

**STATE ALLOCATION BOARD**

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**Date:** August 25, 2006  
**To:** Interested Parties  
**Subject:** **NOTICE OF THE STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING**

Notice is hereby provided that the State Allocation Board Implementation Committee will hold a meeting beginning Thursday, September 7, 2006 and ending Friday, September 8, 2006 from 9:30 a.m. to 3:30 p.m. in the Legislative Office Building located at 1020 "N" Street, Room 100, Sacramento, CA.

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting.
2. Implementation of Chapter 35, Statutes of 2006 (Assembly Bill 127 – Nunez/Perata).

*Discussion, in the following proposed order, on several provisions contained within the statute:*

Overcrowding Relief Grant  
Seismic Mitigation  
Charter School Facilities Program  
High Performance Schools Incentive Grant  
Small High School Program  
Grant Increase

We will address the first half of the items identified above on the first day, however, it may be necessary to carry over one or more items for discussion on Friday, September 8<sup>th</sup>. Since it is difficult to determine the length of time necessary for each discussion, please plan to attend each day of the meeting to ensure that you will be able to participate and hear your items of interest.

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. Deah Johnson at (916) 445-3377.

A handwritten signature in cursive script that reads "Mavonne Garrity".

MAVONNE GARRITY, Chairperson  
State Allocation Board Implementation Committee

MG:dj

**STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE**

Pending Items List  
September 7, 2006

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A. Future Items

- Site Sale Proceeds

*Discussion on proposed regulatory amendments regarding proceeds from the sale of a site funded in whole or part with State funds.*

B. Suspended Items

- Alternative Education Loading Standards and Funding

*Discussion on the loading standards and adequacy of the funding provided for continuation high, community day, and county community day schools under the School Facility Program.*

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING  
September 7, 2006

IMPLEMENTATION OF THE  
OVERCROWDING RELIEF GRANT

PURPOSE

To discuss the implementation and development of the Overcrowding Relief Grant (ORG).

BACKGROUND

Assembly Bill (AB) 127 (Chapter 35, Statutes of 2006 - Nunez and Perata), establishes a new grant that enables districts to reduce the number of portable\* classrooms on overcrowded school sites and replace them with permanent classrooms. AB 127 provides \$1 billion for eligible schools. The grant program is contained in Education Code (EC) Sections 17079 through 17079.30 (see Attachment A for pertinent text). The following discussion item refers to the major components of the ORG.

DISCUSSION

**1. Eligible Schools**

In order to participate in the ORG, districts must have school sites deemed eligible by the California Department of Education (CDE) based on population density utilizing the 2005/06 California Basic Educational Data Systems (CBEDS). The school site must have a pupil population density equal to or greater than 175 percent of CDE's recommended population density. Additionally, population density will be reduced when applicable to account for multistory construction and approved new construction projects, including approved apportionments for the Critically Overcrowded School (COS) Facilities Program.

The approved new construction apportionments to be reduced from the density calculation will include projects located a certain distance from the ORG eligible school (one mile for elementary schools and three miles for middle and high schools). This is based on the criteria used to determine eligibility for the COS Program. The approved COS apportionments to be reduced from the density calculation will include qualifying pupils currently housed at the ORG eligible school which will be relocated to a COS project.

\*The definition of a portable pursuant to EC Section 17070.15 (k) is a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or the floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

*California Department of Education Proposed Calculation*

CDE Recommended Pupil Density per Acre

The CDE recommends using half of the density standards established in the COS program as the basis for calculations in the ORG. The COS density factors represent 200% of the CDE recommended density so using half of the number will represent 100% of the CDE recommended factor.

The table below shows the CDE recommended student density per acre at various percentages:

Grade Span	100%	150%	175%	200% (COS)
K-6	57	85	100	115
7-8	43	65	75	90

Consistent with COS, if a school has students in both grade spans, the calculation is made based upon the grade span in which the majority of the students are enrolled.

Adjustments to use in density calculation

EC Section 17079 requires two adjustments be made in determining a school's student population density:

- (1) Students from the school to be housed in new construction projects, and
- (2) Students housed in classrooms above the first floor.

New Construction Adjustment

Students to be housed in new construction projects (as defined above) are subtracted from the 2005 CBEDS enrollment to arrive at an "Adjusted CBEDS Enrollment"

Multi-Level Adjustment

Consistent with CDE policy, multi-level classrooms are used to increase the net usable acres of a school site based on the following formula:

$$\text{Number of Classrooms above the First Floor} \times 960 \times 1.3 \div 43560 = \text{"Multi Story Adjustment"}$$

Standard classrooms are 960 square feet and the 1.3 factor represents circulation that occurs on multi-level buildings.

The additional acres resulting from the calculation are added to the certified net usable acres reported by the district to establish "Total Usable Acres."

Eligibility

The "Adjusted CBEDS Enrollment" is divided by the "Total Usable Acres" to determine the school's student population density. The calculated density is compared to the 175% recommended density figure to determine if the school is eligible for funding in the ORG.

150% Determination

The "Total Usable Acres" are multiplied by the 150% factor for the appropriate grade span. The result is subtracted from the Adjusted CBEDS Enrollment" to determine the number of grants for which the district may be eligible.

## 2. Eligible Pupils

Each district will have a districtwide (or High School Attendance Area/Super High School Attendance Area) eligibility bank which can be utilized at any eligible school. The districtwide eligibility will be determined by the number of portables that were included in the initial new construction baseline determination, less the number of Class Size Reduction (CSR) Program portables, multiplied by the applicable State loading standard, i.e. K-6: 25, 7-12: 27, non-severe: 13, and severe: 9.

In order to determine the number of portables used for the CSR Program, districts will provide the total number of portables for the district on the *Application for Funding* (Form SAB 50-04) by self-certification.

The following provides an example of the districtwide eligibility determination.

**Step 1. Begin with the portables counted in the initial baseline determination, utilizing the district's *Existing School Building Capacity* (Form SAB 50-02) option A or B.** In this example the district chose Option B.

PART I - Classroom Inventory	NEW	ADJUSTED	K-6	7-8	9-12	Non-Severe	Severe	Total
Line 1. Leased State Relocatable Classrooms								
Line 2. Portable Classrooms leased less than 5 years			6	6				12
Line 3. Interim Housing Portables leased less than 5 years								
Line 4. Interim Housing Portables leased at least 5 years			4	5	2			11
Line 5. Portable Classrooms leased at least 5 years				2	1			3
Line 6. Portable Classrooms owned by district			80	16		2		98
Line 7. Permanent Classrooms			84	74	32	5		195
Line 8. Total (Lines 1 through 7)			174	103	35	7		319

### PART II - Available Classrooms

Option A.	K-6	7-8	9-12	Non-Severe	Severe	Total
a. Part I, line 4	4	5	2			11
b. Part I, line 5		2	1			3
c. Part I, line 6	80	16		2		98
d. Part I, line 7	84	74	32	5		195
e. Total (a, b, c, & d)	168	97	35	7		307

Option B.	K-6	7-8	9-12	Non-Severe	Severe	Total
a. Part I, line 8	174	103	35	7		319
b. Part I, lines 1,2,5 and 6 (total only)						113
c. 25 percent of Part I, line 7 (total only)						49
d. Subtract c from b (enter 0 if negative)	48	14	1	1		64
e. Total (a minus d)	126	89	34	6		255

If the district had chosen Option A, the number of portables counted in the initial baseline would be the sum of line a, b, and c ( $11 + 3 + 98 = 112$  total portables).

**Step 2. Subtract the reported number of CSR portables from the number of K-6 portables on the Form SAB 50-02.** In this example 10 portables were reported.

$$48 - 10 = 38 \text{ K-6 portables}$$

**Step 3. The remaining number of portables are used in the eligibility determination. Multiply those by the State loading standard.**

Districtwide Eligibility Determination					
	K-6	7-8	9-12	Non-severe	Severe
Number of Portables	38	14	1	1	0
Multiply by the State Loading Standard	25	27	27	13	9
<b>Total Pupil Grant Eligibility</b>	<b>950</b>	<b>378</b>	<b>27</b>	<b>13</b>	<b>0</b>

The eligibility determination will be a one-time determination and will only be adjusted (reduced) as pupil grants are requested for funding.

Although there is a districtwide eligibility bank, each eligible school site will be limited to the number of pupil grants it can request pursuant to EC Section 17079.10 (b) (1) and 17079.20 (a) and (c). The lesser of the following will determine the number of eligible pupil grants for each school site:

- I. The number of grants apportioned cannot exceed the number of pupils whose removal from the density calculation would reduce the density of the site to 150 percent of the CDE recommended population density. The maximum number of pupils for each eligible school (based on this criteria) will be determined by CDE.

-or-

- II. The pupil grant request is also limited to the capacity of the project. Districts must build a number of permanent classrooms equivalent to the number of portable classrooms it will be replacing. Therefore, districts may only request pupil grants up to the capacity of the number of portables being replaced.

For example, if the district is replacing 10 (K-6) portables at School A, they may request up to 250 K-6 pupil grants [10 x 25 (State loading standard) = 250], as long as it does not go beyond the number of grants as described in I above.

**3. Funding**

Eligible pupils will be funded based on the current new construction per-pupil grant amounts at the time of apportionment of the application. In addition, projects funded under this program must meet the same provisions of the School Facility Program (SFP), except for the requirement that the district reduce its new construction eligibility for the classrooms provided. Districts will have the same submittal requirements (i.e. Division of State Architect approved plans and specifications, CDE plan approval, etc).

The program requires that the funding be used toward a reduction in the number of portable classrooms in the district. The program does not allow for funding associated with the construction, acquisition or transportation of portable classrooms. Districts may

opt to utilize the portables that are being replaced as childcare or preschool portables, as long as those portables are placed at ineligible schools.

There is an additional requirement for funding associated with the program. In order to receive funding, districts must certify that they will remove the portable classrooms from the eligible school, and will remove those portables from service within six months of occupancy, unless they are used in the manner indicated above. Districts will be required to state how they have complied with this requirement on the *Expenditure Report* (Form SAB 50-06).

#### *Other Considerations*

Staff is considering the ability of a district to acquire additional acreage with this grant and is currently working with legal counsel to explore the legality of this issue. Additional information will be provided at a future Implementation Committee meeting.

#### **4. Processing**

Districts will request funding under the ORG by submitting a complete new construction package, which will include a Form SAB 50-04. On the Form SAB 50-04, there will be a section wherein districts will provide a narrative indicating how the project is relieving overcrowding at the school site. Site visits will be conducted by Office of Public School Construction to verify information reported by the districts.

Project applications will be funded in date order received, with two filing periods per year. Projects will require the typical processing period. Funds will be apportioned each January and July, with the first apportionment to occur in July of 2007. If ORG funds are insufficient for all applications during any funding period, applications will be prioritized by pupil density; schools with highest pupil density will be funded first.

#### **RECOMMENDATION**

Prepare regulatory language to be presented at a future Implementation Committee meeting including all of the proposals presented in this item.

