

# ADVISORY ACTIONS

**ISSUE NO. 04**  
from the  
State Allocation Board  
meetings held on  
August 4 and 25, and  
September 22, 2004

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## OPSC REMINDERS...

### ► State Allocation Board Meetings\*

Wednesday, October 27, 2004  
November – No Meeting Scheduled  
Wednesday, December 8, 2004

### ► Implementation Committee Meetings\*

Friday, November 5, 2004  
Friday, December 3, 2004

### ► Interest Earned Report (Form SAB 180)

Due quarterly (March 31, June 30, September 30 and December 31) from each county for all districts which have earned interest from the Leroy F. Greene Lease-Purchase Fund.

\*For the latest meeting dates, times and locations, check the OPSC Web site.



from the desk of  
**Jacqueline R. Wilson**  
Deputy Executive Officer

## Williams Lawsuit Settled

**O**n September 29, 2004 Governor Schwarzenegger signed several laws to carry out the settlement reached in the *Williams vs. California* lawsuit, also known as the "Williams case." The governor stated that the reforms will mean significant strides in ensuring that California's children have access to a quality education, qualified teachers, and have the tools they need to succeed in school.

The Office of Public School Construction, in cooperation with the California Department of Education, is developing an implementation plan for the new laws. Below is a brief summary of the legislation OPSC is focusing on:

- **Senate Bill 6** – Provides up to \$800 million beginning with the 2005–2006 fiscal year for districts to address emergency facility repair projects. Additionally, provides approximately \$25 million to assess the condition of school facilities in the bottom three deciles of the Academic Performance Index, commencing in 2004–2005.
- **Senate Bill 550** – Establishes minimum thresholds regarding school facilities, and an accountability structure to enforce these thresholds through the development of an interim evaluation instrument to measure if a facility is in good repair.
- **Assembly Bill 1550** – Puts an end to the shortened school-year calendar for some of the most over crowded schools, by putting an end to the year-round (Concept 6) academic schedule by July 1, 2012.

OPSC's action plan will be presented at the November 5, 2004 meeting of the State Allocation Board's Implementation Committee. Be sure to check the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) to see our timeline for implementation.

NEW SUPERINTENDENT?  
NEW DISTRICT REPRESENTATIVE?

## May We Help You?

BY DARLENE J. NEWMAN, OPSC PROJECT MANAGER

*You walk into your newly appointed position, roll up your sleeves, and are ready to dive into the district's school construction projects.*

### What's next?

That is where the Office of Public School Construction (OPSC) comes in. We administer the School Facility Program along with the deferred maintenance and state relocatable programs. This is a program that helps school districts receive funding for their school construction projects. We are here to assist you and walk you through the entire process! We will show you how to determine your eligibility and receive funding from the various programs for which you may be eligible. If you are new to a district, and have the responsibility of overseeing your district's ongoing facility needs, the transition can be challenging. Our goal is to provide you with the information and tools needed to make that transition a little smoother.

### So, now what?

To get started, all that you need to do is contact the OPSC at 916.445.3160. A friendly and helpful staff member can connect you to the Project Manager (PM) assigned to your district. The goal of each PM is to build a professional and personalized working relationship while providing quality service in order to facilitate your projects. Your PM realizes the challenges that new school district

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# Escondido Union's New Valley Continuation High School Approaches Its One Year Anniversary!

BY DAWN BARNHEISEL, OSPC PROJECT MANAGER

In the Fall of 2003, the Escondido Union High School District celebrated the dedication of the new Valley Continuation High School. Senator Bill Morrow, Escondido Mayor Lori Holt-Philer, City Council members, and countless other guests attended the event. After several guest speakers, much student participation, numerous presentations, and a ceremonial ribbon cutting, guests were invited to walk around the gleaming new campus. Student Ambassadors, wearing gold t-shirts emblazoned with the Mighty Grizzly Bear—the school mascot—gave tours and spread the word about the school's rules.

The new school is located at 410 Hidden Trails Road in Escondido. If the address conjures up positive images for you, that's quite appropriate: it's a beautiful campus. However, the Valley High School community has paid its dues for this just reward, with students and teachers spending almost thirty years in portables before moving onto their new campus in August of 2003. The move occurred only 10 months after breaking ground in October of 2002. Jan Boedecker, Valley High's Principal, believes that reusing the plans from Carlsbad School District's Carrillo Middle School (with only minor modifications) and plenty of preparation—physical and mental—minimized problems and saved the project time and money.

