



Photograph provided by Lionakis Beaumont Design Group, Inc.

Happy Holidays

We wish you safe and happy holidays as we celebrate an eventful 2010 and welcome new beginnings in 2011.

[read more...](#)

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The Office of Public School Construction newsletter

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

ARNOLD SCHWARZENEGGER
Governor, State of California

BILL LEONARD
State and Consumer Services Agency Secretary

RON DIEDRICH
Acting Director, Department of General Services



Office of Public School Construction
STAFF TO THE STATE ALLOCATION BOARD

Happy Holidays - Project Funding Continues



Lisa Silverman
Acting Executive Officer

We wish you safe and happy holidays as we celebrate an eventful 2010 and welcome new beginnings in 2011. The Office of Public School Construction (OPSC) will continue to provide enhanced customer service via collaborative training events with the California Department of Education and the Division of the State Architect, beginning early in 2011. Our goal is to serve stakeholders with improved communication and collaboration between the related State Agencies. Watch for details in future editions of Building Blocks.

The funding approved by the State Allocation Board (Board) on December 15, 2010 represents the second round of funding approved under 2010 accelerated funding rules. The \$408 million allocated in August under the initial round was recently distributed to 78 school construction projects within 42 school districts.

Numerous funding requests were submitted under the second Priority Funding round, totaling more than \$1.98 billion, which exceeded the available funding. Requests were received for 72 percent of the current Unfunded Approval List. Ultimately, 439 projects were granted apportionments under the second round, totaling \$1.44 billion. This represents the largest round of funding for California K-12 school construction projects since 2008 – what a great way to conclude 2010! Districts that received apportionments under the second Priority Funding round must submit *Fund Release Authorization* forms (Form SAB 50-05) to be received by the OPSC no later than March 15, 2011.

The various board funding decisions made at the December Board meeting will influence the remaining fund balances. The OPSC will present an additional funding item, if necessary, in January to expend the remaining bond fund balances.

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

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STAFF TO THE STATE ALLOCATION BOARD

Labor Compliance Program Update

By Laurel Brode and Bryan O'Dell

The Office of Public School Construction (OPSC) is reaching out to school districts that awarded construction contracts between August 1, 2010 and November 4, 2010.

If your school board awarded a construction contract within this timeframe, please contact one of the OPSC employees listed below. Projects from this timeframe may be affected by the recent repeal of the Department of Industrial Relations' (DIR) labor compliance regulations.

With this information, the OPSC will be able to review the effect that the repeal has had on school construction projects and assist school districts through the transition.

Chapter 7, Statutes of 2009 (Senate Bill X2 9, Padilla) required all State Bond funded public works projects to participate in a DIR administered labor compliance monitoring program and pay a fee to the DIR for their monitoring services. The statute also required the DIR to develop regulations for the labor compliance monitoring program. These regulations went into effect on August 1, 2010. On November 4, 2010, the Office of Administrative Law approved the DIR's request to temporarily repeal those same regulations.

If your school district project has a construction contract that was awarded between August 1, 2010 and November 4, 2010, or if you have any school construction funding related questions on the DIR regulation repeal, contact:

Bryan O'Dell at (916) 375-4271 or Bryan.Odell@dgs.ca.gov
Laurel Brode at (916) 375-4570 or Laurel.Brode@dgs.ca.gov

For more information on the regulation repeal, please visit:

- [DIR Homepage](http://www.dir.ca.gov) www.dir.ca.gov
- [DIR FAQ](http://www.dir.ca.gov/dlse/cmufrequently_asked_questions.html) www.dir.ca.gov/dlse/cmufrequently_asked_questions.html
- [DIR Repeal Package](http://www.dir.ca.gov/DLSE/CMU/EmergencyRulemaking/EmergencyRulemaking_SBX2-9.htm) www.dir.ca.gov/DLSE/CMU/EmergencyRulemaking/EmergencyRulemaking_SBX2-9.htm
- [OAL Repeal Letter](http://www.oal.ca.gov/res/docs/recent_actions_emergencies/2010-1028-01E.pdf) www.oal.ca.gov/res/docs/recent_actions_emergencies/2010-1028-01E.pdf