**ATTACHMENT**

**ASSEMBLY BILL 127  
OVERCROWDING RELIEF GRANTS**

**CALIFORNIA DEPARTMENT OF EDUCATION PROPOSED CALCULATION**

Date	
CDS Code	
County	
Local Educational Agency	
School	
Net Usable Acres	

	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>M</b>
				(Column E / CDE Recommended Density)			(Column C × 960 [sq. ft.] × 1.3 / 43650 [sq. ft.])	(Column H + Column I Total)	(Column E Total / Column J)	(Column F / Column J)
	2005-06 CBEDS Enrollment	Number of Classrooms Above the First Floor	Pupils from New Construction and Critically Overcrowded Schools Applications	Adjusted CBEDS Enrollment	CDE Recommended Acres	Certified Net Usable Acres	Multistory Acres Adjustment	Total Usable Acres	Schoolsite Pupil Density Per Acre	Percentage of CDE Recommended School Site Pupil Density
Grades K-6				0	0.00		0.00			
Grades 7-12				0	0.00		0.00			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>

	CDE Recommended Pupil Density Per Acre		
	100%	150%	175%
Grades K-6	57.00	85.50	99.75
Grades 7-12	43.00	64.50	75.25

	Percentage of CDE Recommended Pupil Density		
	100%	150%	175%
Pupil Density Per Acre	0.00	0.00	0.00
Total Enrollment	0	0	0

**ELIGIBILITY**

175% of CDE Recommended Pupil Density	0.00
Schoolsite Pupil Density	0.00
Eligibility	N/A

(CDE Rec. Density × 175%)  
(Column K Total)

("YES" if: (1) Column M is equal to or greater than 175% or (2) Schoolsite Pupil Density is equal to or greater than 175% of CDE Recommended Pupil Density)

**ELIGIBLE STUDENTS**

Adjusted CBEDS Enrollment	0
Total Schoolsite Enrollment at 150% of CDE Recommended Density	0
Eligible Pupils	0

(Column E Total)

(CDE Rec. Density × 150% × Column J Total)

(Column E Total - [CDE Rec. Density × 150% × Column J Total])

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING  
September 7<sup>th</sup> and 8<sup>th</sup>, 2006

CHARTER SCHOOL FACILITY PROGRAM  
REGULATION AMENDMENTS

PURPOSE OF REPORT

To present proposed School Facility Program (SFP) regulation changes to the Charter School Facilities Program (CSFP) due to the implementation of AB 127.

BACKGROUND

AB 127 makes changes to the CSFP should the voters approve an additional \$500 million as part of Proposition 1D which will be presented on the November 2006 ballot. In an effort to implement the changes required by the law, the Office of Public School Construction (OPSC) brought program changes before the Implementation Committee on July 7<sup>th</sup> and 21<sup>st</sup> and August 3<sup>rd</sup>, 4<sup>th</sup> and 18<sup>th</sup>. Based on the discussions and input at those meetings, changes were made to the existing CSFP in a manner that is consistent with the Statute and attempts to reflect the interests of all of the parties involved.

AUTHORITY

Article 12, Sections 17078.52 through 17078.66 of the Education Code (EC) establish and govern the CSFP within the SFP. AB 127 makes changes throughout various sections of this Article. The particular Sections are noted within the attached regulations.

EC 17070.35 directs the Board to establish procedures and policies necessary for the administration of the SFP.

STAFF COMMENTS

The OPSC presented the issues reflected in the attached proposed regulations to the Committee on several occasions to determine the best way to implement AB 127. The changes to the regulations are a result of the input provided at those meetings. The regulations will be presented to the SAB for approval and subsequently filed with the Office of Administrative Law on an emergency basis. Major changes to the CSFP are summarized as follows:

- *Eligibility Requirements and Adjustments*  
There is no longer a requirement that school districts demonstrate new construction eligibility for an application to be eligible. The District's new construction eligibility will only be adjusted by the number of district unhoused pupils the CSFP project will serve (as determined by the district).
- *Rehabilitation*  
AB 127 allows for funds to be used to rehabilitate existing district facilities. The regulations include an entirely new section devoted to eligibility and funding under the CSFP Rehabilitation program. Rehabilitation is funded on a square foot basis, not to exceed the new construction dollars otherwise attributable to the project. Facilities to be rehabilitated must be at least 15 years of age. SFP Modernization eligibility is not

required for a building to be rehabilitated, however modernization eligibility may be adjusted for buildings funded under this program to prevent the occurrence of double funding.

- *Consideration and Use of Existing Facilities*  
Prior to submitting an application under the CSFP, the school district and charter school must consider facilities under EC 47614, generally referred to as Proposition 39. Additional preference is assigned to those projects that propose to use existing facilities.
- *Removal of Funding, Site Acreage and Eligibility Caps*  
There are no longer total project caps, acreage caps or pupil caps per project. New construction projects are funded based on project capacity and other additional grants typically afforded a regular SFP new construction project. Rehabilitation projects are funded on a square foot basis with other additional grants typically afforded a modernization project.
- *Preference Points*  
An additional category has been added to give preference points to projects that propose to use existing facilities. The preference points assigned to the category of non-profit charter are increased from 20 to 40. The total number of preference points available is now 160.

## RECOMMENDATIONS

Accept the proposed regulation changes on the following attachments to be presented to the SAB.

## ATTACHMENT A

Title 2. Administration  
Division 2. Financial Operations  
Chapter 3. Department of General Services  
Subchapter 4. Office of Public School Construction  
Group 1. State Allocation Board  
Subgroup 5.5. Regulations Relating to the Leroy F. Greene School Facilities Act of 1998:  
(School Facility Program)

### Article 1. General Provisions and Definitions

#### Section 1859. Purpose.

These regulations implement the Leroy F. Greene School Facilities Act of 1998, which establishes a State program to provide State per pupil funding for new construction and modernization of existing school facilities.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.10 and 17070.35, Education Code.

#### Section 1859.1. General Services Director.

The General Services Director, or his or her legal designee shall perform all acts necessary to carry out the provisions of the Act except such functions as are reserved to the Board and to other agencies by law or by Sections 1859 through 1859.107 inclusive. The acts to be performed include, but are not limited to, entering into contracts to administer the Act.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17070.20, Education Code.

#### Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

"Charter School" shall mean a school established pursuant to Education Code, Title 2, Division 4, Part 26.8, Section 47600, et seq.

"Charter School Facility Account" means the fund for new construction Charter School projects authorized by Sections 100620(a)(1)(A) ~~and~~ 100820(a)(1)(A) and 101012(a)(2).

"Charter School Facility Program Rehabilitation" shall mean work that includes, but will not be limited to, structural changes or other types of work on an existing district facility that extends the useful life of or enhances the physical environment of the school, and as provided in Education Code Section 17078.58(a).

"Charter School General Location" shall mean a minimum of a one mile radius to a maximum of a three mile radius from the present or proposed location of the Charter School project as identified in the chartering agreement.

"Charter School Tri-Party Agreement" means a memorandum of understanding, a funding agreement and a use agreement as established by the California School Finance Authority (CSFA).

...

"Low-income" shall be the percentage of pupils deemed ~~to be~~ eligible for free/reduced lunch as identified in the most recent Free and Reduced Price Meals data on file at the CDE. The data on file with CDE shall be determined to be

the information collected in the month of October, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE.

...

"Rural Area" shall be a school with a locale code of ~~six, seven or eight~~ 41, 42 or 43 as classified by the National Center for Education Statistics (NCES).

...

"Suburban Area" shall be a school with a locale code of either ~~two, three, four, or five~~ 21, 22, 23, 31, 32 or 33 as classified by the NCES.

...

"Unrestricted Charter School Fund" means the funds in the ~~2002 (or 2004, as appropriate)~~ Charter School Facility Account not approved for a Preliminary Charter School Apportionment(s).

...

"Urban Area" shall be as a school with a locale code of ~~one~~ 11, 12 or 13 as classified by the NCES.

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, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

#### Article 6. New Construction Eligibility Determination

...

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

(a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.140 ~~162.2~~.

...

#### Article 7. Modernization Eligibility Determination

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:

- (a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
  - (1) Permanent and at least 25 years old.
  - (2) Portable and at least 20 years old.
  - (3) The remaining classrooms not reported in (1) or (2) above.
- (b) Identify all square footage at the school site that is:
  - (1) Permanent area and at least 25 years old.
  - (2) Portable classroom area and at least 20 years old.
  - (3) The remaining square footage on the site not reported in (1) or (2) above.

The age of the classroom or square footage shall begin 12 months after the plans for the building were approved by the DSA; or in the case of permanent or portable classrooms that were previously modernized or rehabilitated with State funds, the 25/20 year period shall begin on the date of its previous modernization or rehabilitation apportionment. For purposes of identifying square footage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Enrollment at the school shall be the latest CBEDS report for K-6, 7-8 and 9-12 pupils. If the school is closed at the time of application for eligibility determination for modernization, and the district intends to reopen it and use it as a school for at least the next five years, the enrollment may be estimated based on district demographic data. The calculated eligibility determined on the Form SAB 50-03, shall be referred to as the modernization baseline eligibility for the specific school site.

Note: Authority cited: Section 17070.35, Education Code.  
Reference: Sections 17073.15, 17073.20 and 17074.10, Education Code.

#### Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.

Note: Authority cited: Section 17070.35, Education Code.  
Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10 and 17074.32, Education Code.

### Article 14. Charter School Facilities Program

#### Section 1859.160. General.

A Charter School seeking a Preliminary Charter School Apportionment pursuant to the provisions of Education Code Sections 17078.50 through 17078.66 for new construction or rehabilitation shall complete and file a Form SAB 50-09. In addition the charter school must provide all required documents necessary for a financial soundness determination.

Once the Board has approved a Preliminary Charter School Apportionment for a Preliminary Charter School Application submitted pursuant to this Section after July 2, 2003, a Charter School seeking an advance release of funds for site acquisition pursuant to Section 1859.164.2(b), shall be required to submit an additional Form SAB 50-09, to the OPSC, to determine eligible site acquisition costs. A Charter School seeking an advance release of funds for design, engineering, and other pre-construction project costs pursuant to Section 1859.164.2(a), shall not be required to submit an additional Preliminary Charter School Application.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.161. Preliminary Charter School Application Submittals.

A Charter School seeking a Preliminary Charter School Apportionment shall complete and submit Form SAB 50-09 between February 2003 and March 31, 2003, or during a period of 120 calendar days beginning ~~30~~ 90 calendar days after an election authorizing additional funding.

The Board may establish additional application filing periods as needed.