While still residing at the old site at Bear Valley, Ms. Boedecker says they used their time well, generally preparing and "getting psyched for the great things to come." All members of this school community had a voice in the creation of their new campus. By democratic process, it was agreed that earth tones and the school colors of black and gold should paint the campus' interior palette. Teachers chose between desks and tables in accordance with their teaching style and curriculum. Students, given the choice of type and color for classroom chairs, made the pragmatic choice of sturdy plastic black in order to deter graffiti artists.



ENTRANCE TO VALLEY CONTINUATION HIGH SCHOOL



THE QUAD

The importance of symbolism is clearly valued on this campus. When they moved from the original Bear Valley site, students, teachers and administrators followed a modern day "pied piper" off campus en route to their interim home at East Valley Parkway. The enduring strength symbolized by the school's grizzly bear mascot can be seen throughout the campus. Thomas D. Mangelson's giant photographic prints depict bears in scenes in various campus locations. For instance, the counselors office contains an image of a mother grizzly guiding her cubs, while a print of a grizzly standing cautiously behind a highway sign that issues the warning "slow, curve" marks the entrance to the dean's office. In addition, computer mouse-pads throughout the school proclaim a message that the students and staff of Valley High know all too well: "Life's a Bear."

Set within view of the surrounding foothills, the new campus is essentially comprised of four buildings surrounding a central courtyard: the English and Social Science wing; the Science and Math wing, which also houses the woodshop and art program; the Gym which can accommodate the whole school and then some, and sponsors a classroom intramural program during lunchtime; and the Administration building. The campus consists of sixteen classrooms, five resource rooms and three computer labs, and boasts the highest level of technology in the district. It is home to two winners of the "District Teacher of the Year" award, and, of the 600 continuation schools in California, Valley High is one of only fourteen continuation schools to have earned the designation as a "model school."

The school's external surroundings correspond with the internal proficiency and creativity that earned the campus its many awards. The students and staff of



INTERIOR COURTYARD

Valley Continuation High School are truly infused with enthusiasm for their new learning environment. Upon entering the campus for the first time, one student was heard to say, "I've never been in a place this nice." Principal Boedecker believes that the school philosophy of "clean inside, clean outside" works both ways, and this campus is a prime example of the marked effect that the outside has on the inside. The widespread sense of appreciation has fostered an atmosphere of mutual respect, a place where learning issues can be nipped in the bud before they grow to unmanageable proportions. She believes that the renewed sense of pride in the enhanced aesthetics and superior functionality of their new home, coupled with room to grow and to be creative, has contributed to a vast improvement of the quality and efficacy of instruction. But there is an innate pragmatism woven into Valley High's sense of appreciation for their new school, best expressed by the school's Ambassadors when they say to their fellow students: "Hey, we're not gonna get another one!"



## UNLOCKING THE MYSTERIES TO SCHOOL CONSTRUCTION COSTS

# What Districts Should Know About State And Local Agencies

BY ANNE LYNCH, OPSC AUDITOR

This issue's feature article on the *Public School Construction Cost Reduction Guidelines* provides tips on the state and local agencies that a school district must work

with in the planning, design, and construction of a school. The Division of the State Architect (DSA), Office of Public School Construction (OPSC), and California Department of Education (CDE) are the main state agencies involved with building or modernizing a school. But there are other state players, such as the State Allocation Board, and the Department of Toxic Substance Control (DTSC) among others. Local agencies, such as city and/or county planning, fire, utility, and health departments can also affect the cost of a project from initial site selection and utilization, to final approval of a fire hydrant.

Below is an overview of what districts should keep in mind when teaming with the state and local agencies. Following the guidelines below can speed the application process tremendously and ensure the project flows smoothly.

### Office of Public School Construction

**Familiarize yourself with OPSC staff and processes.** Stay abreast of what's going on—become involved in those associations such as the Coalition for Adequate School Housing (CASH) that deal with the funding issues, attend the OPSC workshops, visit the OPSC Web site on a weekly basis, and meet with OPSC's project managers on a regular basis.

