

**STATE ALLOCATION BOARD**

1130 K Street, Suite 400  
Sacramento, CA 95814  
<http://www.dgs.ca.gov/opsc>



**Date:** January 28, 2005

**To:** Interested Parties

**Subject:** **REVISED NOTICE OF THE STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING**

The State Allocation Board (SAB) Implementation Committee meeting planned for Friday, February 4, 2005 has been rescheduled to the following Friday.

Notice is hereby provided that the SAB Implementation Committee will hold a meeting on Friday, February 11, 2005 (9:30 am - 3:30 pm) in Rooms 72.149.B & 72.148.C of the East End Complex, located at 1500 Capitol Avenue in Sacramento. The meeting will be held in Sacramento; however, please be certain to verify its exact location by viewing the Office of Public School Construction Web site at the address indicated above or by contacting Ms. Jackie George at (916) 445-3159.

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting
2. Williams Settlement Legislation: Senate Bill 6, Chapter 899, Statutes of 2004 (Alpert) - Discussion of the proposed regulation sections pertaining to the supplement, not supplant requirement for the School Facility Needs Assessment Grant and Emergency Repair Programs.
3. Implementation of Assembly Bill 2950, Chapter 898, Statutes of 2004 (Goldberg) - Alternative Methods for Final Apportionment Eligibility Justification under the Critically Overcrowded School Facilities Program.

Any interested person may present public testimony or comments at this meeting regarding the issues scheduled for discussion. Any public input regarding unscheduled issues should be presented in writing, which may then be scheduled for a future meeting. For additional information, please contact Ms. Jackie George at (916) 445-3159.

A handwritten signature in black ink, appearing to read "Bruce B. Hancock".

BRUCE B. HANCOCK, Chairperson  
State Allocation Board Implementation Committee

BBH:LM:jg

**STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE**

Pending Items List  
February 4, 2005

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A. Future Items

- Assembly Bill 1465, Chapter 894, Statutes of 2004 (Chan)  
Implementation of the Small High School Pilot Program
- SFP – Project Rescission
- Follow-up to 180-Day Regulation: *District Funded Facilities  
Included in Existing School Building Capacity (approved at the  
May 26, 2004 State Allocation Board)*

B. Suspended Items

- None

**STATE ALLOCATION BOARD**

1130 K Street, Suite 400

Sacramento, CA 95814

<http://www.dgs.ca.gov/opsc>**Implementation Committee  
2005 MEETING CALENDAR****Thursday, January 6, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, February 4, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA**Friday, March 4, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, April 8, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, May 6, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, June 3, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA**Friday, July 8, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, August 5, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA**Friday, September 9, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA**Friday, October 7, 2005**1020 N Street (Leg. Off. Bldg.), Room 100  
Sacramento, CA**Friday, November 4, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA**Friday, December 2, 2005**1500 Capitol Ave. Rms. 72.149B & 72.148C  
Sacramento, CA

Meeting times are scheduled from 9:30 am to 3:30 pm with a 1-hour lunch break.

Meeting times, dates and locations are subject to change.

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE  
February 11, 2005

WILLIAMS SETTLEMENT - SENATE BILL 6  
CLARIFICATION OF THE SUPPLEMENT, NOT SUPPLANT, REQUIREMENT

PURPOSE

To present amendments to the regulations implementing Senate Bill (SB) 6, Chapter 899, Statutes of 2004 (Alpert).

BACKGROUND

At the January 26, 2005 meeting, the State Allocation Board (SAB) adopted regulations implementing SB 6, which created the School Facilities Needs Assessment Grant Program and the Emergency Repair Program. Two sections of the regulations that had previously been discussed at the SAB Implementation Committee meetings were not included in the item presented to the SAB. Those sections pertain to the supplement, not supplant requirement of SB 6. Pursuant to Education Code Section 17592.72(b)(2), School Facilities Needs Assessment Grant Program and Emergency Repair Program funds "shall supplement, not supplant, existing funds available for the maintenance of school facilities."

DISCUSSION

The proposed regulations shown in Sections 1859.318, 1859.325, and 1859.328 on the Attachment are substantially similar to the language last discussed by the SAB Implementation Committee. The modification pertains to the addition of subsection (d) to Sections 1859.318 and 1859.328 (Supplement, not Supplant), which would require that LEAs use existing maintenance funds in a specified manner. Additionally, certifications on the *Expenditure Report* (Form SAB 61-02) and *Application for Reimbursement and Expenditure Report* (SAB 61-03) have been modified in order to maintain consistency with the regulations.

TITLE 2. CALIFORNIA ADMINISTRATIVE CODE  
DIVISION 2. FINANCIAL OPERATIONS  
CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
SUBCHAPTER 4. OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
SUBGROUP 5.7. RELATING TO SCHOOL FACILITIES NEEDS ASSESSMENT AND  
EMERGENCY REPAIR PROGRAM

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Section 1859.318. Supplement, Not Supplant, Needs Assessment Grant Funds.

Needs Assessment Grant funds remaining after the completion of the Needs Assessment must be used for repairs authorized in Section 1859.313(b) and must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with this requirement, the LEA must comply with all of the following in the fiscal year of the Apportionment:

- (a) Deposit the funding level required pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) Deposit an amount equal to the state's matching share of the basic grant pursuant to EC Section 17584, if participating in the DMP.
- (c) If either (a) or (b) are not applicable, the district must budget an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) To ensure that each of its schools eligible for emergency repair funding is maintained in good repair, each LEA shall expend or encumber by issuing a purchase order or entering into a legal contract, or depositing into a sinking fund, funds from the sources listed in subsections (a) through (c) above during the fiscal year for projects to correct problems identified in the inspection system required pursuant to Subdivision (e) of EC Section 17070.75 or the interim evaluation instrument required pursuant to Subsection (2) of Subdivision (d) of EC Section 17002, that do not qualify for funding as described in Subsection (1) of Subdivision (c) of EC Section 17592.72.