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

Reference: Section 17078.53, Education Code.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

A Charter School may apply for a Preliminary Charter School Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- ~~(a) the district in which the Charter School is physically located has SFP new construction eligibility pursuant to Education Code Section 17071.75 and Section 1859.50 at the grade level(s) being proposed in the Preliminary Charter School Application; and,~~
- ~~(b)~~ (a) Prior to submission of the Preliminary Charter School Application the requirements of EC Sections 17078.53(d)(c) and (e) are met.
- ~~(c) the pupil grants requested on the Form SAB 50-09 do not exceed the lesser of the district's available new construction eligibility or the following:~~

Grade Level	Pupil Grant Request Description	Pupil Grant Limit
Elementary	K-6 or any combination thereof	350
Middle	7-8, K-8 inclusive, or any combination of 7-12 non-inclusive	450
High	9-12 or K-12, 7-12 inclusive	600

~~For purposes of this pupil grant limiter, Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils will be counted towards the pupil grant limit established for the project.~~

- (b) Prior to submission of the Preliminary Charter School Application, a Charter School applying on its own behalf must notify the school district where the project will be physically located of its intent to apply. This notification must occur at least 30 days prior to the application submittal. As part of the Preliminary Charter School Application, the Charter School must submit evidence of the date the notification was received by the school district.
- (c) The Preliminary Charter School Application shall include a description of the proposed project including, but not limited to, the identification of the number of classrooms, the grade level of the pupils to be served, the intended opening date of the project, the Charter School General Location, and whether the project will be permanent or portable construction.

If a charter school project has already received a Preliminary Charter School Apportionment under the CSFP but would like to re-apply under a future funding cycle, the original Preliminary Charter School Apportionment must be withdrawn by the charter school and rescinded by the Board prior to the submittal of any subsequent application.

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

Reference: Sections 17071.75, 17078.52 and 17078.53, Education Code.

Section 1859.162.1. Preliminary Charter School New Construction Apportionment Eligibility Criteria.

For Charter Schools applying on their own behalf, the notification to the school district of the Charter School's intent to apply pursuant to Section 1859.162(c) must include the following:

- (a) A request for the school district to provide a certification to the number of the district's unhoused pupils, pursuant to Section 1859.50, that the project will serve. The certification, in the form of a board resolution, must be signed by a school board member. Prior to submitting the certification as part of the Preliminary Charter School Application, the school board must have discussed the issue as an action item at a regularly scheduled, publicly held board meeting. The board resolution and supporting documentation must be submitted to the OPSC within 90 days from the date the Charter School notified the school district of its intent to apply to the CSFP.
- (b) A request that the school district update its current year enrollment on file with the OPSC pursuant to regulation section 1859.51(e).

#### Section 1859.162.2. Preliminary Apportionment Eligibility Adjustments for New Construction Projects.

The baseline eligibility for new construction determined by the Form SAB 50-03 of the appropriate school district where the project will be physically located will be decreased based upon the number of unhoused pupils, pursuant to Section 1859.50, the CSFP project will serve as determined by either of the following:

- (a) For a Charter School applying on its own behalf, the number of unhoused pupils the project will serve will be determined and certified to by the school district in which the project will be physically located.
- (b) For school districts applying on behalf of a Charter School, the school district must indicate the number of unhoused pupils the project will serve. The supporting documentation for arriving at this number must be submitted to the OPSC as part of the Preliminary Charter School Application.

#### Section 1859.162.43. Overlapping District Boundaries.

If the Charter School provides or will provide instruction for a combination of grade levels and therefore is or will be located in more than one school district's boundaries (e.g. elementary and high school district, not unified), a separate Form SAB 50-09 ~~requesting pupil grant eligibility~~ indicating the number of unhoused pupils served from each district, as appropriate will be required. Sections 1859.162.1 and 1859.162.2 shall apply to all districts involved in the Preliminary Charter School Apportionment. For the purposes of receiving a Preliminary Charter School Apportionment pursuant to Section 1859.163, the applications will be combined into one to be funded concurrently.

In addition, if the project will be located in an area of overlapping district boundaries but proposes to house only the grade levels served by just one of the districts, the district that serves the same grade levels will be subject to the district related requirements of this article (including, but not limited to holding title to the project, generating overcrowding percentages for preference points and signing the Tri-party Agreement).

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

Reference: Sections 17078.53 and 17078.54, Education Code.

#### Section 1859.163. Approval of Applications for Preliminary Charter School Apportionments.

Prior to approving a Preliminary Charter School Apportionment, the Board will require a certification from the Authority that the Charter School is Financially Sound. In providing a Preliminary Charter School Apportionment, the Board shall use the funding criteria established in Section 1859.164. The apportionment provided by the Board may be 100 percent of the total project cost dependent upon the method of Charter School's contribution as determined by the Authority.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be separated into two categories, items that may be identified as construction costs versus site acquisition costs.

- (a) The Preliminary Charter School New Construction Apportionment for construction costs shall be equal to the lesser of the sum of (1) through ~~(8)~~ (9) below ~~or the amounts in the following chart:~~

Project Grade Level	Charter School Construction Cost Funding Cap	
	Non-Urban Ineligible for (a)(5) below	Urban Eligible for (a)(5) below
Elementary	\$5 million	\$6.6 million
Middle	\$7 million	\$9 million
High	\$10 million	\$12.9 million

The funding cap for a project containing a combination of grade levels shall be determined based on the pupil cap assigned pursuant to Section 1859.162.

- (1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:
- (A) ~~\$5,870~~ 5,227 for each elementary school pupil.
- (B) ~~\$6,214~~ 5,534 for each middle school pupil.
- (C) ~~\$8,116~~ 7,226 for each high school pupil.
- (D) ~~\$18,703~~ 16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
- (E) ~~\$12,509~~ 11,137 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the Charter School.
- (3) An amount for site development cost determined, at the option of the Charter School, by one of the following:
- (A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
- (B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
- (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
- (4) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to 1859.83(b)(1) or (b)(2), as appropriate.
- (5) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (4), plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
- (A) The Charter School has requested an increase for multilevel construction pursuant to (2) above.
- (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size for a traditional school determined by multiplying the sum of the pupil grants requested on Form SAB 50-09, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign ~~Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs~~ pupil grants requested on Form SAB 50-09, as either elementary, middle or high school pupils based on the type of project selected by the district on Form SAB 50-09.
- (C) The value of the property as determined in Section 1859.163.2(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
- (6) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (1), (2), ~~(3)(C)~~, (4) and (5) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (7) For all Preliminary Apportionments received after March 7, 2007, an amount equal to the sum of the amounts determined in (1) through (6) multiplied by a factor determined as follows:

(A) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.

(B) Subtract 1 from the quotient in (1). Round to two decimal places.

~~(7)~~ (8) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.

~~(8)~~ (9) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (1) through ~~(6)~~ (8) above.

(b) The Preliminary Charter School Apportionment for site acquisition costs shall be:

(1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).

(2) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.

(c) The total amount calculated in (a) above will be added to any amount calculated in (b) above, which will provide the Preliminary Charter School Apportionment amount.

The amounts shown in (a) shall be adjusted annually in the manner prescribed in Section 1859.71.

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

Reference: Sections 17078.52 and 17078.56, Education Code.

#### Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

If the Preliminary Charter School Application includes a request for site acquisition funding, the preliminary value of the proposed site shall be the sum of the following:

(a) The value of the property determined by one of the following:

(1) By an appraisal or a preliminary appraisal of the property made no more than six months prior to the date the Preliminary Charter School Application was submitted to the OPSC, using the guidelines outlined in Section 1859.74.1. The preliminary appraisal may be made without access to the property.

(2) The Median Cost of an acre of land in the Charter School General Location using historical information in the Charter School General Location multiplied by the number of proposed Useable Acres requested on Form SAB 50-09. Historical information that may be considered to determine land cost shall include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Preliminary Charter School Application was submitted to the OPSC.

(b) An amount for the estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA as determined by one of the following:

(1) 15 percent of the value determined in (a).

(2) The sum of the following:

(A) The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. seq.

(B) The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.

(3) The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the Charter School General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the district or other districts in the Charter School General Location.

(c) Four percent of the amount determined in (a), but not less than \$50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.

(d) For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(1) or (a)(2) above.

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

Reference: Sections 17078.52 and 17078.56, Education Code.

### Section 1859.163.3. Establishment of Funds for Relocation/DTSC Fee and Hazardous Material/Waste Removal.

For Preliminary Charter School Apportionments awarded on February 23, 2005, the Board shall establish two separate funds from the funding provided through the 2004 Bond for the site acquisition values calculated pursuant to costs provided in Section 1859.163.2(b) and (d) that will not be part of the Preliminary Charter School Apportionment determined in Section 1859.163.1. The amount to reserve for the funds will be determined as follows:

#### Relocation/DTSC Fee Fund

- (a) For all projects requesting an additional grant for relocation and DTSC costs on the Form SAB 50-09 pursuant to Section 1859.163.2(b), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 15 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.75 million.

#### Hazardous Material/Waste Removal Fund

- (b) For all projects requesting an additional grant for hazardous material/waste removal and remediation costs provided pursuant to Section 1859.163.2(d), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 10 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.5 million.

Any Charter School that received a Preliminary Charter School Apportionment on February 23, 2005 that is requesting a Final Charter School Apportionment may request the funding provided in (a) and/or (b) above when the Form SAB 50-04 is submitted. At the time of Final Charter School Apportionment, should insufficient funds remain in either the Relocation/DTSC Fee Fund or Hazardous Material/Waste Removal Fund to fully apportion those site acquisition costs, any amount not apportioned by the Board for relocation, DTSC fees, or hazardous material waste removal or remediation shall be placed on an Unfunded List in Board date approval order. Any funds returned to Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to Section 1859.167(b) shall be used by the Board to fund projects remaining on the Unfunded List.

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

Reference: Section 17078.56, Education Code.

### Section 1859.163.4 Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

A Charter School or School District may apply for a Preliminary Charter School Rehabilitation Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- (a) The application includes existing school buildings made available by a school district; and,  
(b) The application includes classrooms that are at least 15 years of age at the time of submittal; and,  
(c) The facilities included in the application were not previously built or modernized with SFP funds; and,  
(d) For a Charter School applying on its own behalf, the application must include an agreement between the school district and the charter school for the use of the facilities to be rehabilitated. The agreement must have been approved prior to submittal of application and must have been discussed and approved at the school district board meeting.

The age of the facilities shall begin 12 months after the plans for the building were approved by the DSA; or in the case of facilities that were previously modernized under the LPP, the 15 year old period shall begin on the date of its previous modernization apportionment.