**Provide complete documentation.** Learn the rules for yourself, understand the purpose and process, and make sure your consultants provide complete documentation.

**Meet directly with OPSC staff managing your project.** The key is to work with the OPSC staff. Meet with them at the outset, and get their input, keep them apprised of the progress on a regular basis (even if the project has not progressed much), ask questions as often as needed, and contact the supervisory personnel when needed.

### Division of the State Architect

**Familiarize yourself with DSA staff and processes.** Stay abreast of what's going on—become involved in those associations that deal with the plan approval issues, attend the DSA workshops, visit the DSA Web site on a monthly basis, and meet with DSA's upper management on an annual basis.

**Utilize design consultants familiar with DSA.** Selection of consultants is addressed in the section on Professional Consultants; the key here is to ensure that the selection criteria includes DSA experience.

**Establish a schedule with DSA for submittal and review dates.** Meet with DSA senior staff to overview the project, and establish a schedule for submittal, and review what is workable for the district, their consultant, and DSA.

**Submit only 100 percent complete drawings to DSA.** Learn the DSA processes, and make sure your consultants provide complete documentation.

**Ensure contact with DSA is by experienced, top level consultant staff.** Insist that the district's design consultant uses top level, responsible staff to meet with DSA at all points of contact, including the "back-check."

**Stay in the loop; meet with DSA at all milestones.** Set up the schedule, stay on top of progress, and attend all milestone meetings with DSA.

**Utilize preliminary process to ensure compliance with code.** Set up the preliminary review process (or the concurrent review) with the DSA area manager, establish the schedule, and attend the meeting(s).

**Utilize incremental reviews.** Set up the incremental review process with the DSA area manager, establish the schedule, and stick to it.

### California Department of Education

**Familiarize yourself with CDE staff and processes.** Stay abreast of what's going on—become involved in those associations that deal with the educational issues, attend the CDE workshops, visit the CDE Web site on a monthly basis, and meet with CDE's regional consultants regularly.

**Provide complete documentation.** Learn the rules for yourself, and make sure you and your consultants provide complete documentation.

**Work with CDE at the initial stage of the project; use them as a resource.** Set up the initial meetings at the earliest point in the planning process.

### Department of Toxic Substance Control

**Evaluate the environmental considerations carefully.** The DTSC has published procedures for investigation and mitigation of potentially hazardous sites. Keep current with or learn of the most current environmental criteria, utilize a qualified consultant to investigate the site, and avoid sites with high mitigation costs.

**Do environmental investigation prior to buying.** Follow DTSC recommendations and requirements. This involves spending money up front, but will greatly reduce the risk of spending unanticipated and inflated dollars later for undiscovered problems.

**Get seller's approval for geological investigation.** The district can protect against significant costs of development if it properly investigates the site prior to purchase. The district should not buy a site that has not been thoroughly investigated, and should not do any destructive testing without the seller's permission.

### Local Planning Agencies

**Be familiar with, and involved in, your community planning issues.** Become involved as an active participant in the process. This should be a continuing commitment on behalf of the district.

**Work with the planning staff to resolve issues early in the planning process.** Meet with the local planning agency at the outset of a project, and determine all the requirements with which the project must comply.

**Utilize capable planning consultants with good relationships with agency.** Selection of consultants is addressed in the section on Professional Consultants; the key here is to ensure that the planning consultant has good working relationships with the local jurisdictions involved.

**Minimize development "hold-ups" on state funded schools.** Stay alert to the possibility that delays can occur, be involved in the process, and use experienced consultants if necessary.

*Continue on page 5*

#### RECENT CHANGES

## Routine Restricted Maintenance Account

BY BRYAN BREAKS, OPSC AUDIT SUPERVISOR

School districts and County Offices of Education need to be aware that Senate Bill 409 (Chapter 195) was signed by the Governor on July 27, 2004.

