

# REGULAR

## STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2015-0922-09</b>	REGULATORY ACTION NUMBER <b>2015-1211-035</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**DEC 23 2015**  
3:35 PM

2015 DEC 11 P 4:14  
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Allocation Board	AGENCY FILE NUMBER (if any)
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER <b>2015, 40-2</b>	PUBLICATION DATE <b>10/2/15</b>

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Leroy F. Greene School Facilities Act of 1998; SB 869-HPI & CTEFP	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND Regulation Sections 1859.2, <del>1859.70.4</del> , 1859.107, 1859.164.2, and please refer to the Attachment.
REPEAL
TITLE(S) 2
per agency request <b>12/23/15 TH</b>

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2016</b>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Lisa Jones	TELEPHONE NUMBER (916) 376-1753	FAX NUMBER (Optional) (916) 375-6721	E-MAIL ADDRESS (Optional) lisa.jones@dgs.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE December 10, 2015
TYPED NAME AND TITLE OF SIGNATORY Lisa Silverman, Executive Officer, State Allocation Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 23 2015

Office of Administrative Law

Attachment to Form STD. 400

B. Submission of Regulations

Title 2: Leroy F. Greene School Facilities Act of 1998

SCHOOL FACILITY PROGRAM REGULATIONS

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: ~~1859.190~~, 1859.195,  
AND 1859.198

per agency  
request 12/23/15 (TH)

THE FOLLOWING FORM IS AMENDED:

*Application for Funding*, Form SAB 50-04, (Revised 10/14 02/15), referenced in  
Regulation Section 1859.2

## Amend Regulation Section 1859.2

### Section 1859.2. Definitions.

“Form SAB 50-04” means the *Application for Funding*, Form SAB 50-04 (Revised ~~10/14~~02/15), which is incorporated by reference.

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Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

## Amend Regulation Section 1859.107

### Section 1859.107. Amending and Withdrawal of Applications.

A funding application that received an apportionment under Chapter 12 or Chapter 12.5 may not be rescinded and re-approved under the provisions of any amended law or administrative regulation unless specifically authorized by other applicable law.

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The resubmitted application will receive a new processing date by the OPSC.

At the option of the district, an Approved Application for Career Technical Education Facilities Project Funding submitted to OPSC prior to January 1, 2012 may be resubmitted for the purpose of requesting the funding as prescribed in Section 1859.71.6 or Section 1859.77.4, as applicable. To request that funding, the district must submit an amended Form SAB 50-10 at least 90 days prior to requesting an Apportionment pursuant to Section 1859.90.1 or 1859.90.2 or receiving an Apportionment pursuant to Section 1859.195. The amended application shall retain its original OPSC processing date. This paragraph is subject to EC Sections 17070.965 and 17078.73.

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Note: Authority cited: Sections 17070.35, 17078.72(l), Education Code.

Reference: Sections 17070.35, 17070.63, 17070.965, 17074.15, 17074.16, ~~and 17074.56;~~ and 17078.73, Education Code.

## Amend Regulation Section 1859.164.2

### Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

An applicant receiving a Preliminary Charter School Apportionment from the Board after July 2, 2003 may request an advance release of funds for either of the following:

- (a) A separate advance release of funds for design equal to 20 percent of the amount determined in Section 1859.163.1(a)(1) through ~~(98)~~ and Section 1859.163.1(c)(1) and ~~(2)~~ or Section 1859.163.5(a)(1) through ~~(96)~~ and Section 1859.163.5(b)(1) and (2).
- (b) A separate advance release of funds for site acquisition once the requirements in Section 1859.81.1(a)(2) and (3) are met for an amount not to exceed the Preliminary Charter School Apportionment for site acquisition. The Board shall release to the applicant an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified applicants may request a separate advance release of funds for the design and for the site acquisition for the same project. An applicant seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. Subject to the availability of financing provided by the Pooled

Money Investment Board for bond-funded projects, the OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the applicant after submittal of the Form SAB 50-05. The OPSC shall not release funds in excess of the Preliminary Charter School Apportionment. State funds released from a Preliminary Charter School Apportionment pursuant to this Section shall be subject to the provisions in Section 1859.166. Once the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment pursuant to Section 1859.167, the applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2. Prior to the release of any funds, the Charter School Agreements must be executed.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.53 and 17078.58, Education Code.

#### Amend Regulation Section 1859.195

##### Section 1859.195. Career Technical Education Facilities Project Apportionment.

The Board shall apportion Career Technical Education Facilities Funds in the following manner:

- (a) The Board may apportion up to a maximum of \$350 million for applications received in the first Career Technical Education Facilities funding cycle ending October 31, 2007.
  - (1) The amount of \$250 million shall be distributed proportionally to the Service Regions based on the high school enrollment within each Service Region. The proportional distribution of funds shall be determined by the current year CBEDS enrollment.
  - (2) If funding requested on qualifying applications exceeds the funds allotted to any Service Region, the amount of \$100 million shall be available for apportionment to the highest ranked projects regardless of Service Region.
- (b) The Board may apportion up to the sum of \$150 million plus any funds not apportioned in the first cycle for applications received in the second Career Technical Education Facilities funding cycle ending April 30, 2008.
  - (1) The amount of \$150 million plus any funds remaining from (a)(2) shall be distributed proportionally to each of the Service Regions based on the high school enrollment within each Service Region.
  - (2) Any unused funds distributed under (a)(1) shall be added to the amount determined for each Service Region in (b)(1).
  - (3) The cumulative apportionments in each Service Region may not exceed the amount determined in (1) and (2) except as described in Section 1859.196(b).
- (c) On or after January 1, 2015, the Board may no longer apportion any or all remaining available Career Technical Education Facilities funds in subsequent cycles, as deemed necessary and practical by the Board pursuant to EC Section 17078.73.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Section 17078.72 and 17078.73, Education Code.

#### Amend Regulation Section 1859.198

##### Section 1859.198. Time Limit on Apportionment and Substantial Progress.

The district is subject to the time limit on the apportionment as outlined in Education Code Section 17076.10 and substantial progress requirements pursuant to Section 1859.105.

On or after January 1, 2015, Any Career Technical Education Facilities Project funds returned due to projects being rescinded or reduced to cost incurred shall no longer be made available for apportionment in subsequent funding cycles pursuant to EC Section 17078.73.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Sections 17078.72, 17078.73, and 101012(a)(4), Education Code.