### Section 1859.163.5 Preliminary Charter School Rehabilitation Apportionment Determination.

The Preliminary Charter School Rehabilitation Apportionment will be determined based on the eligible square footage included in the project. For purposes of the Preliminary Charter School Rehabilitation Apportionment, eligible square footage is defined as the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

The amount of funding for each Preliminary Charter School Rehabilitation Apportionment will be equal to the sum of the amounts determined in (a) through (g) below:

- (a) The lesser of the amount determined in (1) or (2) below:
- (1) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:
  - (A) Determine the total square footage for each classroom included in the project (limited by the Charter School's projected enrollment).
  - (B) Determine the total square footage for any multi-purpose room included in the project.
  - (C) Determine the total square footage for any gymnasium included in the project.
  - (D) Determine the total square footage for any library included in the project.
  - (E) Determine the total square footage for any administration building included in the project.
  - (F) Add the total square footage in (A) through (E) above to obtain the total square footage for the project.
  - (G) From the total determined in (F), determine the total square footage for toilet facilities and the total square footage for other facilities. Multiply the toilet facilities square footage by \$173.30 and the other facilities square footage by \$96.30. The sum of these figures is the square footage dollar value for the project.
- (2) The dollar value calculated using the new construction grant amount and the project capacity based on the State loading standards as follows:
  - (A) Determine the proposed grade level usage of each classroom in the project (limited by the Charter School's projected enrollment).
  - (B) Multiply the number of classrooms at the K-6 grade level by 25, the number of classrooms at the 7-12 grade level by 27, the number of non-severe classrooms by 13, and the number of severe classrooms by 9.
  - (C) Multiply the number of pupils calculated pursuant to (B) by the appropriate dollar value determined in Section 1859.163(a)(1).
  - (b) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to 1859.83(b)(1) or (b)(2), as appropriate.
  - (c) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a) and (b), plus for a project with a site that is 60 percent or less of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.
  - (d) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a), (b), and (c) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
  - (e) \$60,000 for each new two-stop elevator required to be included in the project by the DSA, and \$10,800 for each additional stop.
  - (f) For all Preliminary Apportionments received after March 7, 2007, an amount equal to the sum of the amounts determined in (a) through (d) multiplied by a factor determined as follows:
    - (1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
    - (2) Subtract 1 from the quotient in (1). Round to two decimal places.
  - (g) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.
  - (h) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (a) through (g) above.

The amounts determined in (a) shall be adjusted annually in the manner prescribed in Section 1859.71.

Section 1859.163.6 Preliminary Charter School Rehabilitation Apportionment Eligibility for Sites Previously Funded Under the SFP Modernization Program.

For school sites that have established eligibility and received funding for all or some of the eligible buildings, but have not exhausted all of the eligibility, the site may be eligible for CSFP rehabilitation funds, subject to Board approval. However, the rehabilitation apportionment will be offset by the previous amount of modernization funding received for the building(s) to be rehabilitated at the time of the final apportionment.

Section 1859.163.7 Eligible Use of Charter School Facilities Program Rehabilitation Funds.

Funds Apportioned under the Charter School Facilities Program for Rehabilitation projects are to be used for work consistent with the definition of Charter School Facility Program Rehabilitation. If the rehabilitation project includes reconfiguration of an existing building and the project decreases the district's capacity at the site or displaces a minimum essential facility, the original capacity and minimum essential facility will still be considered to be in existence. Furthermore, State funding may not be used to replace the capacity or the original minimum essential facility in the future.

Section 1859.164. Application Funding Criteria.

If the estimated total apportionments of all Financially Sound Preliminary Charter School Applications received in either filing period specified in Section 1859.161 exceed the funds available, the applications shall be identified in each of the following four categories:

- (a) Geographical Region One, Two, Three, or Four.
- (b) Urban, Rural, or Suburban areas.
- (c) Large, Medium, or Small Charter Schools.
- (d) K-6, 7-8, or 9-12 grade levels.

The Board shall first apportion one project of each possible type, a maximum of four in category (a) and a maximum of three in categories (b) through (d), starting with (a) and continuing through (d). If more than one application is received of the same type within a category, the Board will apportion based on which project has the highest preference points, calculated in Section 1859.164.1. If a project has the highest preference points but was previously apportioned, the project with the next highest preference points will be apportioned. The same process will continue for the remaining categories until the Board has apportioned a project within each type in categories (a) through (d), or until no funding remains. If after funding one project in each category (a) through (d), funding remains available, the process shall be repeated until no funding remains.

All funds approved as a Preliminary Charter School Apportionment shall be transferred to the Restricted Charter School Fund within the appropriate Charter School Facility Account. Any funds not approved as a Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account.

All Preliminary Charter School Applications received from ~~an~~ a Charter School will be processed in the date order received by the OPSC. If more than one Preliminary Charter School Application is received on the same day from the same entity for a Charter School project located within the geographical jurisdiction of same district, those applications will be processed by the OPSC based on the priority order assigned to those applications by the Charter School on Form SAB 50-09.

If two or more Preliminary Charter School Applications have the same preference points, the Board shall first apportion that Preliminary Charter School Application that was received first by the OPSC. In the event that the applications were received on the same day, applications will be funded in the following order:

- (a) Projects submitted by entities that have not previously received funding under the SFP, the CSFP or the State Charter School Facilities Grants Incentives Program will be funded before those that have received said funding;
- (b) Projects proposing to utilize existing facilities will be funded before projects that propose to build new facilities;
- (c) As applicable, projects that provide more seats to relieve overcrowding will be funded over those that provide fewer seats (as determined by dividing the number of unhoused pupils pursuant to Section 1859.50 that the project will house by the remaining new construction eligibility in the district);

In the event that a tie remains after the previous criteria have been applied, a lottery system will be used to select the project that is funded.

Any applications the SAB is unable to provide a Preliminary Charter School Apportionment to will be returned to the Charter School.

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

Reference: Section 17078.56, Education Code.

#### Section 1859.164.1. Calculation of Preference Points.

Preference points will be calculated for all Preliminary Charter School Applications. An application shall receive preference points based on the total of (a), (b), (c) and ~~(e)~~ (d), up to a maximum of ~~400~~ 160 points, as follows:

- (a) Low Income: Up to 40 points based on the percentage of pupils at either the Charter School or school district where the Charter School is or will be located, or any public school within Charter School General Location meeting the definition of Low-income. The Charter School may report the highest percentage of the ~~two~~ three. Use the following sliding scale to determine the number of preference points:

Percentage Receiving Free/Reduced Lunch	Preference Points Assigned
5-15%	4
16-30%	8
31-39%	12
40-47%	16
48-55%	20
56-64%	24
65-73%	28
74-82%	32
83-92%	36
93%	36.5
94%	37
95%	37.5
96%	38
97%	38.5
98%	39
99%	39.5
100%	40

- (b) Overcrowded School District: Up to 40 points if the school district where the Charter School is physically located is determined to be overcrowded by dividing the remaining New Construction Eligibility (prior to the reduction

from this application) by the district's current enrollment (round up) and multiplying the product by 100. Use the The following sliding scale to determine the maximum number of preference points available for the degree of overcrowding:

Percentage Overcrowded	Preference Points Assigned
2-9%	4
10-13%	8
14-16%	12
17-19%	16
20-22%	20
23-25%	24
26-33%	28
34-41%	32
42-49%	36
50% and above	40

The method of allocating preference points to applicants will utilize the percentage overcrowded chart for a maximum point distribution. Next, each application will be assigned an "effort" percentage which further allocates points within each overcrowding point category. The percentage generated by the number of unhoused pupils that the project will house, divided by the project capacity will represent the effort made to relieve overcrowding in the district. The "effort" percentage will be assigned the following point distribution:

% Effort to Relieve Overcrowding	Ratio of Overcrowded Points Awarded
40% or more	100% of the points for the overcrowded category
30-39%	80% of the points for the overcrowded category
20-29%	60% of the points for the overcrowded category
10-19%	40% of the points for the overcrowded category
1-9%	20% of the points for the overcrowded category
0	No points for the overcrowded category

The total points assigned for overcrowding will be calculated by applying appropriate "effort" percentage and its corresponding ratio of points to the percentage overcrowded category for the district in which the project will be physically located.

- (c) Non-Profit Entity: If the entity operating the Charter School meets the definition of a Non-Profit Entity, the project will receive ~~20~~ 40 preference points.
- (d) Existing Facilities: If the project proposes to rehabilitate existing facilities, the project will receive 40 preference points.

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

Reference: Section 17078.56, Education Code.

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

A Charter School 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 (7).
- (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 Charter School an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified Charter Schools may request a separate advance release of funds for the design and for the site acquisition for the same project. A Charter School seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. The OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the Charter School 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 Charter School may request a release of the remaining funds as prescribed in Section 1859.90. Prior to the release of any funds, the Tri-party Agreements must be executed.

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

Reference: Section 17078.53, Education Code.

#### Section 1859.165. Conversion of Preliminary Charter School Apportionment.

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

- (a) The Final Charter School Apportionment request must meet all criteria on the Form SAB 50-04 for a New Construction Adjusted Grant pursuant to Section 1859.21.
- (b) A Charter School seeking to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment shall complete and file Form SAB 50-04. The number of pupils being requested cannot exceed the amount the Charter School originally requested and received at the Preliminary Charter School Apportionment.

If the Charter School is unable to meet the criteria in this Section, the Preliminary Charter School Apportionment shall be rescinded pursuant to the provisions of Section 1859.166.

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

Reference: Section 17078.52, Education Code.

#### Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

- (a) A complete request to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment pursuant to Section 1859.165 shall be made within four years of the date of the Preliminary Charter School Apportionment unless the Charter School received approval of an extension pursuant to Section 1859.166.1.
- (b) If (a) is not met, and the Charter School has not received an advance release of funds as provided in Section 1859.164.2, the following will occur:
  - (1) the Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
  - (2) the SFP New Construction Eligibility will be increased for the pupils assigned to the Preliminary Charter School Application for the school district that physically contains the Charter School within its geographical boundaries.
- (c) If (a) is not met, and the Charter School has received an advance release of funds as provided in Section 1859.164.2, the following will occur:
  - (1) The Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;

- (2) Funds released pursuant to Section 1859.164.2(a) shall be reduced to cost incurred and closed-out pursuant to Section 1859.106 with a corresponding SFP new construction baseline eligibility adjustment for the pupils assigned to the Preliminary Charter School Application. The adjustment to the baseline eligibility shall be based on the ratio of the number of unhoused pupils pursuant to Section 1859.162.2 and the project capacity which generated the project funding to the eligible expenditures. Any funds released are subject to the fifty percent local matching share requirement as required by EC 17078.54(d). Funds returned pursuant to Section 1859.106 shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
- (3) Funds released pursuant to Section 1859.164.2(b) shall be subject to the provisions of Section 1859.171.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.166.1. Preliminary Charter School Apportionment Time Limit Extension.

A Charter School that has received a Preliminary Charter School Apportionment may request a single one-year extension of the time limit prescribed in Section 1859.166(a). The Board shall approve the request provided the criteria in (a) or (b) are met:

- (a) The Charter School has provided evidence of both of the following:
  - (1) The CDE has made a contingent or final approval of the proposed site; and,
  - (2) The DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.
- (b) Other evidence satisfactory to the Board justifying the extension.

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

Reference: Section 17078.52, Education Code.

#### Section 1859.167. Final Charter School Apportionment.

- (a) ~~For Charter School Preliminary Apportionments provided by the Board on July 2, 2003, With the exception of Charter School Preliminary Apportionments provided by the Board on February 23, 2005,~~ the amount of the Final Charter School Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Charter School Apportionment is submitted and accepted for processing by the OPSC. Prior to the Board providing a Final Charter School Apportionment, the Charter School will need to have a current Financial Soundness certification from the Authority. The Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
  - (1) If the Final Charter School Apportionment request is equal to or less than the Preliminary Charter School Apportionment, the Final Charter School Apportionment shall be funded entirely. The difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
  - (2) If the Final Charter School Apportionment request is greater than the Preliminary Charter School Apportionment, the Board shall convert the Preliminary Charter School Apportionment to a Final Charter School Apportionment by either of the following:
    - (A) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is greater than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment entirely. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (B) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is less than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment using any remaining balance in the Unrestricted

Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.

