



Forward Movement

We're happy to report that 98 percent of projects that received a Priority Funding Apportionment at the June 2012 State Allocation Board (SAB) meeting have requested and received funds! Out of the original amount awarded, \$637.6 million, the Office of Public School Construction (OPSC) has received fund release requests in the amount of \$615.5 million for 192 projects. As of October 15, 2012, nearly \$604.6 million has been released for 187 projects. We estimate that the funds released will support more than 11,000 construction related jobs!

Additionally, priority funding apportionments were approved for seven Facility Hardship projects at the October SAB meeting. The districts will have 90 days to submit a *Fund Release Authorization* (Form SAB 50-05), which must be received by the OPSC by Tuesday, January 22, 2013.



Lisa Silverman
Executive Officer

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
-
- Outreach Regarding Applications Received Beyond Bond Authority
-
- Processing of Facility Hardship Applications Received Beyond Bond Authority
-
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
-
- Non-Participation in the Priority Funding Process
-
- School Facility Program Review Subcommittee Meeting Update
-
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
-
- Implementation Committee Update
-
- School of the Month
-
- Bond Updates
-
- Regulatory Update
-
- Community Corner
-
- OPSC Deadlines and Key Dates
-

Building Blocks

The Office of Public School Construction newsletter

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

Lisa Silverman

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Office of Public School Construction
STAFF TO THE STATE ALLOCATION BOARD

Forward Movement, continued...

In April 2012, the Office of Administrative Law (OAL) received a request from the Senate Rules Committee to clarify the legality of the 60 percent commensurate regulation. This regulation requires certification that a project’s estimated/actual construction costs are at least 60 percent of the total State grant and district’s local matching share amount. The OAL has completed their review and determined that the 60 percent commensurate regulation has met the necessity standard and is legal.

I hope you enjoy reading about the program updates included in this October edition of *Building Blocks*!

Please send comments and suggestions for future editions of *Building Blocks* to opscnews@dgs.ca.gov.

Lisa Silverman, Executive Officer

Pre–State Allocation Board Meeting Forum Recap:

At the October 23, 2012 Pre–State Allocation Board Meeting Forum, the Office of Public School Construction provided presentations on the following topics:

- What to Expect in a Financial Hardship Re–Review
- Overcrowding Relief Grant
- Applications Received Beyond Bond Authority

A copy of the presentation and the archived webcast will be posted to the [SAB Archives](#) as they become available.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
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- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
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- Bond Updates
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Outreach Regarding Applications Received Beyond Bond Authority

By Nate Gargiulo

The State Allocation Board (SAB) approved regulatory changes at the September 2012 meeting that will impact how the Office of Public School Construction (OPSC) will process applications received after existing bond authority has been exhausted.

The new regulations, which became effective on November 1, 2012, allow for the establishment of the "Applications Received Beyond Bond Authority List" for New Construction and Modernization project applications received by the OPSC. Applications placed on this list will undergo an intake review by the OPSC to ensure all of the required documents have been submitted, but will not be fully processed by the OPSC. The list will be presented to the SAB for acknowledgement, not approval.

The acceptance of applications by the OPSC will not provide a guarantee of future State funding. A new submittal requirement will be a school board resolution acknowledging that the remaining School Facility Program (SFP) bond authority is currently exhausted for the funds being requested.

Please note that current statute requires compliance with Prevailing Wage Monitoring and Enforcement requirements for any project funded from State bond funds which have initial construction contracts awarded on or after January 1, 2012. (Labor Code Section 1771.3). This means that districts should comply if they want to be eligible for SFP funding under current program requirements. Districts can comply by having a Department of Industrial Relations-approved in-house Labor Compliance Program, an appropriate collective bargaining agreement/Project Labor Agreement, or by using the Department of Industrial Relations' Compliance Monitoring Unit to perform the monitoring requirements.

The new process became effective once the regulatory changes were approved by the Office of Administrative Law (OAL) on November 1, 2012. All applications received on or after this date are subject to the new regulations and processing procedures.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
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Applications Received Beyond Bond Authority, continued...

Additional information on the new process is/will be available through:

Pre-SAB Meeting Forum

On October 23, the OPSC gave a presentation on Applications Received Beyond Bond Authority at the Pre-SAB Meeting Forum. An archive of the presentation will be posted to the [SAB Archives](#) on the OPSC website.