The new law requires that, for Fiscal Year 2004–05 only, school districts participating in the School Facility Program must deposit into the Routine Restricted Maintenance Account an amount not less than 2 percent of the district's Total General Fund Expenditure Budget. Senate Bill 409 further provides that for the fiscal year 2004–05 only, any amount deposited into the Routine Restricted account in excess of 1½ percent of the district's general fund budget may be counted towards the district's matching share for the basic grant under the School Deferred Maintenance program. Should you have any questions concerning this matter, please contact Bryan Breaks, Audit Supervisor at [bryan.breaks@dgs.ca.gov](mailto:bryan.breaks@dgs.ca.gov) or 916.445.3156.

#### FUND RELEASE AUTHORIZATION

## Certifications and Rescissions

BY WAN WONG, OPSC ACCOUNTANT

When school districts file a Fund Release Authorization (Form SAB 50-05), they are certifying that their applicable matching share (50 percent for a new construction grant and 40 percent for a modernization grant) has either:

- been deposited in a County School Facility Fund
- has already been expended for the project(s)
- will be expended prior to the Notice of Completion for the project(s)

The law requires a school district to submit the Fund Release Authorization (Form SAB 50-05) within 18 months of its School Facility Program apportionment for the project(s) or their apportionment for the projects(s) will be rescinded by the State Allocation Board.

A school district may refile a new application for the project(s) subject to district eligibility and the date order at the time of resubmittal. However, if a district decides to refile the new application for the projects(s) as a financial hardship project, a more in-depth financial hardship review will be performed to determine the district's ability to meet its matching share requirements.

## SFP Online Grant Calculator

BY RASHID MIR, INFORMATION SYSTEMS SUPERVISOR

The Office of Public School Construction is pleased to announce the release of the School Facility Program Online Grant Calculator. The SFP Grant Calculator is a Web-based tool designed to assist districts with the financial planning of typical new construction and modernization projects. The SFP Grant Calculator can determine additional grants which a school district may be eligible to receive based on basic proposed project information. In addition, the Grant Calculator will allow the district to enter actual values and instantly receive estimated grant amounts based on the SFP Regulations currently in effect. While the SFP Grant Calculator will not actually submit a funding application, school districts are encouraged to use it in the planning and feasibility stages of a project. We hope this tool will provide school districts with a better insight into our funding calculations and simplify the funding application process.

#### LEASE PURCHASE JOINT-USE PROGRAM CONCLUDES WITH SUCCESS

## Appropriate Ending

BY RACHEL WONG, OPSC PROJECT MANAGER

At the July 2003 State Allocation Board (SAB) meeting, action was taken to extend the LPP Joint-Use Program for one additional year due to availability of funds in the prior bond fund. Many districts took advantage of this opportunity.

As of the October 27, 2004 SAB meeting, funds were apportioned for all 37 qualified projects.

Since the funding source for this program is currently exhausted, *the SAB also authorized the Office of Public School Construction to advise school districts that it would not be accepting any more applications.*

In order to assure a timely fund release it is important to submit the following SAB forms on or before August 4, 2005:

- Agreement – Joint Use EC 10752 (Form SAB 518 JU)
- Construction Contract Certification for Joint Use – EC 17052 (Form SAB 599 JU)

For more information regarding the LPP Joint-Use Program, please visit the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov). As always, please feel free to contact your OPSC Project Manager, or contact Brian LaPask at 916.327.0298 or via email [blapask@dgs.ca.gov](mailto:blapask@dgs.ca.gov).

#### READY, SET, GO AND THERE'S MORE!

## Autumn Is Here With Hot August Results

BY RACHEL WONG, OPSC PROJECT MANAGER

The State Allocation Board (SAB) funded 12 school districts and 21 joint-use projects at the August 2004 (SAB) meeting. The SAB approved the apportionment of \$21,364,565. Although this is great news for those districts that received funding, this action also leaves more than \$62 million dollars in the Joint-Use Program funding for qualified projects at the July 2005 SAB meeting!

What does that mean for you? The modifications to the Joint-Use Program (SB 15) regulations allowed more flexibility for the qualification criteria, so if your district wants to participate in this program, money is available. The current filing period for the next funding cycle is now through May 31, 2005. So now is the time to look into the possibilities! Need a new gym? Need a larger multi-purpose facility? Have a joint-use partner in mind? Give the Joint-Use Program a try.

