



# Advisory Actions 2002

Department of General Services  
Office of Public School Construction

State Allocation Board Meeting: February 27, 2002  
Issue Number 02

## Executive Corner



### *Prop 1A Funding Window Is Closing...*

Before submitting your new construction funding application, here are some important reminders.

- ▶ June 26, 2002 is the application filing cut-off date for the final distribution of the Proposition 1A funding for School Facility Program new construction applications. Keep an eye on this date; it differs from previous quarters when the filing date was the last business day of that month.
- ▶ Applications must be complete. A thorough, accurate and properly documented application submittal must be received by the Office of Public School Construction or it cannot be recognized as a complete application and will not show a receipt date.

For further information on submitting complete new construction applications, please refer to the Application Submittals Reminders in this issue. This final quarter will provide one less month for processing, so it will be critical to submit an application that is complete to enable acceptance and processing to the August 2002 State Allocation Board meeting.

Sincerely,

Luisa M. Park, Executive Officer  
Office of Public School Construction

## Attorney General's Opinion on Government Code Section 65995.7

Under Government Code Section 65995.7(a), a part of Senate Bill (SB) 50, the State Allocation Board (SAB) shall notify the legislature that "...state funds are not available if the SAB is no longer approving apportionments for new construction. . . due to a lack of funds available for new construction." This notification must be made before school districts can increase fees charged against local development. These increased assessments are known as "level three fees", and are designed to provide the full cost of needed school facilities through the assessments on development alone.

The Government Code states:

*"Upon making a determination that State funds are no longer available, the SAB shall notify the Secretary of the Senate and the Chief Clerk of the Assembly, in writing, of that determination and the date when state funds are no longer available. . ."*

In July 2001, the SAB directed the Office of Public School Construction (OPSC) to file a formal request for an opinion from the Office of the Attorney General (AG) concerning the legislative notification requirements pursuant to Government Code Section 65995.7. This issue has been debated and

interpreted in many ways. The SAB's intent for requesting an AG opinion was to ensure that it was not violating its own regulation. At its February 27, 2002 meeting, the SAB received a report, along with the AG's opinion, that indicated the School Facility Program (SFP) Regulations were in conflict with the governing statute, Government Code Section 65995.7. The SFP Regulations state that the Legislature shall be notified by the SAB when State funds are unavailable for new construction projects. The AG's opinion states:

*"The State Allocation Board is not authorized to notify the Secretary of the Senate and the Chief Clerk of the Assembly when new construction grant requests from school districts that are ready for apportionment exceed the state funds available for new school construction as long as the board continues to approve apportionments."*

The SAB continues to approve apportionments. The SAB accepted the AG's opinion and directed the OPSC to prepare proposed amendments to repeal SFP Regulation Section 185991(c) in order to be in compliance with the Government Code Section 65995.7. The proposed amendments for repeal will be presented to the SAB at the April 3, 2002 meeting.

### Federal School Repair and Renovation Program

## Federal Renovation Program (FRP) Application Filing Timeline

The US Department of Education has set aside \$103 million for the renovation and repair of schools in California. These funds will be made available through the FRP administered by the SAB/OPSC.

At its meeting on February 27, 2002, the SAB adopted application filing timelines for the FRP.

Based on the needs for the emergency renovation and repair work to begin as quickly as possible to accommodate summer construction for these urgent projects, the SAB approved a fast track filing timeline as follows:

... continued on page 3

## OPSC Reminders . . .

- ▶ **State Allocation Board Meetings\***  
 Wednesday, April 3, 2002  
 Wednesday, April 24, 2002  
 Wednesday, May 22, 2002  
 Wednesday, June 26, 2002
- ▶ **State Allocation Board Implementation Committee Meetings\***  
 Friday, May 10, 2002 – Sacramento  
 Friday, June 7, 2002 – Ontario
- ▶ **Joint Use Funding Cycle**  
 July 1, 2001 – May 30, 2002: Period for Districts eligible to participate in the Lease-Purchase Program funding of Joint Use projects for gymnasiums, multipurpose rooms and libraries (SB 1795). May 30, 2002 is the last day to file an application for this fiscal year.
- ▶ **School Facility Program New Construction Application Timelines**  
 Applications accepted by the OPSC on or prior to our next quarter date March 29, 2002 will be processed for consideration at the June 26, 2002 SAB Meeting. Applications accepted by the OPSC after March 29, 2002 and on or prior to June 26, 2002 will be processed for consideration at the August 28, 2002 SAB meeting.
- ▶ **Interest Earned Report (Form SAB 180)**  
 Due quarterly (March 31, June 30, September 30, December 31) from each county for all districts that have earned interest from the Leroy F. Greene Lease-Purchase Fund.
- ▶ **Project Tracking Number**  
 Project Tracking Number (PTN) required on specified forms effective October 1, 2001.