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Section 1859.325. School Facility Due Diligence.

To ensure that the LEA is exercising due diligence in the administration of its facility accounts and is using an Emergency Repair Program Apportionment to supplement existing funding for the maintenance of school facilities, the OPSC may conduct a review of the LEA's facility maintenance accounts pursuant to the provisions of Section 1859.328.

In the event that the Board finds that an LEA is failing to exercise due diligence or supplanting has occurred, the Board shall notify the county superintendent of schools in which the LEA is located and may deny future funding under these regulations.

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Section 1859.328. Supplement, Not Supplant, Emergency Repair Program Grant Funds.

Emergency Repair Program Grant funds must be used to supplement, not supplant funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of

school facilities. In accordance with these requirements, the LEA must comply with all of the following at the time the Accepted Application is submitted to the OPSC:

- (a) Deposit the funding level required for the current fiscal year pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) If participating in the DMP, the district:
  - (1) For applications submitted prior to January 1, 2006, has deposited an amount equal to the State's matching share of the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
  - (2) For applications submitted on or after January 1, 2006, has deposited an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
  - (3) Will deposit an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the next scheduled determination.
  - (4) Shall not transfer excess local funds in accordance with EC Section 17583 from the deposits made as specified in (2) and (3), above.
- (c) If either (a) or (b) are not applicable, the district must budget for the current fiscal year an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) To ensure that each of its schools eligible for emergency repair funding is maintained in good repair, each LEA shall expend or encumber by issuing a purchase order or entering into a legal contract, or depositing into a sinking fund, funds from the sources listed in subsections (a) through (c) above during the fiscal year for projects to correct problems identified in the inspection system required pursuant to Subdivision (e) of EC Section 17070.75 or the interim evaluation instrument required pursuant to Subsection (2) of Subdivision (d) of EC Section 17002, that do not qualify for funding as described in Subsection (1) of Subdivision (c) of EC Section 17592.72.

STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
**SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM**

STATE ALLOCATION BOARD  
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 61-02 (NEW-01/05REV 02/05)

Page 1 of 2

LOCAL EDUCATIONAL AGENCY (LEA)		FIVE-DIGIT DISTRICT CODE NUMBER
BUSINESS ADDRESS		COUNTY
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS
LEA REPRESENTATIVE'S NAME (TYPED)	LEA REPRESENTATIVE'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS

**INSTRUCTIONS**

Refer to Title 2, California Code of Regulation Sections 1859.300 through 1859.318

	AMOUNT
<b>1. State Funds</b> Enter the total amount of State apportionments received pursuant to Section 1859.312 for all eligible school sites.	\$
<b>2. Interest Earned</b> Enter the amount of interest earned on State funds for all eligible school sites.	\$
<b>3. Expenditure for Performing Needs Assessment</b> Enter the total amount of State funds spent to complete the Form SAB 61-01 for all eligible school sites. Provide a listing of expenditures on page 2 of this form.	\$
<b>4. Expenditures for Repairs Identified on Needs Assessment</b> Enter the total amount of State funds spent for repairs identified in Part V of the Form SAB 61-01. Provide a listing of each expenditure on page 2 of this form.	\$
<b>5. Remaining Funds</b>	\$

This form is due by January 1, 2007. Additional information may be requested to complete the audit.

Submit completed form to:  
**Department of General Services**  
**Office of Public School Construction**  
**Attn: Needs Assessment Audits**  
**1130 K Street, Suite 400**  
**Sacramento, CA 95814-2928**

**CERTIFICATION**

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized LEA representative by the governing board of the LEA; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.318; and,
- ~~These funds have supplemented, not supplanted existing maintenance funds pursuant to EC Section 17592.72(b)(2); and,~~
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the use of these grant funds; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF LEA REPRESENTATIVE	DATE
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LOCAL EDUCATIONAL AGENCY (LEA)	COUNTY
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Only list expenditures up to the total sum of State grant and interest earned.  
 Complete additional copies of this page if more space is needed.

Page \_\_\_\_ of \_\_\_\_

**LEA NEEDS ASSESSMENT EXPENDITURES**

Enter the Date, the Payee, the Amount and Description/Purpose.

DATE	PAYEE	AMOUNT	DESCRIPTION/PURPOSE
TOTAL			

**LEA NEEDS ASSESSMENT REPAIR EXPENDITURES**

Enter the Date, the Needs Assessment ID Number, the Repair Number, the Amount Paid and Description/Purpose of the repair.

DATE	NEEDS ASSESSMENT ID NO.	REPAIR NO.	AMOUNT PAID	DESCRIPTION/PURPOSE
TOTAL				

# APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT

## EMERGENCY REPAIR PROGRAM

SAB 61-03 (NEW-01/05REV.02/05)

### GENERAL INFORMATION

An Local Educational Agency (LEA) may use this form to apply for reimbursement of Emergency Facilities Needs repairs under the Emergency Repair Program (ERP) at eligible school sites as defined by Section 1859.321. For purposes of this apportionment the following documentation must be submitted with this form:

#### Part A

- Documentation that sufficiently substantiates the health and safety threat, which may include but is not limited to the following:
  - Photos showing the condition of the project prior to the repair work being performed
  - Signed copy of the Interim Evaluation Instrument (IEI) identifying the health and safety hazard
  - Copies of complaints made by parents, students, or staff referencing the problem
  - Inspection report by qualified individual(s) or firm(s)
- A cost comparison(s) prepared pursuant to Section 1859.323.1 (if applicable).
- Division of the State Architect (DSA) approved specifications and plans (if applicable). The plans must clearly delineate the scope of eligible ERP work in the project.