In order to ensure a timely fund release, the following deadlines are important to remember:

- If the district has received construction funding, it has 18 months from the August 4, 2004 SAB date to submit a Fund Release Authorization (Form SAB 50-05), or the funding will be rescinded.
- If the district has received preliminary planning funding, the district has 12 months to submit DSA final approved plans to the OPSC.

For more information regarding the SFP Joint-Use Program, please visit the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov). As always, please feel free to contact your OPSC Project Manager, or contact Rachel Wong at 916.445.7880 or via e-mail [rachel.wong@dgs.ca.gov](mailto:rachel.wong@dgs.ca.gov) or Aneida Ramirez at 916.324.5703 or via e-mail [aneida.ramirez@dgs.ca.gov](mailto:aneida.ramirez@dgs.ca.gov).

# Aurora Modular Industries Declares Bankruptcy

BY LIZ CHEYNE, OPSC PROJECT MANAGER

The Office of Public School Construction (OPSC) was recently made aware that Aurora Modular Industries, one of the state's largest portable classroom manufacturers, has declared bankruptcy. This development has the potential to leave some districts unable to house students. However, a number of districts were able to take delivery of the portable classrooms that had been completed by Aurora while others have had to purchase classrooms from other manufacturers. The OPSC is working with the Division of the State Architect (DSA) to provide information on the process for continuing with a project if it includes Aurora classrooms. The following directions will assist you with the process:

1. If the district has submitted an SAB 50-05 Fund Release Authorization based on a contract with Aurora, the 18-month time limit on apportionments will not be in jeopardy. The district will be required to obtain a DSA approved revision of plans using another manufacturer; no change of scope will be accepted.
2. If the district currently has plans that have been submitted to the DSA, which have not been stamped, the DSA will return the plans, direct the district to revise the plans accordingly, and resubmit to DSA.
3. If the plans have been "stamped out" and approved by the DSA and the project has not received State Allocation Board approval, the district must obtain a revision from DSA. Provided that all revisions are directly related to substitution for an Aurora product, the DSA will not require a re-submittal.

Please note that a revision to plans will take less time to process through DSA than a re-submittal. Also, please be advised that the DSA may have concerns regarding scope change on revisions to plans. Changes not limited to substitution "in kind" for Aurora product may require re-submittal.

If your district currently has a School Facility Program project that has been impacted by the Aurora bankruptcy, please contact your OPSC Project Manager.

If the plans for your project have been submitted to the DSA and have not yet been approved, please also contact your DSA Regional Office.

## May We Help You?... from front page

personnel may face: picking up where your predecessor left off... apprising yourself of what construction projects were already in the works prior to your arrival... finding out the status of applications on file at the OPSC... or just knowing what to do next.

## The OPSC Web Site

The OPSC Web site offers an abundance of information that can help you in your transition. The OPSC Web site address is [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov). Here you can find information on funding programs for constructing new schools, building additional classrooms to existing campuses, modernizing those older facilities, deferred maintenance, and joint-venture projects developed for school and community use. The Web site also provides electronic forms, upcoming meeting schedules, up-to-date publications and much more.

## Give Us A Call!!

We look forward to hearing from you and having the opportunity to assist you with your facility needs. We are here to help!

## What Districts Should Know... from page 3

### Local Permitting Agencies

**Ensure that design consultant complies with local requirements.** Become familiar with all local requirements, ensure that the design consultant(s) meet with the local agencies and includes their requirements in the design, and apply for, and receive approval, where necessary.

**Consider paying fees to local fire marshal for their review of the plans.** The local fire marshal can review plans for violations of local codes or permits in addition to the normal DSA review. This can prevent costly delays and modifications if violations are found after construction has begun.

For more detailed explanations of these agencies, including the "Why's" and "How's," please consult the *Public School Construction Cost Reduction Guidelines*, part of the *Best Practices Report*, on the OPSC Web site located at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov). If you have questions, be sure to contact your OPSC Project Manager.

# Congratulations on Your New School Openings

BY CHRISTINE SANCHEZ, OPSC PROJECT MANAGER

A new school is a symbol of the "can-do" efforts of all who participate in its creation. Through local community support, district contributions, and the various state agencies involved, one common goal was met... a safe, new school for the children.

