

STATE ALLOCATION BOARD

1130 K Street, Suite 400
Sacramento, CA 95814

**IMPLEMENTATION COMMITTEE MINUTES**

January 6, 2005

Legislative Office Building
1020 N Street, Room 100
Sacramento, CA

Members Present

Bruce Hancock, SAB	Dennis Dunston, CEFPI
Lori Morgan, OPSC	John Palmer, CASBO
Fred Yeager, CDE	Gary Gibbs, CBIA (Afternoon Only)
Dave Doomey, CASH	Blake Johnson, DOF
Beth Hamby, LAUSD	Debra Pearson, SSDA
Cathy Allen, CSESA (Alternate for William Cornelison)	
Brian Wiese, AIA	

Members Absent

Dennis Bellet, DSA	Jay Hansen, SBCTC
Constantine Baranoff, SSD	

The meeting was called to order at 9:40 a.m.; there were twelve members present and there were three absentees. The Chair welcomed Cathy Allen as the alternate for William Cornelison. The minutes from the December 3, 2004 meeting were approved as written.

A Committee member inquired about the placement of Assembly Bill (AB) 2950 on the Future Items list. Lori Morgan announced that the implementation of AB 2950 relating to the eligibility for final conversion of preliminary apportionments for the Critically Overcrowded School Facilities Program is anticipated to be presented at the February 2005 Committee meeting.

WILLIAMS SETTLEMENT LEGISLATION**SENATE BILL (SB) 550**

The topic was introduced by Bruce Hancock and Lori Morgan, and presented by OPSC staff members Melissa Ley and Elizabeth Dearstyne. Staff's presentation focused on the revisions made to the Interim Evaluation Instrument (IEI) since the December 3, 2004 Implementation Committee meeting.

During the discussion, suggestions were made to revise the wording in some of the criteria statements and the response choices in order to make the form more user-friendly. Staff agreed to review and consider these suggestions.

A comment was made to revise Part XIII Playgrounds/School Grounds, Section c. to clarify that the criteria statement is referring to playground equipment with protruding bolts, sharp edges, etc., not poorly designed playground equipment. Staff agreed to make this clarification.

Throughout the IEI, emergency facility needs, as defined in Senate Bill 6, are identified with an asterisk to inform the user that these may qualify for Emergency Repair Program (ERP) funding. A suggestion was made to modify the language to clarify that the items recognized with an asterisk are not exhaustive and other emergency facility needs may qualify as an ERP project. Staff agreed to consider this suggestion.

A concern was raised regarding Part XV Certification of the Specific Instructions section. As this form has many purposes, the certification can be made to different parties; however, the OPSC is not one of them. It was expressed that school districts may send their completed IEIs to the OPSC under the assumption the certification is being made to the State. Staff agreed to add a sentence to this section to clarify the form is to be retained for school district or county office of education records.

A representative of the California Department of Education (CDE), Mr. Joe Radding, attended the Implementation Committee meeting and provided an update on the School Accountability Report Card revision process as a result of implementation of SB 550 and the development of the IEI.

SENATE BILL 6

General

This topic was continued from the December 3, 2004 Committee meeting. SB 6 was introduced by Bruce Hancock and Lori Morgan, and presented by OPSC staff members Lindsay Ross and Masha Lutsuk. Staff expressed that the presentation would concentrate on the items that had been changed and revised as a result of discussion at the December 3rd Implementation Committee meeting and public comments received by the OPSC.

The OPSC noted that the CDE has published a revised list of school sites in deciles 1 – 3, and that the \$25 million allotted for the School Facilities Needs Assessment Grant Program appears to be sufficient. In addition, the OPSC stated that the regulations and forms now refer to school districts and county offices of education as Local Educational Agencies (LEAs).

School Facilities Needs Assessment Grant Program Regulations

As discussed at the December 3rd meeting, there were a number of problems with the previous proposed methods to determine the year of construction for each school. In an effort to eliminate the potential errors in determining the eligibility of each site, staff introduced the on-line Certification of Eligibility, which will be used by LEAs to report the year of construction of the original facilities on each site. Any site that was newly built on or after January 1, 2000, as reported by the LEA, is ineligible for SB 6 programs. Staff clarified that once school site is determined to be eligible, all facilities on the eligible sites should be assessment regardless of the age of the facilities.

Section 1859.318 was modified based on suggestions provided at the last meeting to provide more clarity to the “supplement, not supplant” requirements of the statute. Staff agreed to make minor language modifications in order to ensure that the dates specified in the regulation are correct. Staff noted that this regulation section is still under review and requires further consideration.

There was extensive discussion on the applicability of the Program regarding special education programs administered by county offices of education. These programs are identified on the list of eligible schools as a single entry per county but represent facilities located throughout each county and may be housed on school sites under jurisdiction of school districts. Staff has recognized the concern and has made some modifications to the necessary forms to accommodate these circumstances. However, as there is no authority on the part of the OPSC to modify the eligible school list, special education facilities reported under a single CDS code have to be treated as a single school site for purposes of the Needs Assessment.

School Facilities Needs Assessment Report (Form SAB 61-01)

Staff discussed the revisions to the instructions and received comments on the definitions of modernization, classrooms and multi-level buildings square footage calculations. The OPSC agreed to provide revisions to these items to further clarify.

School Facilities Needs Assessment Grant Program, Expenditure Report (Form SAB 61-02)

This Form will serve as a mechanism for LEAs to report on expenditures made with the School Facilities Needs Assessment Grant on an LEA-wide basis. Audience members suggested modification to the expenditure report to allow for reporting the encumbered funds as well as actual expenditures. The Committee also discussed the need to further extend the deadline for filing the Form and expend the funds, which was set as September 1, 2006 per Regulation Section 1859.315(d). The OPSC agreed to consider the later date to allow for more time for expenditures rather than allowing the reporting of encumbered funds.

Audience members also noted on the clarification needed for the Form to account for expenditures of State funds only and the need for additional certification for compliance with supplement, not supplant requirements of the law.

The need for reporting of interest funds was another topic of discussion. Several parties contended that reporting interest on potentially small grant amounts is an excessive requirement. The OPSC agreed to take these comments into consideration.

Emergency Repair Program

There was significant discussion regarding the eligibility of replacement projects. The OPSC agreed to consider modifying Section 1859.323.1 to allow replacement projects even if the replacement is not deemed cost-effective by the formula outlined in the Regulations provided that the LEA funds the difference between the repair and replacement cost.

Many districts expressed concern about the uncertainty of the types of repairs that may trigger access compliance upgrade work, which is ineligible under this program unless it is directly related to the mitigation of the health and safety threat. The OPSC agreed to notify the State Allocation Board of this concern. Staff also presented the language regarding the ineligibility of projects to replace entire buildings or schools on the basis of natural disasters or other naturally occurring situations such as soil instability. Members of the committee requested the language be modified for clarity to simply exclude any projects that would otherwise be covered under the rehabilitation and facility hardship provisions of the School Facility Program.

Staff agreed to make minor language modifications in Section 1859.328 in order to ensure that the dates specified in the regulation are correct. Staff noted that Sections 1859.323.2 and 1859.328 are still under review and require further consideration.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 3:45 p.m. The next Implementation Committee meeting is scheduled for Friday, February 4, 2005 at 9:30 a.m. and will be held at the East End Complex, 1500 Capital Avenue, Rooms 72.149B & 72.148C, Sacramento.