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Recently Chaptered Legislation

The following table summarizes recently chaptered legislation impacting the State Allocation Board and its programs. Comprehensive, program-specific evaluations for the implementation of these changes are currently in progress.

| | |
|---|---|
| AB 211 (Mendoza) Chapter 430 | School facilities: classroom security locks |
| This bill, on and after July 1, 2011, requires all new construction projects submitted to the Division of the State Architect to include locks that allow doors to classrooms and rooms with an occupancy of five or more persons to be locked from the inside. | |
| AB 2560 (Brownley) Chapter 266 | Education finance: federal tax credit bond volume cap |
| This bill provides the needed authority to the California Department of Education (CDE) and the California School Finance Authority (CSFA) to allocate the funds in the federal tax credit bond volume cap to school districts and eligible charter schools, respectively, for qualified school construction bonds provided to California in 2010. \$650 million of the state's 2010 federal tax credit bond volume cap for qualified school construction bonds is assigned to the CDE and \$68 million is assigned to the CSFA. | |
| SB 205 (Hancock) Chapter 11 | Education finance: federal tax credit bond volume cap |
| This bill assigns \$700 million of the State's 2009 federal tax credit bond volume cap to the CDE for qualified school construction bonds and \$73.5 million to the CSFA for qualified school construction bonds to be used for the benefit of charter schools. The bill exempts the assignment and distribution of the federal tax credit bond volume cap under the bill from the rulemaking provisions of the Administrative Procedures Act. | |
| SB 856 (Committee on Budget and Fiscal Review) Chapter 719 | State government |
| This bill, among other things, requires the Board to increase the new construction or modernization grant "to accommodate the state's share of the increased costs of a... project due to the fee required to be paid to the Department of Industrial Relations to ensure compliance with and enforcement of prevailing wage laws on the project. The State Allocation Board shall pay the fee to the Department of Industrial Relations at the time bond funds are released" to the district. | |
| SB 1381 (Simitian) Chapter 705 | Kindergarten: age of admission |
| This bill changes the required birthday for admission to kindergarten and first grade from December 2 to November 1 for the 2012-13 school year, October 1 for the 2013-14 school year, and September 1 for the 2014-15 school year and each school year thereafter. The bill also allows a child whose admission to a traditional kindergarten is delayed to be admitted to a transitional kindergarten program. Pupils who are participating in transitional kindergarten must be included in computing the Average Daily Attendance of a district. | |
| SB 1473 (Wyland) Chapter 294 | School facilities bond proceeds: performance audits |
| This bill requires financial and performance audits at the local level to be conducted in accordance with the Government Auditing Standards on any bonded indebtedness incurred by a school district. | |

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Additional New Construction Bonding Authority Made Available

By Sam Smith

At the December 2010 State Allocation Board (Board) meeting, the Board approved the transfer of Critically Overcrowded Schools Program bonding authority to the New Construction Fund. This action by the Board makes available an additional \$211 million for the New Construction program, which will allow more districts to construct new classrooms.

Districts are advised that in order to qualify for this Proposition 55 New Construction funding, they must meet the requirements of Section 1771.7 of the California Labor Code pertaining to the implementation of a Labor Compliance Program.

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

The School Facility Program

Since the inception of the School Facility Program in 1998, voters have authorized \$35.5 billion in bond funds, and the State Allocation Board (Board) has apportioned a total of...



Following conversions of some unfunded approved projects to apportionments, there are 461 total unfunded approved projects for a total of...



