Applications for COS preliminary apportionments were accepted through June 30, 2004. As directed by statute, no additional preliminary apportionments were made. The COS program is nearing its end and no new applications are being accepted.

## Facility Hardship Grant

The purpose of the Facility Hardship Grant is to assist districts with the replacement or rehabilitation of facilities when it is demonstrated that there is a clear and imminent threat to the health and safety of students due to the condition of existing facilities or the lack of facilities. Factors that may be considered include, but are not limited to, structural deficiencies that present a health and safety threat; environmental health hazards such as mold contamination or adverse air quality; traffic safety; or close proximity to a major freeway, electrical facility, dam, industrial facility, airport, pipelines, etc. For non-structural deficiencies (those that cannot be verified by the Division of the State Architect [DSA]), appropriate State-level concurrence is required.

In order to qualify for a Facility Hardship Grant, a district must demonstrate an ongoing need for the facilities to house pupils. A district is not required to have new construction or modernization eligibility to participate.

Replacement projects consist of a 50/50 contribution between State and local funds. When the minimum costs necessary to mitigate the health and safety threat are less than 50 percent of the facility replacement costs, a rehabilitation grant may be provided using modernization funds for a 60(State)/40(local) project contribution.

## Facility Hardship - Seismic Mitigation

Proposition 1D provided up to $199.5 million for seismic mitigation of the most vulnerable school facilities that meet certain criteria, posing an unacceptable risk of injury to occupants in the event of a seismic occurrence. The Seismic Mitigation Program (SMP) is a subset of the Facility Harship Program and funds are provided to repair, reconstruct, or replace qualifying school facilities.

SMP eligibility requirements include:

- The project must consist of a building(s) with any "Category 2" construction type as defined in Assembly Bill (AB) 300 and,
- The building is designed for occupancy by students and staff and,
- The construction contract for seismic mitigation was executed on or after May 20, 2006 and,
- The project's estimated costs shall be for the minimum work necessary to obtain DSA approval and,
- The DSA concurs with a structural engineer's report identifying structural deficiencies that pose an unacceptable risk of injury to the building's occupants in a seimic event.

If the unacceptable risk of injury is due to the presence of faulting, liquefaction, or landslide, these hazards must be documented by a geologic hazards report.

## Financial Hardship

Financial Hardship assistance is available for those districts that cannot provide all or part of their share of a school facility project. Qualifying districts may receive State funding for up to 100 percent of the project costs. Education Code Section 17075.10 and California Code of Regulations, Section 1859.81 require a district to have made all reasonable efforts to impose all levels of local debt capacity, including impostition of development fees and demonstration of financial need prior to requesting financial assistance.

## High Performance Incentive Grant

This grant provides additional funding for new construction and modernization projects for the use of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting 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 other characteristics of high performance schools. The intent of the grant is to encourage school districts to build educationally and environmentally superior schools.

The high performance incentive grant uses the High Performance Rating Criteria point system that is based off of the Collaborative for High Performance Schools criteria.

## Education Facilities Bond Breakdowns

| PROGRAM | BOND 1998 $9,200,000,000 | BOND 2002 $13,050,000,000 | BOND 2004 $12,300,000,000 | BOND 2006 $10,416,000,000 |
|---|---|---|---|---|
| New Construction | $ 2,900,000,000 | $ 3,350,000,000 [1] | $ 4,960,000,000 | $ 1,900,000,000 [4,5] |
| Modernization | 2,100,000,000 | 1,400,000,000 [2] | 2,250,000,000 | 3,300,000,000 [4] |
| Charter Schools | — | 100,000,000 | 300,000,000 | 500,000,000 |
| Career Technical Education | — | — | — | 500,000,000 |
| Overcrowding Relief | — | — | — | 1,000,000,000 |
| High Performance Schools | — | — | — | 100,000,000 |
| New Construction Backlog | — | 2,900,000,000 | — | — |
| Modernization Backlog | — | 1,900,000,000 | — | — |
| Critically Overcrowded Schools | — | 1,700,000,000 | 2,440,000,000 | — |
| Joint Use | — | 50,000,000 | 50,000,000 | 29,000,000 |
| Hardship | 1,000,000,000 | — | — | — |
| Class Size Reduction | 700,000,000 | — | — | — |
| **Total K–12** | $ 6,700,000,000 | $11,400,000,000 | $10,000,000,000 [3] | $ 7,329,000,000 |