#### Part B

- Copy of all construction contracts and schedule of values
- Copy of all change orders (if applicable)
- Copy of all purchase orders or purchase agreements (if applicable)
- Copy of architect agreement and schedule of fees

The closeout audit will be performed after the final apportionment is made by the Board in accordance with Regulation Section 1859.326. For audit purposes, additional documentation may be requested at a later date.

### SPECIFIC INSTRUCTIONS

#### Part A. Project Information

1. **Type of Health and Safety Project:** Check the appropriate box to indicate if the LEA had to repair or replace the building system or component to mitigate the health and/or safety threat.
2. **Type of Project:** Check the box indicating the type of building system or structural component the application is addressing. The LEA may check only one building system or structural component project per application. Multiple applications may be submitted per school site.
3. **Type of Facility:** Check the box(es) that identify the location(s) where the repair work was performed.
4. **School Construction Date:** Indicate the year of construction for the original buildings on campus. The year of construction shall be considered the date the Notice of Completion was filed with the county recorder, if available. If the Notice of Completion is not available, the LEA may use the year of occupancy as evidenced by historical record.  
NOTE: The LEA may not submit a Form SAB 61-03 for a school site which was newly constructed on or after January 1, 2000.
5. **Facilities/Site – Owned or Leased:** Please indicate whether the facilities and site are owned or leased by the LEA submitting this application.
6. **Statement of Condition:** Provide a concise statement of the conditions that posed a threat to the health and safety of the students and staff at the school site.

7. **Description of Work/Scope of Project:** Provide a detailed narrative of the repairs that were required to mitigate the threat to the health and safety of students and staff as defined by Sections 1859.323 and 1859.323.1.
8. **Project Costs:** Provide a breakdown of eligible project cost information based on the LEAs actual expenditures. The total should match the total amount of expenditures listed in Part B of the form. This must include only costs directly related to and necessary for the eligible project as defined by Sections 1859.323, 1859.323.1, and 1859.323.2.

#### Part B. Expenditure Report

List the total expenditures for the project.

##### 1. Planning

- **School Site:** enter the school site.
- **LEA:** enter the LEA.
- **County:** enter the county.
- **Application Number:** enter the application number.
- **Date:** enter the date.
- **Payee:** enter the payee.
- **Warrant Number:** enter the warrant number.
- **Architect/Engineering Fees:** enter the fees as negotiated in the architect's agreement to design and engineer the construction project.
- **DSA Fees:** enter the fees as determined by the DSA as required by law.
- **Inspections:** enter the amount paid for inspection services provided.
- **Other Costs:** enter any other planning costs.
- **Description/Purpose:** enter the description/purpose.

##### 2. Construction

- **School Site:** enter the school site.
- **LEA:** enter the LEA.
- **County:** enter the county.
- **Application Number:** enter the application number.
- **Date:** enter the date.
- **Payee:** enter the payee.
- **Warrant Number:** enter the warrant number.
- **Main Construction:** enter the amount paid to the main building contractor.
- **Construction Management:** enter the amount paid to the construction manager of the project to supervise the building construction.
- **Demolition:** enter any costs associated with the demolition of existing buildings in preparation for construction.
- **Other Construction:** enter any construction costs not included in the main construction contract.
- **Hazardous Waste Removal:** enter the costs to remove hazardous material from the school site including Department of Toxic Substances Control (DTSC) fees, California Department of Education (CDE) fees, preliminary endangerment assessment costs, phase one environmental site assessment costs, and the response/removal action plan costs as required by DTSC.
- **Description/Purpose:** enter the description/purpose.

#### Certifications

The LEA representative must complete this section.

# APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT EMERGENCY REPAIR PROGRAM

SAB 61-03 (NEW-01/05REV.02/05)

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT SITE CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

## Part A. Project Information

### 1. Type of Health and Safety Project (check one)

- Repair  Replacement

### 2. Type of Project (check one)

- Sewer  Gas  HVAC  Other \_\_\_\_\_  
 Water  Electrical  Fire/Life Safety

### 3. Type of Facility (check all that apply)

- Classrooms/Instructional  Dining Space  Multi-Purpose  Subsidiary Facilities  
 Counseling Area  Library  Accessibility  Restrooms  
 Administrative Space  Gymnasium

### 4. School Construction Date

Year of original construction: \_\_\_\_\_

### 5. Facilities/Site – Owned or Leased

- Facilities Owned  Facilities Leased  Site Owned  Site Leased

### 6. Statement of Condition

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### 7. Description of Work/Scope of Project

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### 8. Project Costs

- I. Planning Cost: \$ \_\_\_\_\_  
 II. Repair/Replacement Cost: \$ \_\_\_\_\_  
 III. Testing: \$ \_\_\_\_\_  
 IV. Inspection: \$ \_\_\_\_\_  
 IV. Total Project Reimbursement: \$ \_\_\_\_\_





# APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT EMERGENCY REPAIR PROGRAM

### Certifications

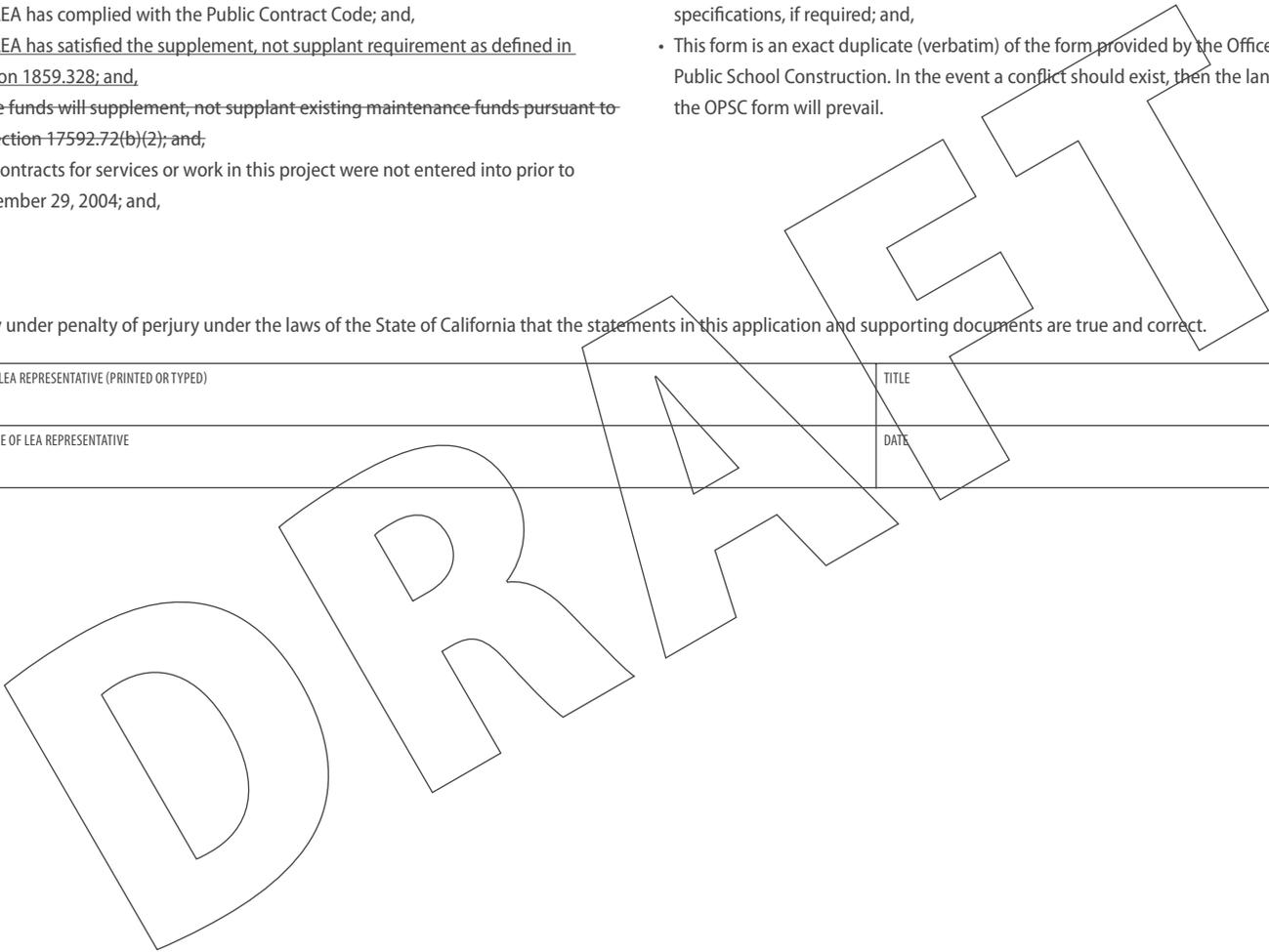
I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized representative by the governing board of the LEA; and,
- The repairs in this project were necessary to mitigate conditions that posed a threat to the health and safety of pupils or staff while at school; and,
- The LEA has complied with all laws pertaining to the repair of its school facilities;
- The LEA has complied with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- ~~These funds will supplement, not supplant existing maintenance funds pursuant to EC Section 17592.72(b)(2); and,~~
- The contracts for services or work in this project were not entered into prior to September 29, 2004; and,

- The LEA understands that expenditures occurring after the submittal of this application are ineligible for reimbursement; and,
- The grant amount provided by the SAB shall be deemed full and final apportionment; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit pursuant to Regulation Section 1859.326;
- The LEA has obtained the Division of State Architect's approval of the plans and specifications, if required; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents are true and correct.

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)	TITLE
SIGNATURE OF LEA REPRESENTATIVE	DATE



State Allocation Board  
Implementation Committee  
February 11, 2005

CRITICALLY OVERCROWDED SCHOOL FACILITIES PROGRAM  
IMPLEMENTATION OF ASSEMBLY BILL 2950

ISSUE

In September 2004, Assembly Bill (AB) 2950, Chapter 898, Statutes of 2004 (Goldberg) became law.

BACKGROUND

AB 2950 specifically addresses participant school district concerns referenced in the June 2004 State Allocation Board (SAB) Critically Overcrowded School (COS) Facilities Program report. The report discussed alternative methods for a COS applicant to justify receiving School Facility Program (SFP) new construction pupil grants for a final apportionment, limited to projects with preliminary apportionments from the Kindergarten-University Public Education Facilities Bond Act of 2002.

PROGRAM HISTORY

The SAB approved the initial regulations for the COS program at its September 2002 meeting with an effective date of November 5, 2002. Through the COS program, districts have the ability to secure a reservation of funds prior to having all of the necessary State agencies' approvals. The program is designed to set these funds aside for qualified districts in advance of the site selection, hazardous waste clean-up and subsequent agency approval process typically necessary for applicant schools. After COS projects are approved, districts have four to five years to meet all requirements of the SFP including receiving all State approvals needed for a complete funding application for new construction. When the project converts to its final apportionment, the district must still have SFP eligibility to support the new construction conversion application.

As referenced above, the Office of Public School Construction (OPSC) presented a report to the SAB in June 2004, presenting the concern of various districts regarding the COS program. The report indicates that due to declining enrollment in certain grade levels or when reporting enrollment of attendance rather than location of residence, as required in the cohort survival enrollment projection system, the district may be unable to substantiate the project(s) at conversion. The June report concluded that it was not within the Board's authority to accommodate the districts' request to modify or eliminate the second check of new construction eligibility and that legislative remedy was the only option.