- (b) For Preliminary Charter School Apportionments provided by the Board ~~after July 2, 2003~~ on February 23, 2005:
- (1) the Final Charter School Apportionment will be subject to the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04 is submitted and accepted for processing by the OPSC for the Final Charter School Apportionment; and,
  - (2) the per-pupil grant amounts shall not exceed the amount allotted in 1859.163.1(a)(1); and,
  - (3) if the Preliminary Charter School Apportionment was based on the Charter School being eligible for the additional grant in Section 1859.163.1(a)(5) and at the time the Final Charter School Apportionment is provided the Charter School does not meet the requirements to receive that adjustment pursuant to Section 1859.83(d), the Charter School construction cost funding cap will be re-established based on the non-urban project amount, pursuant to Section 1859.163.1(a); and,
  - (4) the Final Charter School Apportionment shall not contain additional grants beyond that which the Charter School may have requested at the time of the Preliminary Charter School Application; and,
  - (5) prior to the Board providing a Final Charter School Apportionment the Charter School will need to have a current Financial Soundness certification from the Authority; and,
  - (6) The amount of the Final Charter School Apportionment shall not exceed the Preliminary Charter School Apportionment determined in Section 1859.163.1, and the Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
    - (A) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is greater than the Final Charter School Apportionment request for the items identified as construction costs then the difference shall be transferred to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (B) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is greater than the Final Charter School Apportionment request for the site acquisition cost items then the difference shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (C) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is less than the Final Charter School Apportionment request for the items identified as construction costs, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project.
    - (D) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is less than the Final Charter School Apportionment request for the site acquisition cost items, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3.
    - (E) The Board may approve any funds deposited into the Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to (b)(6)(A) or (B) shall be first used to fund remaining site acquisition costs on the Unfunded List pursuant to Section 1859.163.3. If no projects remain on the Unfunded List the Board shall use any funds for other Charter School facility projects.

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Section 1859.167.1. Final Charter School Apportionment Conversion Site Acquisition Guidelines for Projects Apportioned on February 23, 2005.

When a Charter School submits the Form SAB 50-04 for a Final Charter School Apportionment pursuant to Section 1859.167, the Final Charter School Apportionment for site acquisition costs may not exceed the amount calculated pursuant to Section 1859.163.1(b). The Useable Acres for the project may not exceed the CDE recommended site size for the project established at the time the initial Preliminary Charter School Application was submitted to the OPSC.

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

Reference: Sections 17078.56 and 17078.58, Education Code.

#### Section 1859.168. Preliminary Charter School Apportionment Matching Share Requirement.

The Charter School will be subject to the matching share requirements in Section 1859.77.1 and Education Code Section 17078.54(d) that may be paid through lease payments authorized by the Authority in lieu of the matching share. All lease payments shall be paid to the Board to be redeposited to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. Any funds deposited in either Account shall be first used to fund remaining site acquisition costs off the Unfunded List pursuant to Section 1859.163.3. Should no projects remain on the Unfunded List the Board may use the funds for purposes of this Article.

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

Reference: Sections 17078.54 and 17078.58, Education Code.

#### Section 1859.169. Eligible Expenditures.

Expenditures made with the Final Charter School Apportionment must comply with Education Code Section 17072.35 and 17078.54(a). Expenditures for construction are eligible only if the construction contract was entered into on or after September 27, 2002.

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

Reference: Sections 17078.52, Education Code.

#### Section 1859.169.1. Charter School Project Savings

Projects funded under the CSFP do not generate savings pursuant to Section 1859.103. In addition, State funds remaining at the completion of the project may not be used to satisfy the local matching share obligation. Remaining funds must be returned to the State.

#### Section 1859.170. Additional Program Reporting Requirements.

A Charter School filing a Form SAB 50-09 on its own behalf pursuant to this Article shall comply with the reporting requirements of Sections 1859.100, 1859.101, 1859.102, and 1859.106.

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

Reference: Section 17078.54, Education Code.

#### Section 1859.171. Use of Facility.

A Charter School that has received funding pursuant to Section 1859.164.2(b) and has not met the timelines established in Section 1859.166 or is no longer occupying the facility constructed with funds derived through a Final Charter School Apportionment, the school district where the Charter School is physically located can either:

- (a) Elect to take possession of the facility and pay the balance of the local matching share. The District may qualify for a waiver of repayment if it can meet all the following:
  - (1) Demonstrate that at the time the Form SAB 50-04 was submitted for Final Charter School Apportionment, the district would have qualified for financial hardship, pursuant to Section 1859.81; and,
  - (2) Certify to the Board that it will comply with the requirements of Education Code Section 17078.62(b)(4)(B).
- (b) If the school district chooses not to take possession of the facility, it shall dispose of the facilities in the manner applicable to the disposal of surplus school sites pursuant to Education Code Sections 17455 through 17484. The proceeds from the sale shall be used to pay off the remaining loan balance, if any.

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

Reference: Section 17078.62, Education Code.

## ATTACHMENT B

### Article 4. Basic Grant Request and Apportionment

#### Section 1866.4. Five Year Plan Requirements.

EC Section 17591 establishes the need of filing with the Board a five year plan for deferred maintenance needs of the district. The Form SAB 40-20 is a summary of proposed projects the district plans on completing annually over the next five fiscal years using the basic grant. The fiscal year the plan commences is determined by the fiscal year in which it was filed. New and revised plans are accepted on a continuous basis for the current fiscal year up to the last working day in June. Revisions are not accepted for prior fiscal years.

- (a) Under the following circumstances, a revised plan would need to be submitted to the OPSC:
- (1) The plan has expired.
  - (2) Work will be performed that is not listed on the plan or at a school not listed on the plan.
  - (3) If work listed on the plan was performed using an SFP modernization, CSFP Rehabilitation (as defined in SFP Regulation Section 1859.2) or Federal Renovation Program (FRP) grant, pursuant to Section 1866.13.
- (b) A district submitting a new plan or revising a plan under (a) above must be able to certify that the plans and proposals for expenditures of funds, listed on the Form SAB 40-20 submitted to the OPSC, were discussed at a public hearing at a regularly scheduled meeting with the district's governing board, pursuant to EC Section 17584.1(a).

Note: Authority cited: Section 15503, Government Code.  
Reference: Sections 17582, 17584.1, 17591, Education Code.

#### Section 1866.13. Duplication of Applications.

If the district's application for an extreme hardship grant involves proposed work also included in a SFP modernization project currently included on the SFP Modernization Unfunded List or the OPSC Modernization Workload List, the district must certify that, after reducing the work to be funded with the extreme hardship grant from the SFP modernization project, the cost estimate for the remaining work in the modernization project is at least 60 percent of the total SFP grant amount provided by the state and the district's matching share. The cost estimate may not include planning, tests, inspection or furniture or equipment. If the district cannot make this certification, the SFP modernization project must be withdrawn prior to the release of any extreme hardship grants to the district.

If the district's application for FRP grants, ~~or~~ SFP modernization grants, or CSFP Rehabilitation grants involve work currently included on the district's Form SAB 40-20, pursuant to Education Code Section 17591, the district must eliminate the projects that will be funded with the FRP grant, ~~or~~ SFP modernization grants, or CSFP Rehabilitation grants from the Form prior to the release of any FRP grants, ~~or~~ SFP modernization grants, or CSFP Rehabilitation grants to the district.

Note: Authority cited: Section 15503, Government Code.  
Reference: Sections 17582, 17587 and 17591, Education Code.

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM****GENERAL INSTRUCTIONS****(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).
- Check the box(es) in Part IV for release of new construction, ~~or~~ modernization or rehabilitation funds and enter the appropriate dates:
  - a. Issue date of the Notice to Proceed for the construction phase of the project; and,
  - b. Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box in Part VIII that identifies the construction delivery method that the district utilized for this project.

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

**Part I. Preliminary Apportionment—Design Only**

- The district certifies it has complied with Section 1859.149(a).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

**Part II. Preliminary Charter School Apportionment**

**A. Design Only**

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

- The Charter School certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.

**B. Separate Site Apportionment**

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

- Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The Charter School certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- The Charter School certifies it has entered into a tri-party agreement pursuant to Section 1859.164.2.

**Part III. Separate Site Apportionment**

- RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

- Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

**Part IV. New Construction/Modernization/Charter School Rehabilitation**

District must be able to check both boxes:

- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project, and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.
- The Charter School certifies it has entered into a tri-party agreement pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**Part V. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

**Part VI. Joint-Use Projects**

- The district certifies that the Joint-Use Partners' financial contribution has either:
  - been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

**FUND RELEASE AUTHORIZATION**  
**SCHOOL FACILITY PROGRAM**

**Part VII. Identify District and Joint-Use Partners' Funding Sources**

- Available bond funds such as general obligation, or Mello-Roos.
- Available developer fees, proceeds from the sale of surplus property, or federal grants.
- Other funds available (identify)
- Funds already expended by the district for the project.
- Funds already expended by the Joint-Use Partners for the project.
- Future revenue sources to be used for the project (identify)

**Part VIII. Identify District's Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- Other: \_\_\_\_\_

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

- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, if the district has or will initiated and will enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations; pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47, or 55 or 10 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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### GENERAL INSTRUCTIONS

This form is used to request a preliminary apportionment for the new construction or rehabilitation of charter school facilities. This form may be submitted by either a charter school directly or by a school district on behalf of a charter school, provided the school is within the geographical boundaries of the district. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The charter school must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project through out the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the Office of Public School Construction (OPSC) Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "Project Tracking Number Generator." (Obtain from school district.)

Prior to submitting this form, the Board must determine or adjust the appropriate district's eligibility for new construction funding on the Form SAB 50-03. If the district ~~that is providing eligibility to the charter school~~ has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file this application until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03. The following documents must be submitted with this form (as appropriate):

#### For new construction and rehabilitation projects,

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- Verification of the charter school's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17078.53(b) for a charter applying on its own behalf.
- A narrative describing the proposed project. Include the estimated general scope of the project intended, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.

#### For new construction projects,

- If the charter school is applying for a Preliminary Apportionment on its own behalf, a school board resolution certifying to the number of the district's unhouseed pupils, pursuant to Section 1859.162.1(a) that the project will house, the supporting documentation used to generate this number and the school board meeting minutes that recorded the approval of the certification.
- For school districts applying on behalf of a charter school, certification, signed by the district representative, and supporting documentation that states the number of the district's unhouseed pupils that will be housed in the charter school project.
- An estimated recommended site size letter from the CDE.
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).

- Supporting documentation for relocation expenses and Department of Toxic Substance Control (DTSC) costs, if requesting amounts other than the 215 percent standard allowance. See Section 1859.163.2(b).
- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of \$70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site acquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

#### For rehabilitation projects,

- For a charter school submitting a Preliminary Apportionment for rehabilitation on its own behalf an agreement between the school district and the charter school for use of the facilities to be rehabilitated. The agreement must have been discussed and approved at a school district board meeting.
- A drawing of the school site that identifies all classrooms and subsidiary facilities and specifies the square footage and age of each building that will be included in the project.