[1] $14.2 million – energy efficiency.
[2] $5.8 million – energy efficiency.
[3] $20 million total – energy efficiency set aside for new construction and modernization.
[4] No more than $200,000,000 of the sum of the appropriations for new construction and modernization shall be used to fund the smaller learning communities and small high schools.
[5] Up to 10½ percent ($199.5 million) shall be available for purposes of seismic repair, construction, or replacement, pursuant to Education Code Section 17075.10.

## Joint-Use Program

This program allows a school district to utilize funds from a joint-use partner to build a joint-use facility. There are two types of joint-use projects; both types include specific project eligibility requirements.

- **A Type I project** must be a multi-purpose room, gymnasium, childcare facility, library, or teacher education facility that is part of an SFP new construction project. The project must have increased size and/or cost beyond that necessary for school use of a facility.
- **A Type II project** may be part of an SFP modernization project or may be a stand-alone project located at a school that either does not have this type of facility, or has an inadequate existing facility. The project may reconfigure existing school buildings and/or construct new school buildings to provide for a multi-purpose room, gymnasium, childcare facility, library, or teacher education facility.

The joint-use grant provides State funds on a 50/50 State and local sharing basis. The joint-use partner must match a minimum of 25 percent of the eligible project costs. If the district has passed a bond which specifies that the monies are to be used specifically for the purposes of the joint-use project, then the district can opt to pay up to the full 50 percent local share of eligible costs. Anything beyond the eligible project cost is the responsibility of the joint-use partner and/or the district.

## Labor Compliance Program Grant

The Labor Compliance Program (LCP) grant is an additional grant awarded to school districts to cover the State's share of the increased costs associated with operating a Department of Industrial Relations (DIR) approved labor compliance program. Assembly Bill 1506 (2003) added Section 1771.7 to the Labor Code, requiring school districts to certify that a DIR-approved labor compliance program has been initiated and enforced for projects apportioned under the SFP if both of the following conditions exist:

- The district has a project which received an apportionment from the funding provided in Proposition 47 or Proposition 55; and
- The construction phase of the project commences on or after April 1, 2003, as signified by the date of the Notice to Proceed.

Additional information, including a guidebook and model LCPs, are available for viewing on the DIR website at www.dir.ca.gov.

## Overcrowding Relief Grant

The Overcrowding Relief Grant Program (ORG) is intended to provide funding for the creation of additional open space through the reduction of portable classrooms on overcrowded sites. Districts may replace portable classrooms from a school site with permanent classrooms at the same site, or they may choose to consolidate the replacement by removing portables from multiple sites and constructing permanent classrooms at a new site or an existing site that will not become overcrowded as a result of the project.

Eligibility for the ORG program is site specific and does not require new construction eligibility. Factors used to determine a site's ORG eligibility include student schoolsite pupil population density (as determined by the California Department of Education [CDE]), California Basic Data System reported for the 2005/2006 enrollment year, and the number of portables within a district.

The ORG Program has two filing cycles per year.

## School Facility Program Construction Process

The process of constructing or modernizing a school building originates with, and is the responsibility of, the individual school district. The school district determines the type and size of the school building needed utilizing criteria set forth from the CDE. The size is also determined by the number of students to be housed in the facility and consideration of health and safety issues designated by the appropriate State agencies. The school district should encourage and incorporate participation from the local community for input into the site location and design features. The school district usually utilizes community information workshops to generate community input and support. Dedication by the district and support from the community are as important as the site selection approval and acquisition process that may take one or more years.

In the meantime, the school district should have passed a local bond or secured alternative funding for its share of the project. Without this funding, the school district cannot meet the 50 percent local funding requirement for new construction projects or the 40 percent local funding requirement for modernization projects.