The Office of Public School Construction would like to congratulate the following schools on their recent ribbon cutting ceremonies:

DISTRICT	COUNTY	SCHOOL NAME	DEDICATION
NORTH TAHOE MIDDLE SCHOOL	PLACER	NORTH TAHOE MIDDLE SCHOOL GYMNASIUM	MARCH 2004
ESCONDIDO UNION SCHOOL DISTRICT	SAN DIEGO	BEAR VALLEY MIDDLE SCHOOL	AUGUST 2004
ESCONDIDO UNION SCHOOL DISTRICT	SAN DIEGO	FARR AVENUE SCHOOL	AUGUST 2004
DAVIS JOINT UNIFIED SCHOOL DISTRICT	YOLO	FRANCES ELLEN WATKINS HARPER JUNIOR HIGH SCHOOL	AUGUST 2004
SAN LUIS OBISPO COE	SAN LUIS OBISPO	CHALK MOUNTAIN COMMUNITY SCHOOL	SEPTEMBER 2004
FAIRFAX SCHOOL DISTRICT	KERN	SHIRLEY LANE ELEMENTARY SCHOOL	SEPTEMBER 2004

AS OF SEPTEMBER 22, 2004

## Proposition Funds Put to Work

PROGRAM	BOND ALLOCATION	APPORTIONED	RELEASED/ CONTRACTED
<b>Proposition 55</b>			
New Construction	\$ 4,960,000,000	\$ 0	\$ 0
Modernization	2,250,000,000	563,280,238	276,384,577
Charter School	300,000,000	0	0
Critically Overcrowded Schools	2,440,000,000	0	0
Joint Use	50,000,000	0	0
<b>Total Proposition 55</b>	<b>\$10,000,000,000</b>	<b>\$ 563,280,238</b>	<b>\$ 276,384,577</b>
<b>Proposition 47</b>			
New Construction	\$ 6,250,000,000	\$ 5,415,195,218	\$ 5,064,863,108
Modernization	3,300,000,000	3,282,819,222	3,097,915,025
Charter School	100,000,000	97,034,156	0
Critically Overcrowded Schools	1,700,000,000	1,681,356,272	0
Joint Use	50,000,000	37,143,766	8,170,942,975
<b>Total Proposition 47</b>	<b>\$11,400,000,000</b>	<b>\$10,513,548,633</b>	<b>\$ 8,170,942,975</b>
<b>Grand Total</b>	<b>\$21,400,000,000</b>	<b>\$11,076,828,871</b>	<b>\$ 8,447,327,552</b>

## Status of Funds

PROGRAM	BALANCE AVAILABLE AS OF SEPTEMBER 22, 2004
<b>Proposition 55</b>	
New Construction	\$ 4,946.0
Charter School	300.0
Energy	14.0
Modernization	1,678.9
Energy	5.8
Critically Overcrowded Schools	2,440.0
Joint Use	50.0
<b>Total Proposition 55</b>	<b>\$ 9,434.7</b>
<b>Proposition 47</b>	
New Construction	\$ 764.3
Charter School	0.5
Energy	10.3
Modernization	13.3
Energy	3.9
Critically Overcrowded Schools	18.6
Joint Use	12.8
<b>Total Proposition 47</b>	<b>\$ 823.7</b>
<b>Grand Total</b>	<b>\$ 10,285.4</b>

**NOTE:** Amounts shown above are in millions of dollars.  
The SAB funded \$1,020,153.42 for the Deferred Maintenance Program.

# REGULATIONS UPDATE

Typically, emergency regulatory tracts take approximately 30–45 days to become an effective emergency regulation after they are approved by the State Allocation Board (SAB) and prior to filing with the Office of Administrative Law. Non-emergency regulatory tracts take 120–180 days from the date the SAB approves the agenda item until the regulation(s) become effective.

The following regulation amendment was approved at the September 22, 2004 State Allocation Board meeting.

## EMERGENCY

# Labor Compliance Program (LCP) Grant – Returns

BY TASHA ADAME-BRENNAN, OPSC PROJECT MANAGER

As many school district may already know, California Labor Code Section 1771.7, enacted in early 2003, requires school districts that are building or modernizing school projects with 2002 and 2004 state bond funds to initiate a specified labor compliance program (LCP). This requirement resulted in some additional costs to districts.