DISCUSSION

The legislative remedy did occur by means of AB 2950 and this item is to facilitate discussion on feasible suggestions and alternatives for implementation. In order to accommodate participants of the COS program in converting their preliminary apportionment to a final apportionment, staff with the assistance of the Committee, will propose amended regulations necessitated by the passage of AB 2950 for presentation to an upcoming SAB meeting. (Please see Attachments A and B.)

SUMMARY OF LAW

For purposes of determining Final Apportionment eligibility, projects funded from the 2002 Critically Overcrowded School Facilities Account typically use SFP new construction eligibility. As an alternative to the traditional five year projection process, utilizing the Cohort Survival Enrollment Projection (CSEP), the following methods (please see Attachment C) may be considered to support the pupils reported on the *Application for Funding* (Form SAB 50-04):

- Eligibility justification may be generated using current year enrollment, as reported on the district's *Enrollment Certification/Projection* (Form SAB 50-01), when compared against the district's school building capacity.
- Districts reporting on a High School Attendance Area (HSAA) basis also have the option of utilizing current or projected pupil residence information, for the year that the final apportionment is submitted to OPSC, to compare against the district's school building capacity.

Pupils will continue to be reduced from the baseline for all projects receiving SFP grants, regardless of whether the standard method of determining SFP new construction eligibility or an alternate justification method is utilized. The focus of this discussion will be on the eligibility calculation options available for districts reporting by HSAA.

### HSAA RESIDENCY CONSIDERATIONS

Districts reporting SFP new construction eligibility by HSAA have the option of using pupil residency information in addition to projected or actual pupil enrollment, as reported on the Form SAB 50-01. When an alternative justification method is utilized, the chosen method must be continued for all final apportionments which had preliminary apportionments funded from the 2002 Critically Overcrowded School Facilities Account, as required by law.

#### Enrollment vs. Residency

Currently, the Form SAB 50-01 reports each HSAA's actual enrollment as reported to the California Department of Education, and also generates the standard CSEP to determine the HSAA's traditional SFP new construction eligibility, to support the pupils requested on the Form SAB 50-04.

As an alternative to the current year actual enrollment or the traditional CSEP-determined eligibility, the HSAA district may elect to submit a Form SAB 50-01 based on the residence of pupils within each HSAA, along with supporting documentation (please see Attachment D). Utilizing this alternative Form SAB 50-01, HSAA districts will have two options available to seek sufficient justification for the project in addition to current or projected enrollment. The current year's residency figures can be considered, for the HSAA within which the project is located, or a project's residency amount can be considered utilizing a five-year CSEP from the current submittal year.

#### Eligibility Tracking

Under a residency method for project justification, pupil eligibility is recognized within a HSAA without being depicted in the traditional manner based on California Basic Educational Data System (CBEDS) enrollment. However, these pupils may be influencing new construction eligibility elsewhere throughout the district; a method must be implemented to sort the district's total new construction eligibility to avoid a duplication of pupil reporting. The following are potential alternatives to track available remaining eligibility:

- Remove from the CBEDS enrollment data, the pupils residing outside the boundaries of the HSAA, which will remove the influence of residency pupils on the CSEP until expiration of the 2002 Critically Overcrowded School Facilities Account.
- Subtract the number of migrating pupils transferred to another HSAA from each originating HSAA's SFP new construction eligibility baseline.

# ATTACHMENT A

February 11, 2005 SAB Implementation Committee Meeting

Proposed Regulatory Amendments  
Critically Overcrowded School Facilities Program  
State Allocation Board Meeting, February 23, 2005

Section 1859.147. Conversion of Preliminary Apportionment.

When a Preliminary Apportionment is converted to a Final Apportionment, all the following criteria must be met:

- (a) The district must have current New Construction Eligibility sufficient to support at least 75 percent of the pupils the district requested and received the Preliminary Apportionment, except as allowed in (d) or (e).
- (b) The Final Apportionment request must meet all criteria for a New Construction Adjusted Grant pursuant to Section 1859.21.
- (c) A district seeking to convert a Preliminary Apportionment to a Final Apportionment shall complete and file Form SAB 50-04, which requests funding for at least 75 percent, but not more than 100 percent, of the pupils the district requested and received the Preliminary Apportionment.
- (d) In lieu of (c), when the district's enrollment has decreased to less than 75 percent of the pupils requested for the project's Preliminary Apportionment, funded from the Kindergarten-University Public Education Facilities Fund of 2004, the district may utilize any SFP eligibility justified for its conversion to a Final Apportionment.
- (e) In lieu of (a), for a project funded from the Kindergarten-University Public Education Facilities Fund of 2002, sufficient project eligibility may be determined utilizing:
  - (1) The current year enrollment as recorded on the Form SAB 50-01 for the year in which the application for the Final Apportionment is submitted.
  - (2) Either (A) or (B) below for a district reporting eligibility pursuant to Section 1859.41. Once utilized that same subparagraph must be used for all remaining Preliminary Apportionments under this subdivision:
    - (A) The current year pupil residence data within the HSAA in which the project will be built, for the year in which the application for the Final Apportionment is submitted.
    - (B) The projected pupil residence for the year in which the application for the Final Apportionment is submitted, calculated by the cohort survival enrollment projection method, utilizing pupil residence data for the HSAA in which the project will be built.

It is not necessary to re-justify the Qualifying Pupils assigned to the Preliminary Application as required by Section 1859.142(c) at the time the application is converted to a Final Apportionment.

If the district is unable to meet the criteria in this Section, the Preliminary Apportionment shall be rescinded pursuant to the provisions of Section 1859.148.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Section 17078.27, Education Code.