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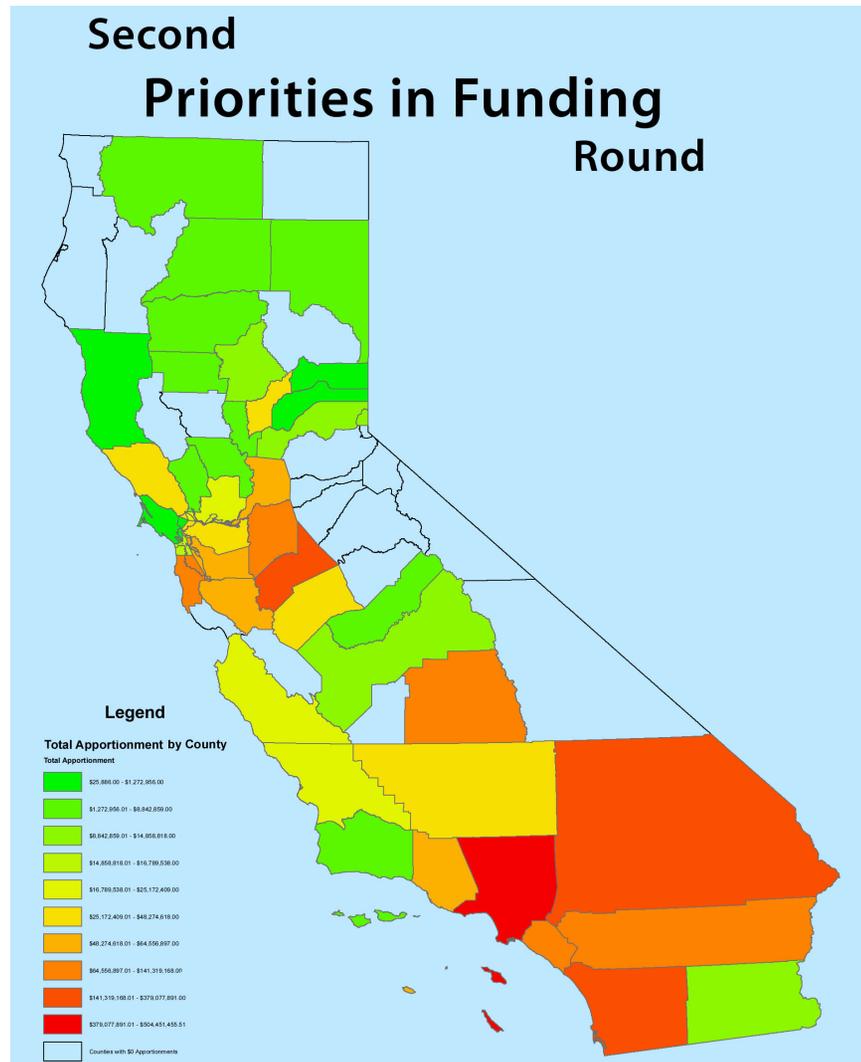
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Where's the Money?

Second Priorities in Funding Round Apportionments - At the December 15, 2010 State Allocation Board (Board) meeting, the Board granted \$1.44 billion in apportionments to 439 projects under the second Priorities in School Construction Funding round. The following map illustrates the distribution of these apportionments by county. Apportionment amounts include Financial Hardship apportionments when applicable.



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Deferred Maintenance Annual Apportionment

By Richard Sheffield

On December 15, 2010, the State Allocation Board (Board) approved the 2009/2010 fiscal year (FY) funding for the [Deferred Maintenance Program \(DMP\)](#). More than one thousand school districts shared approximately \$256 million in State DMP funding, provided primarily by the Governor’s Budget and other funding sources, to perform major maintenance work on school facilities. The OPSC is working with the State Controller’s Office to release these funds and districts should begin receiving DMP funds in their District Deferred Maintenance Fund (DDMF) account after January 1, 2010.