Webpage

A dedicated page, [Applications Received Beyond Bond Authority](#), is now available on the OPSC website with information on the new submittal and intake process. The webpage includes a flowchart to illustrate relevant dates, a Frequently Asked Questions page, a link to Project Manager County assignments, and a sample school board resolution. The sample school board resolution acknowledges that the remaining SFP bond authority is currently exhausted, that the State of California is not expected nor obligated to provide funding, and that acceptance of applications by the OPSC does not provide a guarantee of future State funding.

Webinar

The OPSC will host future webinars to explain the OPSC’s new intake process for applications received after existing bond authority is exhausted. The OPSC staff will also answer questions school districts might have on the new regulation changes and related processing procedures. An email announcement will be sent by the OPSC through our email notification system once the date(s) have been set. To add yourself to this list, please send an email to opscommunications@dgs.ca.gov.

The OPSC is considering additional outreach opportunities in the future to provide additional information to school districts on the process changes. As events become available, information will be posted to the [OPSC website](#), announced through *Building Blocks*, and advertised through our email notification system.

If you have any questions, please contact your [OPSC Project Manager](#).

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Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
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- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
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- Bond Updates
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Processing of Facility Hardship Applications Received Beyond Bond Authority

By Lisa Yuki

At the October 2012 meeting, the State Allocation Board (SAB) approved the following method for processing Facility Hardship funding applications that have been received beyond bond authority and conceptual approvals:

- In-house Facility Hardship funding applications: Expedited processing for placement on the Unfunded List (Lack of AB 55 Loans)**
Complete Facility Hardship funding applications received prior to the close of business on October 24, 2012 will receive expedited processing for approval and placement at the top of the Unfunded List (Lack of AB 55 Loans), within bond authority. For projects on the Unfunded List (Lack of AB 55 Loans), districts can request a priority funding apportionment if cash becomes available in the future.
- Future Facility Hardship funding applications: Prioritize for placement on the Unfunded List (Lack of AB 55 Loans) and apportionment, subject to additional bond authority becoming available.**
No currently-existing bond authority will be reserved for future applications. However, if bond authority returns to the School Facility Program in the future, Facility Hardship funding applications in-house at that time would be processed for approval and placement at the top on the Unfunded List (Lack of AB 55 Loans), ahead of non-Facility Hardship projects.

Priority funding apportionments and fund releases can only be requested for projects on the Unfunded List (Lack of AB 55 Loans).
- Facility Hardship Conceptual Approvals: Continue Processing**
The SAB will continue to process requests for conceptual approvals, which are a confirmation of an imminent threat to health and safety, but are not a guarantee of State funding. Conceptual approvals for Facility Hardship projects are optional and not required for funding.

If you have any questions, please contact your [OPSC Project Manager](#).

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
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High Performance Incentive Grants Allowable for Career Technical Education Facilities Program

By Melissa Thomas

The State Allocation Board (SAB) approved new School Facility Program regulations on April 25, 2012 that allow Career Technical Education Facilities Program (CTEFP) projects to receive High Performance Incentive (HPI) grant funding. The regulations were approved by the Office of Administrative Law on October 23, 2012.

The [HPI grant](#) provides funding for the costs associated with high performance attributes in school facilities.

Qualifying Criteria - The HPI grant is available to CTEFP projects on the [Unfunded List \(Lack of AB 55 Loans\)](#) and "in-house" applications that are part of the third CTEFP funding cycle. School districts requesting the grant would be eligible for the HPI grant while retaining their original Office of Public School Construction received date.

Funding Requests - School districts are eligible to amend their funding requests for CTEFP projects to include the HPI grant by submitting a revised *Application for Career Technical Education Facilities Funding* (Form SAB 50-10). These requests should be addressed to the CTEFP team at the OPSC. School districts should request all previous grants and add a request for the HPI grant. No other grants will be amended as a result of submitting a revised Form SAB 50-10.

These amendments require school districts with a CTEFP project already on the Unfunded List (Lack of AB 55 Loans) to request the HPI grant addition at least 90 days prior participating in the Priority Funding process.