A district may submit an application to the OPSC for eligibility determination prior to commencing the project design. The OPSC will make every effort to process the eligibility application for SAB approval within 90-120 days. The district may proceed with the hiring of an architect for the development of plans and specifications for the school. Once the plans and specifications are completed by the architect, they are forwarded to the DSA for processing. By law, a district must obtain DSA's written approval of its construction plans prior to signing the project's construction contract; otherwise, no State funding can be provided. In order for the district to request project funding, the district is required to verify that it has the required 50 or 40 percent share of the project cost, stamped DSA plans, and approval of the site and plans by the CDE. In the event the district is unable to share in the cost of the project, the district can pursue financial assistance through the Financial Hardship provisions.

Once the completed funding application is received, the OPSC will make every effort to process the application within 90–120 days and will present it to the SAB for an Unfunded Approval. As cash becomes available, the SAB will grant apportionments through the Priorities in Funding process. Under regulations approved by the SAB on May 25, 2011, there are two certification filing periods per year in order for projects on the Unfunded Approvals list to receive apportionments. Each certification filing period has a 30-day certification submittal window and the certification is valid for six months beginning the second Wednesday in January and the second Wednesday in July each year. As bond sales take place or cash becomes available, districts that have submitted a certification within the appropriate six-month window will be eligible for priority funding apportionments. Under the SFP Regulations for Priorities in Funding, districts have 90 days from the date of apportionment to submit a fund release request.

With all approvals and funding in place, the actual construction time for an average school of 2,000 students takes approximately two years. Total design development and construction time from concept to occupancy is between two and four years. However, portable school construction projects can be completed within nine to 15 months from concept to occupancy. It is critically important that a district that plans on requesting State New Construction funding has its New Construction funding application accepted by the OPSC before any classroom in the project is occupied. Occupation of a classroom prior to OPSC acceptance of the project funding application will cause the classroom to be ineligible for State funding.

## Typical State School Building Funding Process

New Construction and Modernization

## Other Programs Administered by the State Allocation Board

### Emergency Repair Program

The Williams v. California Settlement Legislation established the Emergency Repair Program (ERP) through Senate Bill 6, Sec. 1, Chapter 899 of the Statutes of 2004, to provide school districts with $800 million to address facility conditions that pose urgent threats to students' health and safety in low performing schools. The funding is available to schools identified by the CDE as ranked in deciles one, two, or three based on the Academic Performance Index (API).

Effective December 17, 2010, the ERP is no longer accepting applications. Processing of applications already received will continue until the sum of funded and unfunded approvals by the SAB equals $800 million. Unfunded applications will be funded in the date order they were received when funds become available. Once $800 million has been allocated, all remaining applications will be returned.

### Deferred Maintenance Program

Historically, the State School Deferred Maintenance Program provided State matching funds, on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. Typical components for repair or replacement include plumbing, heating, air conditioning, electrical systems, roofing, interior/exterior painting, floor systems, etc. Funds are also provided for extreme hardship projects if the work must be completed within one year.

Funding for this program is generated from the State General Fund, school district repayments under the State School Building Aid program that exceed the amount necessary to service the indebtedness on State General Obligation Bonds sold and loaned to the districts for that program, and from certain State School Site Utilization Funds.

However, subsequent State Budget Legislation grants school districts flexibility to use Deferred Maintenance funding for any educational purpose with no required school district matching share. This flexibility is in effect from the 2008-09 fiscal year to the end of the 2014-15 fiscal year. In addition, the legislation suspended funding for new Deferred Maintenance extreme hardship projects until July 1, 2015.

## Additional Information

For additional information regarding the State School Facility Programs, refer to the following program manuals on the OPSC website.

- School Facility Program Handbook
- Deferred Maintenance Program Handbook
- Unused Sites Program Handbook

Also available on the OPSC website for additional information:

- Architect's Submittal Guidelines
- Substantial Progress and Expenditure Audit Guide
- Program Forms

*Notes*

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