Budget Act revisions for FY 2008/2009 made significant [changes impacting the DMP](#). In response to the State budget crisis, the Governor and the Legislature adopted various measures to provide districts with flexibility in the use of funds through FY 2012/2013. This is the third funding cycle that districts are receiving funds based on the baseline established by the Board on April 22, 2009 in lieu of traditional allocations based on a specific formula for each FY. The district matching share requirement has been suspended and districts are permitted to use DMP funding for “any educational purpose” through FY 2012/2013. This means that districts are not required to deposit a matching share requirement this year and their County Office of Education is not required to certify to the Office of Public School Construction deposits made by districts into their DDMF. Additionally, districts are not required to submit a new or updated *Five Year Plan*, Form SAB 40-20, in order to receive a DMP Grant.

For questions on this subject, please contact:

Richard Sheffield at (916) 375-4321 or richard.sheffield@dgs.ca.gov
Liz Cheyne at (916) 375-4325 or liz.cheyne@dgs.ca.gov

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Overcrowding Relief Grant Program – Upcoming 2011 Funding Cycles

By Josh Damoth

On December 15, 2010, the State Allocation Board (SAB) approved two additional funding cycles for the [Overcrowding Relief Grant \(ORG\) Program](#). The deadline to submit applications for the seventh cycle is January 31, 2011. The final filing date for the eighth funding cycle is July 29, 2011.

In the six ORG funding cycles to date, 79 projects have been funded, totaling \$547.2 million. This funding has resulted in the replacement of 1,084 portable classrooms with permanent facilities. Approximately \$452.8 million in ORG bond authority remains for the future funding cycles.

The ORG Program enables districts to reduce the number of portable classrooms on overcrowded school sites and replace them with permanent classrooms. ORG projects may relieve site overcrowding by building permanent classrooms on the same site (such as the use of multistory construction), or on a different site. The portables must be removed from the eligible school site and from K-12 use within six months after the initial occupancy date of the permanent classrooms. The program does not require new construction or modernization eligibility, and instead has its own eligibility criteria.

Eligibility for School Sites

Before districts may apply for ORG funding, they must establish ORG eligibility for each school site by submitting the [Overcrowding Relief Grant Eligibility Determination Form](#) to the California Department of Education (CDE) for each potential site. School sites are eligible if the pupil population density is 175 percent of that recommended by the CDE (based upon 2005/2006 enrollment). The site specific eligibility determines the maximum number of portable classrooms the district may replace.

In order to apply for ORG funds, districts must establish district-wide ORG eligibility by submitting the *Overcrowding Relief Grant District-Wide Eligibility Determination* (Form SAB 50-11) to the Office of Public School Construction.

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The district-wide eligibility determines the maximum number of classrooms that the district may replace under the ORG within the whole district. If a district has not yet established new construction program eligibility, it will be required to do so for purposes of determining the ORG eligibility.

Applying for Funding

After an ORG project has been approved by both the CDE and the Division of the State Architect (DSA), districts may apply for funding by submitting an *Application for Funding* (Form SAB 50-04) and supporting documentation.

For additional information on the ORG, contact Brigitte Baul at (916) 375-5984 or brigitte.baul@dgs.ca.gov.

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State Allocation Board Members Honored

At the December 15, 2010 State Allocation Board meeting, the Board honored departing members Assembly Member Jean Fuller and Cynthia Bryant by presenting Resolutions as a token of gratitude for their contributions to the State Allocation Board and the citizens of the State of California.

ASSEMBLY MEMBER JEAN FULLER

Assembly Member Fuller is leaving the California State Assembly for the California State Senate. Assembly Member Fuller began serving as a member of the State Allocation Board in 2007. Her concern for the State's best interest and the taxpayers has made her a valuable asset, especially with her active participation in the State Allocation Board's Rules and Procedures Sub-Committee, which will assist the State Allocation Board in providing consistency through its rules and operating procedures.