If you have any questions, please contact:

Melissa Thomas at (916)375-5961 or melissa.thomas@dgs.ca.gov
Lina Lyda, Supervisor at (916)375-4027 or lina.lyda@dgs.ca.gov

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
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Non-Participation in the Priority Funding Process

By Travis Williams

As directed by the State Allocation Board (SAB), the Office of Public School Construction (OPSC) presented options at the October 24, 2012 meeting for SAB consideration regarding applications that have not submitted requests to receive a priority funding apportionment during any of the request filing periods.

While the priority funding process has been very successful, not all applicants on the [Unfunded List \(Lack of AB 55 Loans\)](#) have chosen to participate. There are 165 projects totaling \$413 million in allocated bond authority on the list of unfunded approvals for which priority funding requests have not been submitted during two or more of the priority funding rounds.

School districts with projects on the list of unfunded approvals that are not participating in the priority funding process are holding bond authority that could be used by other projects that are shovel ready or already in progress, or reimbursements for work that is completed, which is acceptable under the current rules and regulations. Currently there is no mechanism in statute or School Facility Program regulation to remove a project from the list of unfunded approvals.

After careful consideration, the SAB directed the OPSC to draft regulations allowing for the rescission of unfunded approvals in cases where districts elect not to participate in the priority funding process. The OPSC will present regulations clarifying the process at a future SAB meeting.

The program changes will apply only to New Construction and Modernization applications. The new rules will not go into effect until regulations are adopted by the SAB and approved by the Office of Administrative Law.

If you have any questions, please contact your [OPSC Project Manager](#).

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Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
- OPSC Deadlines and Key Dates

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School Facility Program Review Subcommittee Meeting Update

By Jason Casillas

On October 24, 2012, the State Allocation Board (SAB) School Facility Program (SFP) Review Subcommittee (Subcommittee) convened to discuss the SFP and its components as they currently operate, as well as the areas of the SFP that Subcommittee members would like to review in more detail for potential future changes.

The Office of Public School Construction presented an overview of all of the various SFP programs to the Subcommittee. Following brief discussions of each program and the different funding methods for each, the Subcommittee members began to discuss what topics would be brought to future meetings. Subcommittee members expressed a desire to discuss the following topics:

- Separating future meetings into three main discussions – New Construction, Modernization, and “Other” programs
- How eligibility is measured and if changes to eligibility are necessary
- The unique issues that county offices of education face when participating in the SFP
- Discussion about what constitutes an adequate school facility
- What the funding priorities should be, given limited resources
- Potential for program consolidation
- Aligning future facilities needs/design with the changing nature of education and emerging technologies in California
- The potential impact of the State's debt on the future of school facility funding
- The future of the Financial Hardship program

Future Subcommittee meetings are tentatively scheduled for November 28, 2012 from 2:00 p.m. to 5:00 p.m., January 16, 2013 from 9:00 a.m. to 12:00 p.m., and February 5, 2013 9:00 a.m. to 12:00 p.m.; the locations of these meetings are to be determined. The recommendations of the Subcommittee are tentatively scheduled for presentation at the February 2013 SAB meeting.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
- OPSC Deadlines and Key Dates

Building Blocks

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Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements

By Hannah Konhoff

At the October 24, 2012 meeting, the State Allocation Board (SAB) approved regulatory amendments that allow the Office of Public School Construction (OPSC) to clarify Labor Compliance Program (LCP) fund release requirements.

The new regulations will be in effect once they have been approved by the Office of Administrative Law, and will provide an alternative method for districts to qualify for funding in cases where a district initiated and enforced an LCP after the construction contract was signed for the project.

When submitting a *Fund Release Authorizations* (Form SAB 50-05), school districts subject to the LCP requirements will provide a written verification indicating that the district or the third party provider submitted an applicable LCP application to the Department of Industrial Relations (DIR).

Districts that contracted with a third party LCP provider or obtained DIR approval of its LCP after the construction contract was signed will be required to submit a report to the OPSC and the DIR from a third party LCP provider. Please see the [October SAB item](#) (page 188) for what must be included in the report. These districts will also provide a notice to each worker that the district has submitted the report and that they may contact the OPSC and the DIR concerning the accuracy of the findings.

For more information regarding which projects are subject to the LCP requirements, please see the [Prevailing Wage Monitoring/Labor Compliance Program Requirements](#) available on the OPSC website.

The OPSC will provide additional information in future editions of *Building Blocks*, letters to school districts and additional outreach, including presentations at school district facility planner meetings. If you have any questions, please contact your [OPSC Project Manager](#).