**ENROLLMENT CERTIFICATION/PROJECTION  
SCHOOL FACILITY PROGRAM****GENERAL INFORMATION**

To determine a district's initial eligibility for new construction funding under the School Facility Program, the district must provide enrollment information for the current and previous three years on this form. After the initial submittal, this form need only be resubmitted when the district requests additional new construction funding in a new enrollment year or as a result of a reorganization election that affects either the district's enrollment or existing school building capacity.

The following documentation must be submitted with this form (as appropriate):

- Specific enrollment data for district's with current enrollment that is less than 300 if the district is requesting an enrollment projection based on five-year average enrollment data (refer to Part A).
- A copy of the study supporting student yield factors if the district is requesting an augmentation of it's enrollment projection due to pupils residing in new dwelling units and it is not using the State yield factors (refer to Part F).
- A copy of the governing board approved attendance map and enrollment distribution worksheet for every HSAA, if the district is reporting residency data (refer to Part A).

**SPECIFIC INSTRUCTIONS****Part A. Enrollment/Residency Data**

Check the appropriate box to indicate whether the district is reporting enrollment data or residency data.

**Enrollment Data**

**—(To be completed by school districts or the county superintendent of schools),**

The information needed to complete this form is based on the latest California Basic Education Data Systems (CBEDS) that is available approximately October 15th of each year. Report the current year and the three prior years' K-12 enrollment. High school districts report the unduplicated enrollment data for grades served by the district and all feeder elementary school grades for the current year and the previous three years.

As an option, school districts with less than 300 current enrollment may report the previous five year average for any grade level for any year when the enrollment for that grade level has decreased by more than 50 percent from the previous year. If this option is used, the district must identify each grade level where this option is used on Form SAB 50-01 and attach the appropriate enrollment documentation to support this request.

County superintendents report the enrollment for community school students as reported in April prior to the latest CBEDS report.

The enrollment data must include all off-track and on-track students attending multi-track year round schools, students living outside the district's boundaries but attending schools in the district, students receiving Classroom-Based Instruction

A high school district, unified school district, or county superintendent of schools may file on a high school attendance area (HSAA) basis or Super HSAs as provided under Education Code Section 17071.76 and Section 1859.41. In that case, the enrollment used on this form is the current and three previous years enrollment in the HSAA or Super HSAA.

To determine the new construction eligibility for a district filing on a HSAA basis, and seeking COS project justification pursuant to SFP Regulation Section 1859.147(e)(2), one Form SAB 50-01 based on enrollment as reported to CDE and one based on the residence of the pupils must be filed for each HSAA in the district. This form is not used for modernization funding applications.

This form is not used for modernization funding applications.

in Charter Schools located within the district boundaries and are enrolled in the same grade levels or type served by the district regardless if the district chartered the school, students attending magnet schools, community school students, and students attending independent study.

Do not include students residing within the HSAA boundaries but are enrolled outside the HSAA boundaries [for all HSAA district that filed a funding application pursuant to Section 1859.141(a)], students living in the district's boundaries but attending other districts, students attending regional occupational programs, students attending preschool programs, other students not generally considered K-12 students including adult education students, students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries but are enrolled in grade levels or type not served by the district, students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries, students receiving Nonclassroom-Based Instruction, juvenile court/court school students, special day class pupils, or continuation high school pupils.

**Residency Data**

**To be completed by a HSAA district, filing pursuant to Section 1859.147(e)(2).**

The information used to complete this form is based on the latest enrollment as reported on the CBEDS that is available October of each year, and pupil residency within the district's boundaries. Districts report the unduplicated enrollment and residency data for grades served by the district and all feeder elementary school grades for the current and previous three years. Report the current year and the three prior years' K-12 pupils that are both enrolled and reside within the district boundaries.

**ENROLLMENT CERTIFICATION/PROJECTION  
SCHOOL FACILITY PROGRAM**

The data must include all off-track and on-track students attending multi-track year round school, continuation high pupils, students attending magnet schools, community school students, and students attending independent study.

Do not include students living outside the district's boundaries but attending school in the district, students living in the district's boundaries but attending other districts, students attending regional occupational programs, students attending preschool programs, other students not generally considered K-12 students including adult education, students receiving instruction in Charter Schools, students receiving Nonclassroom-Based Instruction, juvenile court/court school students, or special day class pupils.

**Part B. Pupils Attending Schools Chartered by Another District**  
**To be completed only when reporting enrollment data.**

Of the data reported in Part A of this form, indicate the aggregate pupil enrollment attending schools chartered by another district which are located within your district boundaries for the current year and the three prior years. If the district is reporting pupils attending schools chartered by another district for the current year, then the district must submit a separate letter with the following information:

- The total Charter School enrollment listed by each of the K-12 grade levels reported for the current year.
- A list of the other school district(s) that chartered school(s) within your boundaries. Include the Charter School name(s) and total school enrollment.

For the previous years, report the total enrollment for pupils attending schools chartered by another district, if known. If the information is not available, enter N/A. In this case, the OPSC will adjust the previous years' enrollment data based on a prorated basis of the rate of growth or decline of the previous years' enrollment.

Enter 0 if there are no pupils attending schools chartered by another district within your district boundaries for the current or previous years.

**Part C. Continuation High School**  
**—(To be completed by school districts only).**

Report the continuation high school enrollment for the current year and the three previous years. For purposes of projecting the enrollment, these pupils will be added to the enrollment data in Part A.

**Part D. Special Day Class Pupils**  
**—(To be completed by school districts or the county superintendent of schools).**

Report the pupils enrolled or residing, as appropriate, within the district boundary, attending the special day classes as shown and reported to the California Department of Education in December prior to the latest CBEDS report. Use pupil descriptions as provided in Section 1859.2 for Non-Severely Disabled Individual with Exceptional Needs and Severely Disabled Individual with Exceptional Needs.