\* Meeting dates subject to change. Check the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc) for latest dates and times.

### School Facility Program...

## Application Submittal Reminders

Since the application filing cut-off date for the last funding quarter in the School Facility Program is approaching, districts should be aware to fully address the following questions prior to the submittal of funding applications:

**Q.** *Has the district supplied the latest California Basic Educational Data System (CBEDS) enrollment report information?*

**A.** It is essential to submit your current CBEDS enrollment. This information must be presented on Form SAB 50-01, *Enrollment Certification/Projection*. Once a district submits its October 15th CBEDS information to its county office of education, or the California Department of Education (CDE) whichever occurs first, this data must be utilized to update its eligibility prior to submittal of a SFP funding application, pursuant to Regulation Sections 1859.51 and 1859.61.

**Q.** *Has the district separated the Special Day Class (SDC) from the regular K-12 grade level pupils (SDC Adjustment)?*

**A.** To submit for an SDC adjustment, the district must first enter the CBEDS enrollment data included on the initial (original) *Enrollment Certification/Projection*, Form SAB 50-01 (Rev. 01/01). The district then must complete and submit to the OPSC the *Existing School Building Capacity*, Form SAB 50-02 (Rev. 01/01), identifying the Non-Severe and Severe classrooms, if applicable, based on the information reported on the originally submitted Form SAB 50-01.

**Q.** *Does the district's application include a request for "Use of Grants"?*

**A.** When submitting an application (SAB 50-04), which includes a request for "Use of Grants", be certain that it also includes a Resolution approved by the school board which includes the acceptable alternate housing plan and specific resolution language which is indicated in SFP Regulation Section 1859.77.2. Get a "jump start" by also submitting the approved resolution and alternative housing plan to the CDE.

For assistance in preparing a complete application, the OPSC has many resources available to assist school districts and architects in the preparation and submittal of complete application packages.

Three excellent resources available on our Web site ([www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov)) are:

- The *SFP Guidebook* at [www.opsc.dgs.ca.gov/PDF/SFP\\_Guidebook/SFP\\_Guidebook.pdf](http://www.opsc.dgs.ca.gov/PDF/SFP_Guidebook/SFP_Guidebook.pdf)
- The SFP Application Submittal Requirements at [www.opsc.dgs.ca.gov/PDF/sfp\\_sb50/sfp-app-submittal.pdf](http://www.opsc.dgs.ca.gov/PDF/sfp_sb50/sfp-app-submittal.pdf)
- The *Architect's Submittal Guidelines* at [www.opsc.dgs.ca.gov/PDF/ArchitSubmtl.pdf](http://www.opsc.dgs.ca.gov/PDF/ArchitSubmtl.pdf).

Also, the OPSC staff is readily available to provide personal assistance. You may contact:

- Gloria Martinez, Application Review Team Supervisor, at 916.445.0529 or via E-mail [gloria.martinez@dgs.ca.gov](mailto:gloria.martinez@dgs.ca.gov); or,
- your Project Manager.

*continued from front page...*

## Federal Renovation Program (FRP) Application Filing Timeline

- The OPSC began accepting FRP applications on Friday, March 1, 2002.
- Complete applications must be received no later than the close of business on Monday, April 15, 2002.

To assist in a swift and streamline submittals, the OPSC has created an on-line application for the Federal Grant; "SAB 60-01" is now available for use.

The process is simple, but you need to act fast. Applications received during this 45-day filing period will be processed for presentation at the May 22, 2002 SAB meeting.

If you have any questions or need assistance, you may direct your general FRP questions to Tasha Adame at 916.322.0334, Chris DeLong at 916.322.5263, or contact your Project Manager.