~~This request is~~ Requests for new construction or rehabilitation funding are available only to charter schools that have current financial soundness status from the California School Finance Authority. Charter schools may apply for a separate amount for the design and for the new construction site acquisition on the same project. Charter schools may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the charter school or district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (CBEDS) enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01, based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. The district must also update its eligibility by separation of Special Day Class from regular K-12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).

### SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a charter school or a charter school on its own behalf if the charter school has notified both the superintendent and the governing board of its intent to do sodo in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(c)(1) and (2). The notice shall be sent by certified mail through the U.S. Postal Service and verifiable and submitted to the school district in writing in such a way that allows for verification of the received date. The notice shall also include a request for a school district certification pursuant to Section 1859.162.1(a), a request for an update in the district's enrollment pursuant to Section 1859.162.1(b) and must indicate to the school district the number of pupils the charter school intends to apply for. Please indicate method of filing by checking appropriate box. If the eligibility being requested from the school district's eligibility is filed on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area for which the eligibility is adjusted pursuant to Section 1859.162.2.

Prior to submitting a request for a preliminary apportionment the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

#### 1. Type of Application

Check the appropriate box that indicates the type of request the charter school is applying for with this form. If the charter school is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3 and the site acquisition data in 54b.

#### 2. Type of Project

- Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in an addition to an existing school or a new school project. The amount entered cannot exceed the lesser of district's available new construction baseline eligibility determined on Form SAB 50-09, as adjusted by Section 1859.51 or the limits established in Section 1859.162(c). The amount entered will be the basis for the amount of the Preliminary Charter School Apportionment provided for the project.
- Enter the name of the school district where the charter school is physically located.
- Is this request an addition to an existing site? Yes or No. If yes, enter school name:

#### 3. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

The estimated Proposed Useable Acres shall be obtained from CDE prior to application submittal.

The proposed Useable Acres requested shall not exceed the net useable acres included in an appraisal, preliminary appraisal or multiplying the pupils assigned by 0.00888 for elementary school pupils, 0.0105 for middle school pupils and 0.01236

for high school pupils. Assign Severely Disabled and Non-severely Disabled Individuals with Exceptional Needs as either elementary, middle or high school pupils based upon the type of project selected in item 1. See Section 1859.74.1:

#### 4. Additional Project Information—New Construction Only

- Enter the estimated number of pupils, by grade level, that will attend the charter school.
- Enter the number of the school district's unhoused pupils to be housed in the charter school from the school district's certification, pursuant to Section 1859.162.1(a).
- Is this request an addition to an existing site? Yes or No. If yes, enter school name.

#### 54. Increase in Preliminary Apportionment—New Construction Only

Complete the appropriate sections if the district is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

- Check the box if the district request additional funding due to multilevel construction. See Section 1859.163.1(a)(2).
- Site Acquisition:
  - Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the Charter school site.
  - To determine an allowance for relocation cost and DTSC cost, the charter school may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the charter school must submit appropriate documentation to support the amount reported.
  - Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).
- To determine an allowance for site development, the charter school may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the district must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(4).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(5).
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).

#### 6. Additional Project Information—Rehabilitation Only

Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

**7. Increase in Preliminary Apportionment—Rehabilitation Only**

- a. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).
- b. Check the box if this request is for a small size project. See Section 1859.163.1(a)(4).
- c. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(1)(5).
- d. Check the box if the rehabilitation project includes new two-stop elevator(s). Elevator(s) are allowed only if required by the DSA. Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handi-capped access compliance.
- e. Enter the number of additional stops on new DSA required elevator(s) beyond two.

**8. Labor Compliance Program**

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

**9.5. Priority Order**

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same school district.

**10.6. Charter School Information**

The information requested in (d) and (e) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.

- a. Enter the charter school enrollment currently being served by the applicant for the purpose of calculating if the charter school is small, medium, or large. See Section 1859.2.
- b. Indicate if the charter school operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2.
- c. Enter the locale code of the charter school as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.
- d. To determine if the charter school is low income, enter the percentage of pupils at the charter school identified as being eligible for participating in the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).
- e. If the charter school has submitted an additional application for this project under the requirements of Section 1859.162.3, enter the application number for that project.

**11.7. Certification**

The authorized representative for the charter school, or the school district representative on behalf of the charter school must complete this certification section.

- Part A – The authorized representative for the charter school, must complete this section if filing on its own behalf; or
- Part B – The authorized school district representative must sign and date if filing on behalf of the charter school.

DRAFT

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

The school district or charter school named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

Form header with fields: SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL, CHARTER SCHOOL APPLYING ON ITS BEHALF, PRELIMINARY APPLICATION NUMBER, PROPOSED PROJECT NAME, PROJECT TRACKING NUMBER, COUNTY, HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE), SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION

1. Type of Application—Check Only One

- 1. Type of Application—Check Only One
[ ] New Construction Preliminary Charter School Apportionment
[ ] Site Acquisition Costs [Section 1859.164.2(b)]
[ ] Rehabilitation Preliminary Apportionment

2. Type of Project

- 2. Type of Project
a. [ ] Elementary School
[ ] Middle School
[ ] High School

Pupils Assigned:
K-6
7-8
9-12
Non-Severe
Severe

- b. Name of school district where the charter school project will be physically located that pupils are coming from:
c. Addition to existing site? [ ] Yes [ ] No
If yes, enter school name:

3. Number of Classrooms/Useable Acres

Number of Classrooms:
Existing Acres (Useable):
Proposed Acres (Useable):

4. Type of Additional Project Information—New Construction Only

- 4. Type of Additional Project Information—New Construction Only
a. Project Capacity: K-6, 7-8, 9-12, Non-Severe, Severe
b. School District's Unhoused Pupils to be housed in the Charter School: K-6, 7-8, 9-12, Non-Severe, Severe
c. Addition to existing site? [ ] Yes [ ] No
If yes, enter school name:

5. Increase in Preliminary Apportionment—New Construction Only

- 5. Increase in Preliminary Apportionment—New Construction Only
a. [ ] Multilevel Construction
b. Site Acquisition:
(1) 50 percent appraised value or median cost: \$

Enter the nearest street intersection to the Charter School General Location if determined by median cost:

- (2) Relocation/DTSC Cost:
[ ] 15 percent
[ ] 50 percent of specific or historical cost: \$
(3) Hazardous material clean-up: \$
c. Site Development
[ ] \$70,000 per proposed useable acre
[ ] 50 percent of specific or historical cost: \$
d. [ ] Geographic Percent Factor: %
e. [ ] Small Size Project
f. [ ] Urban Allowance
f. [ ] Geographical Percentage Factor: %

6. Additional Project Information—Rehabilitation Only

Square Footage of Project:
Non-Toilets Facilities (sq. ft.):
Toilet Facilities (sq. ft.):

7. Increase in Preliminary Apportionment—Rehabilitation Only

- 7. Increase in Preliminary Apportionment—Rehabilitation Only
a. [ ] Geographic Percent Factor: %
b. [ ] Small Size Project
c. [ ] Urban/Security/Impacted Site
d. [ ] Number of 2-Stop Elevators:
e. [ ] Number of Additional Stops:

8. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? [ ] Yes [ ] No

9. Priority Order

#

10. Charter School Information

- 10. Charter School Information
a. Current charter school enrollment:
b. Is charter school not for profit? [ ] Yes [ ] No
c. Enter locale code of charter school:
d. Free/Reduced Lunch: %
e. Additional Application Number: #

**APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT  
SCHOOL FACILITY PROGRAM**

**117. Certification**

I certify that the information reported on this form is true and correct and that:

- I am an authorized representative of the charter school designated by the governing board or equivalent authority of the charter school and have notified both the Superintendent and the governing board of the school district in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,
  - I am an authorized school district representative submitting this application on behalf of a charter school pursuant to Education Code Section 17078.53 (c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the school district.
- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the charter school on, \_\_\_\_\_; and,
  - Prior to submitting this application the charter school and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
  - For a charter school applying for a rehabilitation Preliminary Apportionment on its own behalf, the charter school and school district have entered into an agreement to rehabilitate school district existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
  - For a charter school applying for a new construction Preliminary Apportionment on its own behalf, the charter school and school district have complied with Section 1859.162.1 pertaining to the certification of the number of unhoused students the project will house; and,
  - The charter school has or will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
  - The charter school has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
  - The charter school will comply with all laws pertaining to the construction of its school building; and,
  - All contracts entered for the service of any architect, structural engineer or other design professional for any work under the project have been obtained pursuant to

- a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The charter school has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This charter school has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The charter school understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,
- The charter school acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the charter school has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The charter school understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The charter school has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, **if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003;** and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

**Part A. Charter School Filing on its Own Behalf**

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

**Part B. School District Filing on Behalf of Charter School**

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
---	------

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE  
SEPTEMBER 8, 2006

SMALL HIGH SCHOOL PROGRAM FUNDING

PURPOSE OF REPORT

To increase funding for the Small High School Program by an additional \$200 million pursuant to Assembly Bill (AB 127), Chapter 35, Statutes of 2006 (Nunez and Perata).

DESCRIPTION

At the August 3, 2006 Implementation Committee meeting, Staff proposed modifications to the existing Small High School Program. Based on discussions with Committee and audience members, Staff is returning with updated regulations. The following issues were revised in the regulations:

*New Construction*

Districts will be allowed to build stand alone small high schools on new sites; however, if the small high school is located adjacent to an existing high school which includes core facilities, students from the new small high school may share those core facilities, provided:

- o Shared core facilities may include, but not be limited to, multipurpose rooms, gymnasiums and libraries.
- o Districts may not share administration and toilet area.
- o The application for the Small High School will not be entitled to the New School Excessive Cost Hardship Request.

Districts will be allowed to use a portion of a large site of an existing high school and utilize that portion of the site for their new small high school, provided:

- o The California Department of Education determines that the creation of the small high school does not create a school with an inappropriate number of pupils in relation to the size at either site.
- o The Small High School could stand alone or share core facilities.
- o Shared core facilities may include, but not be limited to, multipurpose rooms, gymnasiums and libraries.
- o Districts may not share administration and toilet area.
- o The Small High School may not be entitled to the New School Excessive Cost Hardship Request.

Two small high schools could be built on separate but adjacent sites and both schools would be allowed to share the core facilities of the other including multipurpose rooms, gymnasiums and libraries.

- o Shared core facilities may include, but not be limited to, multipurpose rooms, gymnasiums and libraries.
- o Districts may not share administration and toilet area.
- o One of the small high schools would be entitled to the New School Excessive Cost Hardship Request.

*Modernization*

A reconfiguration from a large high school into two or more smaller high schools would be eligible for \$500,000 for each small high school created from the reconfiguration. The current criteria for a modernization reconfiguration would remain the same.

RECOMMENDATIONS

Present the proposed regulations for presentation to the SAB.

# ATTACHMENT A

## Section 1859.70.3. Available Funding for the Small High School Program.

For purposes of the Small High School Program, the Board shall set aside the funding as follows:

- (a) \$20 million for the new construction of Small High Schools pursuant to Education Code Section 17072.10(c).
- (b) \$5 million in modernization funding to assist with the Reconfiguration of large high schools pursuant to Education Code Section 17074.32.