**Part E. Special Day Class Enrollment**  
**—(To be completed by county superintendent of schools only).**

Report the total of special day class pupils in all categories for the three previous years.

**Part F. New Dwelling Units**  
**—(To be completed by school districts only).**

The district may augment the enrollment projection based on the number of pupils that will reside in dwelling units included in an approved subdivision map or valid tentative subdivision map. The district must certify as part of this form that the local planning commission or approval authority has approved the tentative subdivision map that is currently valid (i.e., the approval from the planning commission or approval authority has not expired) and the district has identified the dwelling units in that subdivision map to be constructed. All proposed dwelling units in that subdivision may be used to augment the district's enrollment projection. Report those dwelling units in Part E. Any request for augmentation of the district's enrollment projection must be made by separate letter from the district with this form. The district must certify as part of this form that the approved or valid tentative subdivision map(s) used to support this request are available at the district for OPSC verification.

**Part G. Yield Factor**  
**—(To be completed by school districts only).**

Report the district's student yield factors as defined in Section 1859.2, if different than the statewide average student yield factor. The statewide average student yield factors are as follows:

- Elementary School District ..... 0.5 students per dwelling unit
- High School District ..... 0.2 students per dwelling unit
- Unified School District ..... 0.7 students per dwelling unit

Should the district wish to use its own student yield factors, a copy of the district's study that justifies the student yield factors must be submitted with this form.

**Part H. Five Year Projected Enrollment/Residency**  
**—Used for the School Facility Program. To be completed by the Office of Public School Construction (OPSC).**

**Part I. One Year Projected Enrollment**  
**—Used for the State Relocatable Program. To be completed by the OPSC. Do not manually complete Parts H or I.**

Complete this form manually, sign, date, and submit to the OPSC for computations. A completed copy of this form with the enrollment projections will be returned to the district.

The methodology for calculating the district's projected enrollment is outlined in Sections 1859.42 and 1859.43.

STATE OF CALIFORNIA  
**ENROLLMENT CERTIFICATION/PROJECTION**  
**SCHOOL FACILITY PROGRAM**

SAB 50-01 (REV 01/03/02/05)

SCHOOL DISTRICT	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

**PART A. ENROLLMENT/RESIDENCY DATA— (Districts or County Superintendent of Schools)**

- Enrollment Data (Districts or County Superintendent of Schools)
- Residency Data (HSAA Districts Only)

GRADE	3RD PREVIOUS	2ND PREVIOUS	PREVIOUS	CURRENT
K	/	/	/	/
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
Total				

**PART B. PUPILS ATTENDING SCHOOLS CHARTERED BY ANOTHER DISTRICT**  
 (To be completed only when reporting enrollment data)

3RD PREVIOUS	2ND PREVIOUS	PREVIOUS	CURRENT

**PART C. CONTINUATION HIGH SCHOOL— (Districts only)**

GRADE	3RD PREVIOUS	2ND PREVIOUS	PREVIOUS	CURRENT
9	/	/	/	/
10				
11				
12				

**PART D. SPECIAL DAY CLASS PUPILS— (Districts or County Superintendent of Schools)**

ELEMENTARY		SECONDARY		ELEMENTARY		SECONDARY	
NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE
MR				OI			
HH				OHI			
DEAF				SLD			
HI				DB			
SLI				MH			
VI				AUT			
SED				TBI			
TOTAL				TOTAL			

**PART E. SPECIAL DAY CLASS ENROLLMENT— (County Superintendent of Schools Only)**

3RD PREVIOUS	2ND PREVIOUS	PREVIOUS

**PART F. NUMBER OF NEW DWELLING UNITS**

**PART G. DISTRICT STUDENT YIELD FACTOR**

**PART H. FIVE YEAR PROJECTED ENROLLMENT/RESIDENCY— School Facility Program Projections**  
 (Except Special Day Class Pupils Only)

K-6	7-8	9-12	TOTAL

**Projections – Special Day Class Pupils Only**

ELEMENTARY		SECONDARY		ELEMENTARY		SECONDARY	
NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE
MR				OI			
HH				OHI			
DEAF				SLD			
HI				DB			
SLI				MH			
VI				AUT			
SED				TBI			
TOTAL				TOTAL			

**PART I. ONE YEAR PROJECTED ENROLLMENT – State Relocatable Program Projections**  
 (Except Special Day Class Pupils Only)

K-6	7-8	9-12	TOTAL

**Projections – Special Day Class Pupils Only**

ELEMENTARY		SECONDARY		ELEMENTARY		SECONDARY	
NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE	NON-SEVERE	SEVERE
MR				OI			
HH				OHI			
DEAF				SLD			
HI				DB			
SLI				MH			
VI				AUT			
SED				TBI			
TOTAL				TOTAL			

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district.
- If the district is requesting an augmentation in the enrollment projection pursuant to Section 1859.42 (b), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be contracted. All subdivision maps used for augmentation of enrollment are available at the district for review by the OPSC.
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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**DRAFT**

ELIGIBILITY JUSTIFICATION OPTIONS UNDER AB 2950

<b>District-wide District:</b>	1	Enrollment - Standard Cohort 5-year Projection
	2	Enrollment - Current Year

<b>HSAA District (for each HSAA within district):</b>	1	Enrollment - Standard Cohort 5-year Projection
	2	Enrollment - Current Year
	3	Pupil Residency - Cohort 5-year Projection
	4	Pupil Residency - Current Year