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Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
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Implementation Committee Update

By Jeremy McCarroll

The following item was presented at the [October 12, 2012](#) State Allocation Board Implementation Committee (Committee) meeting:

Applying the Project Information Worksheet (PIW) to Additional School Facility Program Project Types

The Committee discussed the expansion of the PIW, currently required only for modernization projects that receive high performance incentive grants and all new construction projects, to encompass all modernization projects.

Based on discussions from the Committee meetings in July, August, and September, the Office of Public School Construction presented a PIW draft to the Committee that would collect cost information by type-of-work, a count of the facilities modernized, the square footage modernized, and the modernization cost per square foot.

A revised PIW draft will be presented at the Committee meeting on November 8, 2012.

For additional information, please contact:

Jeremy McCarroll at (916) 375-4210 or jeremy.mccarroll@dgs.ca.gov
Bryan O'Dell at (916) 375-4271 or bryan.odell@dgs.ca.gov

The next Committee meeting is scheduled for Thursday, November 8th.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
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School of the Month

Edison Elementary School
*Santa Ana Unified School District,
Orange County*

DESCRIPTION OF PROJECT:
Modernization and Overcrowding Relief
Grant Programs
State funding from Proposition 1D

Modernization

- Modernization of 17 classrooms
- New classrooms, multipurpose room, library, administration, media center, and computer labs
- Components include: acoustical ceilings, new doors, frames and hardware, HVAC equipment, lighting, and fire alarms
- Multipurpose room upgrades include new stage lighting and refinishing of the stage floor

Overcrowding Relief Grant

- Construction of 23 permanent classroom buildings to replace 23 portable classrooms in two two-story classroom buildings, RSP/Speech room, staff restroom, an elevator, and two sets of stairs
- New components include: sewer lines, fire lines, domestic water lines, fire alarms, fire sprinklers, storm drain lines
- New outdoor components include: basketball courts, tether ball courts, parking lot, landscaping, and fencing



IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
-
- Outreach Regarding Applications Received Beyond Bond Authority
-
- Processing of Facility Hardship Applications Received Beyond Bond Authority
-
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
-
- Non-Participation in the Priority Funding Process
-
- School Facility Program Review Subcommittee Meeting Update
-
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
-
- Implementation Committee Update
-
- School of the Month
-
- Bond Updates
-
- Regulatory Update
-
- Community Corner
-
- OPSC Deadlines and Key Dates
-

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Bond Proceeds Released

By Ryan Malloy

The Office of Public School Construction has processed the following fund releases from 2009–2012 bond sales, as of September 30, 2012:

April 2009 Bond Sale:

Total funds released: \$1.438 billion of \$1.439 billion — 99 percent
Total projects: 421 projects have received funds

October 2009 Bond Sale and November 2009:

Total funds released: \$503.8 million of \$510.1 million — 99 percent
Total projects: 251 projects have received funds

November 2009 Bond Sale and December 2009:

Total funds released: \$109.9 million of \$111.4 million — 99 percent
Total projects: 37 projects have received funds

March 2010 Bond Sale:

Total funds released: \$1.326 billion of \$1.351 billion — 98 percent
Total projects: 285 projects have received funds

November 2010 Bond Sale:

Total funds released: \$1.465 billion of \$1.483 billion — 99 percent
Total projects: 531 projects have received funds

October 2011 Bond Sale:

Total funds released: \$933.8 million of \$963.6 million — 97 percent
Total projects: 501 projects have received funds

April 2012 Bond Sale:

Total funds released: \$553.3 of \$599.0 million — 92 percent
Total projects: 190 projects have received funds