Pursuant to Education Code Section 101012(a)(5), the Board may provide up to \$200 million for the purposes set forth in Education Code Section 17072.10(c).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.10 ~~and~~ 17074.32, and 101012(a)(5) Education Code.

## Section 1859.93.2. New Construction Adjusted Grant for the Small High School Program.

A district may submit an Approved Application for a Small High School project from January 1, 2006 through September 30, 2006~~7~~, if all of the following are met:

- (a) The Application meets all the criteria on the Form SAB 50-04 for a New Construction Adjusted Grant, pursuant to Section 1859.21.
- (b) The district has at least 500 high school pupil grants of new construction eligibility available pursuant to Regulation Section 1859.50 and 1859.51.
- (c) The Small High School ~~must~~ may be constructed on one of the following:
  - (1) A stand alone school site with no existing facilities;
  - (2) An adjacent site to an existing high school and share core facilities including, but not limited to library, multi-purpose room and gymnasium. The existing high school and new small high school may not share administration and toilet facilities.
  - (3) A site of a large high school if the CDE deems that the site will not create a school that is overcrowded or educationally inadequate; or
  - (4) Two or more small high schools may be constructed on separate but adjacent sites and may share one or all of the core facilities in 1859.93.2(c)(2).
- (d) The Small High School may not be constructed where it would otherwise have been built due to sparse population.
- (e) The district shall only provide the number of classrooms at the new school site necessary to house the capacity of the Small High School, not to exceed 500 pupils, until two complete school years after the Occupancy of the last Small High School funded pursuant to Education Code Section 17072.10(c)(1), which would correspond with timing of the data submitted by the district pursuant to Section 1859.104(e)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17072.10, Education Code.

## Section 1859.78.9. Separate Apportionment for Modernization Reconfiguration under the Small High School Program.

(a) The Board shall provide an additional apportionment pursuant to Education Code Section 17074.32 for Modernization Reconfiguration work on an existing high school site, not to exceed ~~an aggregate of~~ \$500,000 for each new Small High School created from the reconfiguration, subject to OPSC verification, if all of the following criteria are met:

- (1) A district shall submit an Approved Application by September 30, 2007.
- (2) The current enrollment at the existing high school must be at least 1,000 pupils.
- (3) At least two new Small High Schools must be created as a result of Reconfiguration.
- (4) The district must obtain a county-district-school code from the Department of Education for the resulting new school sites.
- (5) Funds provided under this Section shall be used only for work included in the Reconfiguration.

(b) The State funding pursuant to this Section shall continue for projects that meet subsection (a) until all available funds are exhausted. In the event that remaining funds are insufficient to fund a Reconfiguration project in its entirety, the district will have the following options:

(1) Accept the remaining funds as a full and final apportionment; or,

(2) Refuse the funding in its entirety. If the district wishes to proceed with the Modernization portion of the application, the application will retain its received date and proceed without the Modernization Grant Separate Apportionment for Reconfiguration.

The district must maintain an enrollment, not to exceed 500 pupils, for a minimum of two complete school years after the Occupancy of the new Small High Schools.

Any additional Classrooms provided to the campus, beyond the existing number of classrooms prior to the Reconfiguration work shall be reduced from the district's New Construction Eligibility pursuant to Section 1859.51.

At the conclusion of the Reconfiguration project, a new Modernization Eligibility will be established at any resulting new Small High Schools.

After all qualifying projects pursuant to this Section have been apportioned, any remaining funds pursuant to Education Code Section 17074.32 shall be made available for eligible modernization projects pursuant to this Act.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.32, Education Code.

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE  
SEPTEMBER 8, 2006

HIGH PERFORMANCE SCHOOL GRANT

PURPOSE OF REPORT

To discuss the implementation of an additional grant for High Performance Schools and present School Facility Program (SFP) Regulations.

BACKGROUND

Assembly Bill (AB) 127 (Chapter 35, Statutes of 2006 - Nunez and Perata) provides \$100 million in additional new construction and modernization grant incentives for the designs and materials that promote the efficient use of energy and water, natural lighting and indoor air quality and recycled materials. See Attachment A for pertinent text in the law.

Staff presented proposals for the self certification, rating criteria, grant percentage increase options and distribution of funds at the August 3, 2006 Implementation Committee meeting and stated that the proposed regulations would be presented at a future Committee meeting.

STAFF COMMENTS

The only remaining outstanding issue is the minimum threshold for additions to a site and modernization projects to qualify for the High Performance Grant (HPG). The Collaborative for the High Performance Schools (CHPS) adopted 25 points as the minimum threshold for an addition to a site and a modernization project on August 24, 2006. Given the Green Building Initiative adopted the CHPS standards as the rating criteria for the HPG, Staff recommends the same threshold. Therefore, Districts must achieve the minimum threshold of 25 points and could reach a maximum of 81 points.

Attachment B represents proposed regulations for Option 2, which provide that the upfront costs in the High Performance School be shared equally between the State and the district.

Attachment C represents proposed regulations for Option 1, which provide that the 50 percent of the costs for the High Performance School be shared equally between the State and the district.

RECOMMENDATION

Present the regulatory language attached to the next available SAB meeting.

## ATTACHMENT B

### Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

"Governmental Agency" shall include but is not limited to a public entity as defined in Government Code Section 7260(a) including California federally recognized or historically established tribal governments.

"Hazardous Material/Waste Removal Fund" shall mean the fund established pursuant to Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for hazardous material waste removal that will be provided at the Final Charter School Apportionment when actual costs are known.

"High Performance Rating Criteria" (HPRC) will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by using a point system adopted by the Green Building Initiative.

"High Performance School Account" means the funds set aside by the Board for purposes of Education Code Section 101012(a)8.

"High School Attendance Area (HSAA)" means an attendance area that serves a currently operated high school, other than a continuation school or a community school.

"High School District" means a school district that serves any combination of grades seven through twelve exclusively.

"High School Pupil" means a student in a school serving ninth through twelfth grade or any combination of ninth through twelfth grade.

"Higher Education" means an entity that is a public community college; a public college; a public university; or a nonprofit/accredited organization of higher education.

...

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, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

### Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and other characteristics of high performance schools.

Note: Authority cited: Section 17070.35 Education Code

Reference: Section 101012(a)(8)

### Section 1859.71.6. New Construction Additional Grant for High Performance

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:

(1) The project includes the prerequisites in each of the six HPRC.

(2) If the project has been accepted by DSA prior to August 24, 2007, the points standard must be within the range from 28 to 81 points. If the project has been accepted by DSA on or after August 24, 2007, the points standard must be within the range from 32 to 85 points.

(3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.

(4) The project will not receive funding from the Energy Efficiency Account.

(b) A New Construction Grant will be multiplied by the percentage allowance as follows:

- (1) For those projects accepted by DSA prior to August 24, 2007, in which the level of high performance attained as concurred by the DSA is 28 points, the New Construction Grant multiplied by:
- a. two percent plus 0.06 percent for each point attained from 28 through 33 points; or
  - b. two percent plus 0.24 percent for each point attained from 34 through 40 points; or
  - c. four percent plus 0.36 percent for each point attained from 41 through 54 points; or
  - d. nine percent plus 0.060 percent for each point attained from 55 through 81 points.
- (2) For those projects accepted by DSA on or after August 24, 2007, in which the level of high performance attained as concurred by DSA is 32 points, the New Construction Grant multiplied by:
- a. two percent plus 0.17 percent for each point attained from 32 through 33 points; or
  - b. two percent plus 0.24 percent for each point attained from 34 through 40 points; or
  - c. four percent plus 0.36 percent for each point attained from 41 through 54 points; or
  - d. nine percent plus 0.060 percent for each point attained from 55 through 85 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35 Education Code  
Reference: Section 101012(a)(8)

#### Section 1859.77.4. Addition to a Site and Modernization Additional Grant for High Performance.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b), if all the following are met:

- (1) The project meets the prerequisites in each of the six HPRC that are in the scope of the project.
- (2) If the project has been accepted by DSA, the points standard must be within the range from 25 to 81 points.
- (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
- (4) The project will not receive any funding from the Energy Efficiency Account.

(b) For an Addition to a Site or Modernization project in which the level of high performance attained as concurred by DSA is 25 points, the New Construction or Modernization Grant will be multiplied by:

- (1) two percent plus 0.035 percent for each point attained from 25 through 33 points; or
- (2) two percent plus 0.24 percent for each point attained from 34 through 40 points; or
- (3) four percent plus 0.36 percent for each point attained from 41 through 54 points; or
- (4) nine percent plus 0.060 percent for each point attained from 55 through 81 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35 Education Code  
Reference: Section 101012(a)(8)

## ATTACHMENT C

### Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

"Governmental Agency" shall include but is not limited to a public entity as defined in Government Code Section 7260(a) including California federally recognized or historically established tribal governments.

"Hazardous Material/Waste Removal Fund" shall mean the fund established pursuant to Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for hazardous material waste removal that will be provided at the Final Charter School Apportionment when actual costs are known.

"High Performance Rating Criteria" (HPRC) will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by using a point system adopted by the Green Building Initiative.

"High Performance School Account" means the funds set aside by the Board for purposes of Education Code Section 101012(a)8.

"High School Attendance Area (HSAA)" means an attendance area that serves a currently operated high school, other than a continuation school or a community school.

"High School District" means a school district that serves any combination of grades seven through twelve exclusively.

"High School Pupil" means a student in a school serving ninth through twelfth grade or any combination of ninth through twelfth grade.

"Higher Education" means an entity that is a public community college; a public college; a public university; or a nonprofit/accredited organization of higher education.

...

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, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

### Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and other characteristics of high performance schools.

Note: Authority cited: Section 17070.35 Education Code

Reference: Section 101012(a)(8)

### Section 1859.71.6. New Construction Additional Grant for High Performance

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:

(1) The project includes the prerequisites in each of the six HPRC.

(2) If the project has been accepted by DSA prior to August 24, 2007, the points standard must be within the range from 28 to 81 points. If the project has been accepted by DSA on or after August 24, 2007, the points standard must be within the range from 32 to 85 points.

(3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.

(4) The project will not receive funding from the Energy Efficiency Account.

(b) A New Construction Grant will be multiplied by the percentage allowance as follows:

- (1) For those projects accepted by DSA prior to August 24, 2007 in which the level of high performance attained as concurred by the DSA is 28 points, the New Construction Grant multiplied by:
- a. one percent plus 0.03 percent for each point attained from 28 through 33 points; or
  - b. one percent plus 0.12 percent for each point attained from 34 through 40 points; or
  - c. two percent plus 0.18 percent for each point attained from 41 through 81 points.
- (2) For those projects accepted by DSA on or after August 24, 2007, in which the level of high performance attained as concurred by DSA is 32 points, the New Construction Grant multiplied by:
- a. one percent plus 0.06 percent for each point attained from 32 through 33 points; or
  - b. one percent plus 0.12 percent for each point attained from 34 through 40 points; or
  - c. two percent plus 0.18 percent for each point attained from 41 through 85 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b) the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35 Education Code  
Reference: Section 101012(a)(8)

#### Section 1859.77.4. Addition to a Site and Modernization Additional Grant for High Performance.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:

- (1) The project meets the prerequisites in each of the six HPRC that are in the scope of the project.
- (2) If the project has been accepted by DSA, the points standard must be within the range from 25 to 81 points.
- (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
- (4) The project will not receive any funding from the Energy Efficiency Account.