# CBEDS ENROLLMENT DISTRIBUTION

## FOR PUPILS RESIDING IN HSAA:

	HSAA:				HSAA:				HSAA:				HSAA:			
	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current
K					45	44	43	42				6				
1		1			40	39	38	37	7	5	5			4		
2				2	42	41	40	39								
3	4				43	42	41	40	1	2		3				
4			2		39	38	37	36	4		4					
5				2	37	36	35	33		3			7			
6		2	4		41	40	39	38			6	8				1
Elem. SDC					6	5	4	9								
7					52	51	50	49	4	1				1		3
8					55	54	53	52			3					
9	1		2						76	75	74	73				
10		2							79	78	77	76		1	2	
11				0					82	81	80	75				1
12									75	74	73	74				
Sec. SDC									5	2	4	8				
<b>TOTALS:</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>4</b>	<b>400</b>	<b>390</b>	<b>380</b>	<b>375</b>	<b>328</b>	<b>319</b>	<b>322</b>	<b>315</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>5</b>

	HSAA:				HSAA:				HSAA:				TOTAL RESIDENCE			
	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current	3rd Prev	2nd Prev	Previous	Current
K													45	44	43	48
1							5			4			47	53	48	37
2	3												45	41	40	41
3		5		3		2					1		48	51	42	46
4			5					4					43	38	48	40
5										2		3	44	41	35	38
6	4						2		5				50	42	51	47
Elem. SDC													6	5	4	9
7		4				1		3					56	58	50	55
8				4						1	5		55	55	61	56
9										2			77	77	76	73
10				1									79	81	79	77
11	1												83	81	80	76
12											1		75	74	74	74
Sec. SDC													5	2	4	8
<b>TOTALS:</b>	<b>8</b>	<b>9</b>	<b>5</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>9</b>	<b>7</b>	<b>3</b>	<b>758</b>	<b>743</b>	<b>735</b>	<b>725</b>

ATTACHMENT D

**~ CBEDS ENROLLMENT DISTRIBUTION WORKSHEET INSTRUCTIONS ~**

- This worksheet is to be used as part of the alternative eligibility justification, when filing a Final Apportionment application for the Critically Overcrowded School (COS) Facilities program pursuant to SFP Regulation Section 1859.147(e)(2).
- One worksheet must be completed for each High School Attendance Area (HSAA) within the district, regardless of which HSAA the application for the Final Apportionment is located within.
- The district will use the worksheet to identify the enrollment location of each pupil that resides within that HSAA.
- Please submit a governing board approved attendance map when using this worksheet.

For each HSAA within the district:

1. Identify which HSAA is being reported, at the top of the worksheet.
2. Identify individual HSAA sections, for all HSAA sections within the district.
3. In conjunction with a governing board approved attendance map, identify all pupils that reside within the boundaries of the HSAA.
4. Break down the pupils into different grade levels and Special Day Class and distribute them among the HSAA sections, as they are actually enrolled and reported to the California Department of Education on the yearly CBEDS report.
5. “Current” refers to the current school year and the “Previous” categories refer to the school year’s enrollment prior to the current year.

## ATTACHMENT E

BILL TEXT: AB 2950 -- CHAPTERED (Assembly Member Goldberg ) -- CHAPTER 898

APPROVED BY GOVERNOR and FILED WITH SECRETARY OF STATE: SEPTEMBER 29, 2004

An act to amend Section 17078.27 of the Education Code, relating to school facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2950, Goldberg. Critically overcrowded school facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Eligibility for new construction funding under the act is determined, in part, by calculating enrollment projections determined by utilizing a cohort survival enrollment projection system.

Existing law also includes provisions that make apportionments, for eligible applicants with critically overcrowded schools, in advance of full compliance with all the application requirements otherwise required for an apportionment. Under existing law, upon the completion of preliminary process procedures required by the act, the apportionment made in advance of full compliance is converted into a final apportionment when the preliminary applicant complies with all the conditions required for a final apportionment.

This bill would provide alternative methods for an applicant in the critically overcrowded schools program to calculate enrollment for purposes of determining eligibility for a final apportionment for a project funded from the Kindergarten-University Public Education Facilities Bond Act of 2002.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17078.27 of the Education Code is amended to read:

17078.27. (a) Upon completion of the preliminary process authorized pursuant to this article, and when a preliminary applicant has complied with the conditions set forth in this chapter for a final apportionment, including, but not limited to, Section 17070.50, the board shall adjust the preliminary apportionment as set forth in subdivision (b) and as necessary to reflect the current eligible grant amounts for final apportionments pursuant to this chapter consistent with regulations adopted pursuant to subdivision (c) of Section 17078.24. The board shall then convert the adjusted preliminary apportionment to a final apportionment and proceed to completion of the project in the same manner as for any project funded under provisions of this chapter other than this article.

(b) The board may adjust for cost increases only if uncommitted funds reserved expressly for the purposes of this article remain available for those purposes.

(c) For purposes of calculating enrollment to determine eligibility for a final apportionment for a project funded from the Kindergarten-University Public Education Facilities Bond Act of 2002, as set forth in Part 68.1 (commencing with Section 100600), an applicant may use one of the following methods as an alternative to the method provided in subdivision (a) of Section 17071.75:

(1) The current year enrollment as recorded on the cohort survival enrollment projection system described in subdivision (a) of Section 17071.75, for the year in which the application for the final apportionment is submitted.

(2) (A) If eligibility for the preliminary apportionment was calculated pursuant to Section 17071.76, the current year or five-year projected enrollment as recorded on a cohort survival enrollment projection system, developed and approved by the board, that uses pupil residence in the high school attendance area, for the year in which the application for the final apportionment is submitted.

(B) A district that uses the method described in this paragraph to calculate enrollment shall also use this method to calculate enrollment for all applications it submits for final apportionments for projects for which preliminary apportionments were approved from the same bond authorization.