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Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
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- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
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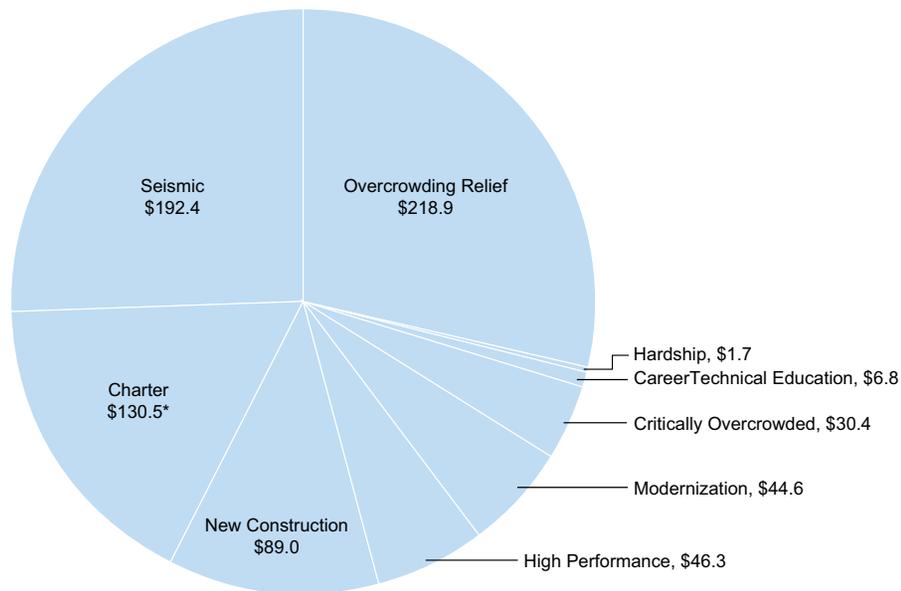
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Remaining Bond Authority

\$800.8 million as of October 24, 2012
(by program, in millions)



* Charter remaining bond authority is reserved for projects awarded a Preliminary Charter School Apportionment until all projects have either converted to a Final Charter School Apportionment or have been rescinded by the State Allocation Board.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
-
- Outreach Regarding Applications Received Beyond Bond Authority
-
- Processing of Facility Hardship Applications Received Beyond Bond Authority
-
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
-
- Non-Participation in the Priority Funding Process
-
- School Facility Program Review Subcommittee Meeting Update
-
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
-
- Implementation Committee Update
-
- School of the Month
-
- Bond Updates
-
- Regulatory Update
-
- Community Corner
-
- OPSC Deadlines and Key Dates
-

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Regulatory Update

High Performance Incentive Grants for Career Technical Education Facilities Program Projects

- Adopted at the April 25, 2012 State Allocation Board (SAB) meeting.
- Allows for the application of Career Technical Education Facilities Program projects in conjunction with the High Performance Base Incentive Grants in accordance with Senate Bill 128, Chapter 622, Statutes of 2011 (Lowenthal).
- Effective Date: October 23, 2012.

Priority Funding Certification Extended

- Adopted at the June 27, 2012 SAB meeting.
- Adjusts the priority funding filing periods and extends the length of time that priority funding requests are valid.
- Current Status: Submitted to the Office of Administrative Law (OAL) for review and approval.

Applications Received Beyond Bond Authority

- Emergency regulations adopted at the September 19, 2012 SAB meeting.
- Allows for New Construction and Modernization eligibility and funding applications to be accepted but not processed, once bond authority is exhausted.
- Effective Date: November 1, 2012.

Multipurpose Room/Gymnasium Hybrid Facilities

- Adopted at the September 19, 2012 SAB meeting.
- Adjusts the amounts used to calculate the number of pupil grants a school district may request to build a Multipurpose/Gymnasium Hybrid facility under the Use of Grants Regulations.
- Current Status: Review process continues.

Labor Compliance Program (LCP)

- Emergency Regulations adopted at the October 24, 2012 SAB meeting
- Provides a process for school districts to qualify for funding if the construction contract was signed prior to January 1, 2012 and prior to the school district either contracting with a third party LCP provider or having their LCP approved by the Department of Industrial Relations.
- Current Status: Review process continues.

Note: Regulations become effective upon review and approval of the OAL.

IN THIS ISSUE

Click on headline to view the article.

- Forward Movement
- Outreach Regarding Applications Received Beyond Bond Authority
- Processing of Facility Hardship Applications Received Beyond Bond Authority
- High Performance Incentive Grants Allowable for Career Technical Education Facilities Program
- Non-Participation in the Priority Funding Process
- School Facility Program Review Subcommittee Meeting Update
- Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements
- Implementation Committee Update
- School of the Month
- Bond Updates
- Regulatory Update
- Community Corner
- OPSC Deadlines and Key Dates

Building Blocks

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

Lisa Silverman
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Office of Public School Construction
STAFF TO THE STATE ALLOCATION BOARD

Community Corner

If you would like to share an upcoming event, please send an email to opscnews@dgs.ca.gov.