CYNTHIA BRYANT

Ms. Bryant began serving on behalf of the Director of the Department of Finance, Ana Matosantos, as her representative as the chair of the State Allocation Board, in January 2010. Her commitment to consistency and good government, along with her insight in establishing the Priorities in School Construction Funding Sub-Committee, has enabled the State Allocation Board to address the complex and sensitive issues due to the State's economic and financial conditions that affect all school districts participating in the School Facility Program.

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Bond Proceeds Released

By Michael Watanabe

The Office of Public School Construction has processed the following fund releases from 2009 and 2010 bond sales as of November 19, 2010:

March 2009 Bond Sale:

Total funds released: \$528.73 million of \$528.8 million — 99 percent
Total projects: 234 projects have received funds

April 2009 Bond Sale:

Total funds released: \$1.333 billion of \$1.438 billion — 93 percent
Total projects: 376 projects have received funds

October 2009 Bond Sale and November 2009 Commercial Paper:

Total funds released: \$268.3 million of \$509.5 million — 53 percent
Total projects: 107 projects have received funds

November 2009 Bond Sale and December 2009 Commercial Paper:

Total funds released: \$83.9 million of \$111.4 million — 75 percent
Total projects: 33 projects have received funds

March 2010 Bond Sale:

Total funds released: \$1.039 billion of \$1.351 billion — 77 percent
Total projects: 231 projects have received funds

November 2010 Bond Sale:

Total funds released: \$0 of \$1.483 billion — 0 percent
Total projects: 0 projects have received funds

See [Status of Funds](#) for more details.

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Regulatory Update

Fiscal Crisis Regulations

- Adopted with emergency status at the December 15, 2010 State Allocation Board (SAB) meeting.
- Proposed to extend, until July 1, 2011, the Inactive Preliminary Charter School Apportionment regulations, the Inactive Preliminary Apportionment regulations for Critically Overcrowded Schools projects, and the Financial Hardship Re-Review regulations.
- Review process underway.

Geographic Percent Factor for Santa Catalina Island

- Adopted at the December 15, 2010 SAB meeting.
- Proposed regulatory amendment allows for 50 percent for excessive cost due to geographic location for Santa Catalina Island only.
- Review process underway.

High Performance Incentive Grant Changes

- Adopted at the May 26 and November 3, 2010 SAB meetings.
- Proposed to amend the High Performance Incentive grant program to promote greater participation in the program and to incorporate California Green Code requirements.
- 15-day public comment period ended December 15, 2010.

One-Year Extension of General Site Development Grant

- Adopted at the June 23, 2010 SAB meeting.
- Proposed to extend the grant until no later than January 1, 2012.
- Review process continues.

Note: Regulations become effective upon review and approval of the Office of Administrative Law.

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Upcoming Meetings

State Allocation Board (Board) Meetings - [View Board calendar](#)

- January 26, 2011 (Wednesday) 4:00 p.m.
- February 22, 2011 (Wednesday) 4:00 p.m.

OPSC/DSA/CDE Pre-Board Meeting Forums

- January 26, 2011 (Wednesday) 9:30 a.m.
- February 22, 2011 (Wednesday) 9:30 a.m.

Implementation Committee Meetings - [View IMP calendar](#)

- January 13, 2011 (Thursday) 9:30 a.m. - 3:30 p.m.
- February 10, 2011 (Thursday) 9:30 a.m. - 3:30 p.m.

Upcoming Deadlines

October 2010 Priority Funding Round

Deadline to submit applications for fund release (Form SAB 50-05) for projects receiving apportionments under the second Priority Funding Round at the December 15, 2010 Board meeting:

- March 15, 2011

Upcoming Overcrowding Relief Grant Funding Cycles:

Deadline to submit funding applications for the seventh funding cycle:

- January 31, 2011

Deadline to submit funding applications for the eighth funding cycle:

- July 29, 2011

Energy Efficiency Grants

Submit *Application for Funding* (Form SAB 50-04):

- Now through April 1, 2011

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