## Status of the Community Day and Continuation High School Report

At the State Allocation Board (SAB) Implementation Committee meeting on March 8, 2002, the OPSC presented a draft report, *Review of the Funding Methods for Continuation High, Continuation High, Community Day, and County Community Schools* on behalf of the Department of General Services (DGS). The SAB Implementation Committee is an informal advisory body established to assist the Board and the OPSC with policy and legislation implementation. Although the report is not a responsibility of the SAB, it was presented to the Committee and interested members of the public for review and comment. These comments will be shared with the DGS for their consideration and inclusion into their final report.

This report was prepared by the OPSC for the DGS in conjunction with the California Department of Education (CDE), the Department of Finance (DOF) and the Legislative Analyst's Office (LAO) in response to Assembly Bill (AB) 695, Chapter 858, Statutes of 1999. AB 695 required the DGS to review the funding method for continuation high, community day, county community day, and county

community schools and make recommendations to modify these funding methods as they deem appropriate. The report outlines the optimum site size, location/pupil density, classroom loading and funding considerations for these schools, and offers recommendations from the DGS regarding the appropriate classroom loading and funding methodologies for these alternative education schools.

After discussing the report's recommendations at the March 8 meeting, the OPSC invited audience members and any interested parties to submit written comments to the OPSC. Comments are due to the OPSC by April 15, 2002. A final report published by the DGS may be presented to the Implementation Committee at a future date.

To obtain a copy of this report, *Review of the Funding Methods for Continuation High, Continuation High, Community Day, and County Community Schools*, please visit the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov). The report is located under the SAB Implementation Committee meeting notice.

### Senate Bill 575

## Automatic Fire Detection Alarm and Sprinklers

The OPSC and the Division of the State Architect (DSA) are working together to implement the provisions of Senate Bill (SB) 575, Chapter 725, Statutes of 2001. SB 575 requires that school construction plans for new construction or modernization submitted to the DSA after July 1, 2002 and requesting funding under the School Facility Program include automatic fire detection alarm and/or sprinkler systems. It also requires the OPSC to modify existing grants for new construction and modernization to include 50 and 80 percent of the costs associated with the purchase and installation of these systems.

The OPSC is seeking information to assist us in modifying the per pupil new construction and modernization grant to include the costs of installing automatic fire detection systems as set forth in SB 575. The OPSC anticipates bringing proposed regulations to the SAB Implementation Committee for the May 2002 meeting. Since time is of the essence, we look forward to your input as soon as possible in order to formulate regulations.

## Status of Funds

### Per the February 27, 2002 State Allocation Board Meeting

PROGRAM	FUNDS AVAILABLE AS OF 1.23.02	APPORTIONMENTS AND ADJUSTMENTS	BALANCE AVAILABLE AS OF 02.27.02
<b>Proposition 1A</b>			
New Construction	692.8	(0.2)	692.6
Modernization	0.8	2.7	3.5
Hardship	0.2	0.0	0.2
Facility Hardship (Reserved)	39.1	(12.3)	26.8
<b>Subtotal</b>	<b>732.9</b>	<b>(9.8)</b>	<b>723.1</b>
<b>Prior Bond Funds</b>			
Contingency Reserves	34.6	1.1	35.7
AB 191	3.2	0.0	3.2
<b>Subtotal</b>	<b>37.8</b>	<b>1.1</b>	<b>38.9</b>
<b>Grand Total</b>	<b>770.7</b>	<b>(8.7)</b>	<b>762.0</b>

Note: Amounts are in millions of dollars. Amounts within parentheses ( ) are negative amounts.

## Construction Cost Indices

### Lease-Purchase Program – Construction Cost Indices for March 2002

Class "B" Buildings	1.44
Class "D" Buildings	1.45
Furniture and Equipment	1.40
Historical Savings Index	9.07

**Class "B" Buildings:** Constructed primarily of reinforced concrete, steel frames, concrete floors and roofs.

**Class "D" Buildings:** Constructed primarily of wood.

**Furniture and Equipment:** An index based on an adjustment factor obtained quarterly from the Marshall & Swift Company.

**Historical Savings Index:** An index derived quarterly from the SAB approved new construction (growth) contract bids. It is the percentage difference between the SAB/OPSC generated construction allowance and the approved contract bid.

Copies of the applicable SAB actions, proposed regulations, and additional information can be located on the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Should you have questions or need any additional information regarding the contents of this advisory, please contact your project manager.



Office of Public School Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814