Upcoming Events

South Region Elementary #11 – Ribbon-Cutting

Friday, November 16, 2012—1:00 p.m.

Los Angeles Unified School District, Los Angeles

Augustus F. Hawkins High – Ribbon-Cutting

Wednesday, December 5, 2012—10:00 a.m.

Los Angeles Unified School District, Los Angeles

South Region Elementary – Ribbon-Cutting

Friday, December 7, 2012—10:00 a.m.

Los Angeles Unified School District, Los Angeles

Previous Events

Hemet High – Theater, Science Building and Classroom Dedication

Tuesday, October 16, 2012—3:30 p.m.

Hemet Unified School District, Hemet

James A. Garfield Elementary – Groundbreaking

Wednesday, October 24, 2012—8:30 a.m.

Santa Ana Unified School District, Santa Ana

MacArthur Park Elementary Addition – Ribbon-Cutting

Wednesday, October 24, 2012—10:00 a.m.

Los Angeles Unified School District, Los Angeles

Aragon High School – Open House

Career Technical Education Building and Theater Open House

Thursday, October 25, 2012—5:00 p.m.

San Mateo Union High School District, San Mateo

IN THIS ISSUE

Click on headline to view the article.

Forward Movement

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Non-Participation in the Priority Funding Process

School Facility Program Review Subcommittee Meeting Update

Regulation Amendments for Labor Compliance Program Verification Fund Release Requirements

Implementation Committee Update

School of the Month

Bond Updates

Regulatory Update

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OPSC Deadlines and Key Dates

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Community Corner, continued...

Playa Vista Elementary – Ribbon-Cutting

Monday, October 29, 2012—1:00 p.m.

Los Angeles Unified School District, Playa Vista

Dr. Lawrence H. Moore Math, Science, Technology Academy – Ribbon-Cutting

Thursday, November 1, 2012—10:00 a.m.

Los Angeles Unified School District, Los Angeles

Bella Vista Elementary – Groundbreaking

Friday, November 2, 2012—9:00 a.m.

Palm Springs Unified School District, Desert Hot Springs

School Bus Replacement Funding Opportunity!

The United States Environmental Protection Agency (EPA) is announcing a new National Clean Diesel Campaign Rebate Program for clean diesel. As part of the reauthorization of the Diesel Emission Reduction Act (DERA), EPA will offer rebates to fund projects that reduce emissions from diesel engines.

The program is designed to target specific medium and heavy-duty diesel engines; and technologies each year (as funding is available). This is the first ever rebate program in EPA. As such, the National Clean Diesel Campaign is starting with a pilot program that will focus on school bus replacements.

Applicants must be the owners of the school buses.

EPA anticipates the acceptance of applications to start in November. EPA will send another email when the rebate application acceptance period opens.

For more information on the National Clean Diesel Campaign Rebate Program, visit epa.gov/cleandiesel/dera-rebate.htm.

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OPSC Deadlines and Key Dates

Upcoming Meetings

State Allocation Board (SAB) – [View calendar](#)

- December 12, 2012 (Wednesday) 2:00 p.m.

Pre-SAB Meeting Forums

Topics are subject to change. Questions may be submitted to opscnews@dgs.ca.gov in advance of the meeting.

- December 12, 2012 (Wednesday) 9:30 a.m.
OPSC Topic: TBD

School Facility Program Review Subcommittee

- November 28, 2012 (Wednesday) 2:00 p.m.—5:00 p.m.

Implementation Committee – [View calendar](#)

- November 8, 2012 (Thursday) 9:30 a.m.—3:30 p.m.

Upcoming Deadlines

Priority Funding Third Certification Period

- Filing Period Began: July 11, 2012
- Filing Period Ended: August 9, 2012
- Certifications Expire: January 8, 2013

Next Priority Funding Period

- Filing Period Begins: January 9, 2013
- Filing Period Ends: February 7, 2013
- Certifications Expire: June 30, 2013*

Overcrowding Relief Grant Program (ORG)

11th ORG Round: Submit applications by January 31, 2013

For additional information, please see the [OPSC Events Calendar](#) online.

* Pending School Facility Program Regulation approval by the Office of Administrative Law.

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