The Office of Public School Construction (OPSC) presented proposed regulations at the July 2003 State Allocation Board (SAB) meeting to provide districts a per pupil grant increase to accommodate the states' share of the increased costs of new construction or modernization project due to the initiation and of enforcement of the LCP. This was accepted by the board and a grant adjustment for the LCP took effect. However, due to the expiration late last year of School Facility Program regulations supporting the LCP grant, the SAB was unable, as of January 2004, to apportion funds for costs related to LCP.

At the June 2004 SAB meeting, the OPSC presented a report on the status of the LCP regulations. The Board accepted the report and directed staff to return with a recommendation to re-file the regulations on an emergency basis. The Board also requested that staff address the projects that did not receive LCP funding because those projects were apportioned during the time period that the LCP regulations were not in effect.

## What's New and What's the Same:

At the September 22, 2004 SAB meeting, the Board approved the SFP Regulation changes that specify the LCP increase to the per-pupil grant funded with either Proposition 47 or Proposition 55 funds. These new regulations contain the exact language previously approved by the Board with the exception of two minor, non-substantive changes:

- Reference to Proposition 55, which did not exist at the time the original regulatory amendments for LCP were approved, has been added to the certification language on the forms.
- Language has been added to the regulation section for charter school facilities in order to provide additional funding for LCP costs to those projects.

Otherwise, the LCP regulations remain the same. The OPSC expects the newly approved regulations to become law by next month and the LCP grant will be in effect by December 2004 or January 2005. The regulations will provide direction related to pupil grant increases for the LCP.

Additionally, OPSC staff confirmed that an exception to Education Code 17070.63—*state's full and final contribution*—is provided in statute for the purposes of granting the LCP funds pursuant to the LC 1771.7 for eligible projects from the effective date of that statute.

When approving the re-filing of the emergency regulations that increase the per pupil grant award to cover the cost of labor compliance programs, SAB members cautioned school districts that the Department of Industrial Relations (DIR) has not finalized its amended regulations for the LCP. Therefore, school districts should exercise judgment when implementing a LCP that complies with current law without incurring unnecessary program costs.

## What to Expect

The OPSC anticipates districts that received School Facility Program (SFP) funds after January 28, 2004 may receive an augmentation for some of the cost increases due to labor compliance programs.

In anticipation of Office of Administrative Law approval of the emergency regulations, the OPSC is sending a mass mailer informing impacted districts of the important timeframes and additional specifics in submitting a certification form (generated by OPSC) to receive the LCP grant.

Furthermore, districts should ensure their projects have labor compliance approval by the DIR. For additional information on approval for a labor compliance program as described in Labor Code section 1771.7, refer to the DIR's Web site, [www.dir.ca.gov/lcp.asp](http://www.dir.ca.gov/lcp.asp). Please contact your project manager for further assistance.

The following regulation amendment was approved at the September 22, 2004 State Allocation Board meeting.

NON-EMERGENCY

## Reporting Dwelling Units in CBEDS

BY HEATHER DOHERTY, OPSC POLICY AND SPECIALS ANALYST

It's that time of year again for school districts to gather enrollment data required for yearly California Basic Educational Data System (CBEDS) reports to submit to the California Department of Education. Districts can also submit updated CBEDS enrollment information to the Office of Public School Construction (OPSC) for the School Facility Program.

When updating their CBEDS enrollment information, districts should note a change in the reporting of dwelling unit augmentations. At the September 2004 State Allocation Board (SAB) meeting, the SAB approved the following options for districts to select from when reporting dwelling units:

- The point in time permits are pulled, plus 12 months
- The point in time the dwelling unit is occupied

Districts are required to pick one option for all tract map submittals and supply supporting documentation to justify their request. This means a district uses either the date of occupancy or permits pulled, plus 12 months as the stopping point for all of the tract maps. Districts may select the alternate option the following submittal year if desired.

If you have any questions regarding this subject, we encourage you to call your OPSC Project Manager. In addition, the dwelling unit brochure and dwelling unit worksheet are located on the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

To view additional information regarding these regulatory amendments, please view the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

For any of your questions, please contact your OPSC Project Manager.