(b) For an Addition to a Site or Modernization project in which the level of high performance attained as concurred by DSA is 25 points, the New Construction or Modernization Grant will be multiplied by:

- (1) one percent plus 0.02 percent for each point attained from 25 through 33 points; or
- (2) one percent plus 0.12 percent for each point attained from 34 through 40 points; or
- (3) two percent plus 0.18 percent for each point attained from 41 through 81 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35 Education Code  
Reference: Section 101012(a)(8)

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/06/09/06)

## GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE.
  - Preliminary appraisal of property.
  - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE (site apportionment only).
  - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
  - Site approval letter from the CDE.
  - Appraisal of district-owned site.
  - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

## SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "PT Number Generator."

### 1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 21 only.

### 2. Type of Project

- Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

- Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
  - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
  - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
  - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
  - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Sections 1859.71.2 or 1859.78.4.
- Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

### 3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

### 4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for details and necessary documentation needed in order to determine eligibility.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/06/09/06)

## 5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82 (a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82 (a) and (b) for eligibility criteria. Enter the:

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
  - 1) Enter 50 percent of the actual cost.
  - 2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
  - 3) Enter 50 percent of the allowable relocation cost.
  - 4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
  - 5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.
- g. If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82 (a) or (b).
- h. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.

- i. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3 (a)(3).
- j. [If the district is requesting an Additional Grant for High Performance pursuant to Section 1859.70.4, enter the number of High Performance Rating Points as prescribed in Section 1859.71.6 or Section 1859.77.4.](#)

## 6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5 (a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.

## 7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83 (e).

## 8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

## 9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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## 10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

## 11. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

## 12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

## 13. Adjustment to Baseline Eligibility

Complete only for new construction projects.

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP grants. These adjustments are made automatically by the OPSC based on information reported by the district on this form.

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown. Refer to Section 1859.51.
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

## 14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

## 15. Joint-Use Facility/Leased Property

Check the box if:

- The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- The new construction or modernization grants will be used for facilities located or to be located on leased property.

## 16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

## 17. Labor Compliance Program

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

## 18. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

## 19. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

## 20. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

## 21. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

**1. Type of Application—Check Only One**

- New Construction
- New Construction (Final Apportionment)
- New Construction (Final Charter School Apportionment)
- New Construction (Small High School Program)
- Modernization
- Modernization of California Schools for Deaf/Blind

**Separate Apportionment**

- Site Only—New Construction [Section 1859.81.1]
- Site Only (District owned)—New Construction [Section 1859.81.2]
- Site Only—Environmental Hardship [Section 1859.75.1]
- Design Only—New Construction [Section 1859.81.1]
- Design Only—Modernization
- Design Only—Modernization of California Schools for Deaf/Blind
- Facility Hardship [Section 1859.82(a)]
- Facility Hardship [Section 1859.82(b)]
- Rehabilitation [Section 1859.83(e)]
- Advance Funding for Evaluation and RA

**2. Type of Project**

- a.  Elementary School
- Middle School
- High School

**Total Pupils Assigned:**

K-6: \_\_\_\_\_  
 7-8: \_\_\_\_\_  
 9-12: \_\_\_\_\_  
 Non-Severe: \_\_\_\_\_  
 Severe: \_\_\_\_\_

- b.  50 Years or Older Building Funding (Modernization Only)

Total Eligible Classrooms/Square Footage: \_\_\_\_\_  
 Classroom/Square Footage at Least 50 Years Old: \_\_\_\_\_  
 Ratio of 50 Years Old Classrooms/Square Footage: \_\_\_\_\_ %  
 From 2a above, how many are 50 Year or Older Pupil Grants?

K-6: \_\_\_\_\_  
 7-8: \_\_\_\_\_  
 9-12: \_\_\_\_\_  
 Non-Severe: \_\_\_\_\_  
 Severe: \_\_\_\_\_

- c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)

K-6: \_\_\_\_\_  
 7-8: \_\_\_\_\_  
 9-12: \_\_\_\_\_  
 Non-Severe: \_\_\_\_\_  
 Severe: \_\_\_\_\_

- d. Is this a 6-8 school?  Yes  No

If you answered yes, how many K-6 pupils reported above are sixth graders? \_\_\_\_\_

- Is this an Alternative Education School?  Yes  No

- e.  Automatic Fire Detection/Alarm System

Automatic Sprinkler System

- f. Is this a use of grant request pursuant to Section 1859.77.2?  Yes  No

Is this request pursuant to Section 1859.77.2(c)?  Yes  No

If yes, enter date of successful bond election: \_\_\_\_\_

- Is this a use of grant request pursuant to Section 1859.77.3?  Yes  No

Is this request pursuant to Section 1859.77.3(c)?  Yes  No

If yes, enter date of successful bond election: \_\_\_\_\_

- g.  Facility Hardship (no pupils assigned)

**3. Number of Classrooms:**

Master Plan Acreage Site Size (Useable): \_\_\_\_\_

Recommended Site Size (Useable): \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

**4.  Financial Hardship Request—Must Have Pre-Approval by OPSC**

**5. New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) \_\_\_\_\_  
 Other (sq. ft.) \_\_\_\_\_

- b. Multilevel Construction (CRS): \_\_\_\_\_

- c.  Project Assistance

- d. Site Acquisition:

Leased Site

Additional Acreage to Existing Site

Addition to Existing Site

(1) 50 percent Actual Cost: \$ \_\_\_\_\_

(2) 50 percent Appraised Value: \$ \_\_\_\_\_

(3) 50 percent Relocation Cost: \$ \_\_\_\_\_

(4) 2 percent (min. \$25,000): \$ \_\_\_\_\_

(5) 50 percent DTSC Fee: \$ \_\_\_\_\_

- e. 50 percent hazardous waste removal: \$ \_\_\_\_\_

Response Action (RA)

- f. Site Development

50 percent Service-Site: \$ \_\_\_\_\_

50 percent Off-Site: \$ \_\_\_\_\_

50 percent Utilities: \$ \_\_\_\_\_

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

- g. Facility Hardship Section 1859.82(a) or (b)
  - Toilet (sq. ft.): \_\_\_\_\_
  - Other (sq. ft.): \_\_\_\_\_
- h. Replacement area
  - Toilet (sq. ft.): \_\_\_\_\_
  - Other (sq. ft.): \_\_\_\_\_
- i.  Energy Efficiency: \_\_\_\_\_ %
- j.  High Performance Rating Points: \_\_\_\_\_

**6. Modernization Additional Grant Request—Modernization Only**

- a.  Project Assistance
- b.  Energy Efficiency: \_\_\_\_\_ %
- c.  Site Development—60 percent utilities: \$ \_\_\_\_\_
- d.  Separate Apportionment for Reconfiguration (for Small High School Program only): \$ \_\_\_\_\_

**7. Excessive Cost Hardship Request**

**New Construction Only**

- Geographic Percent Factor: \_\_\_\_\_ %
- New School Project [Section 1859.83(c)(1)]
- New School Project [Section 1859.83(c)(2)]
- New School Project [Section 1859.83(c)(3)]
- Small Size Project
- Urban/Security/Impacted Site;  
If a new site, \$ \_\_\_\_\_ per Useable Acre [Section 1859.83(d)(2)(C)]

**Modernization Only**

- Rehabilitation/Mitigation [Section 1859.83(e)]: \$ \_\_\_\_\_ %
- Geographic Percent Factor: \_\_\_\_\_ %
- Handicapped Access/Fire Code (3 percent)
- Number of 2-Stop Elevators: \_\_\_\_\_
- Number of Additional Stops: \_\_\_\_\_
- Small Size Project
- Urban/Security/Impacted site

**8. Project Priority Funding Order—New Construction Only**

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # \_\_\_\_\_

Project meets:

- Density requirement pursuant to Section 1859.92(c)(3).
- Stock plans requirement pursuant to Section 1859.92(c)(4).
- Energy efficiency requirement pursuant to Section 1859.92(c)(6).

**9. Prior Approval Under the LPP**

New Construction: 22/ \_\_\_\_\_

Modernization: 77/ \_\_\_\_\_

**10. Prior Apportionment Under the SFP**

Site/Design—New Construction: 50/ \_\_\_\_\_

Design—Modernization: 57/ \_\_\_\_\_

**11. Preliminary Apportionment to Final Apportionment**

Preliminary Apportionment Application Number: # \_\_\_\_\_

**12. Alternative Developer Fee—New Construction Only**

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ \_\_\_\_\_

**13. Adjustment to Baseline Eligibility—New Construction Only**

- a. Additional Classroom(s) provided:
  - K-6: \_\_\_\_\_
  - 7-8: \_\_\_\_\_
  - 9-12: \_\_\_\_\_
  - Non-Severe: \_\_\_\_\_
  - Severe: \_\_\_\_\_
- b. Operational Grant (HSAA) only:
  - K-6: \_\_\_\_\_
  - 7-8: \_\_\_\_\_
  - 9-12: \_\_\_\_\_
  - Non-Severe: \_\_\_\_\_
  - Severe: \_\_\_\_\_

**14. Pending Reorganization Election—New Construction Only**

Yes  No

**15. Joint-Use Facility/Leased Property**

- a.  Joint-Use Facility
- b.  Leased Property

**16. Project Progress Dates**

- a. Construction Contract signed on: \_\_\_\_\_
- b. Notice to Proceed issued on: \_\_\_\_\_

**17. Labor Compliance Program**

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project?  Yes  No

**18. Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- Other: \_\_\_\_\_

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

**19. Architect of Record or Licensed Architect Certification**

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on \_\_\_\_\_ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)

\_\_\_\_\_  
ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

_____ SIGNATURE	_____ DATE
--------------------	---------------

**20. Architect of Record or Design Professional Certification**

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

\_\_\_\_\_  
ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

_____ SIGNATURE	_____ DATE
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**21. Certification**

I certify, as the District Representative, that the information reported on this form, with the exception of items 16 and 17, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/06/09/06)

- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and
- The district has considered the feasibility of using designs and materials for the construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING  
September 8, 2006

AB127 - INCREASE TO THE NEW CONSTRUCTION  
BASE GRANT

PURPOSE OF REPORT

To present proposed amendments to the School Facility Program (SFP) regulations.

BACKGROUND

A report was presented at the July 7, 2006 and again at the August 4, 2006 Implementation Committee Meeting to address the implementation of Education Code (EC) Section 17072.11, added pursuant to Assembly Bill 127, Chapter 35, Statutes of 2006 (AB 127). EC Section 17072.11 provides for an increase of seven percent for elementary and middle school projects and a four percent increase for high school projects. Beginning January 1, 2008, the State Allocation Board (SAB) also has the authority to increase the base grant up to six percent or decrease it by an amount determined every fiscal year based on the current construction costs. Staff presented information on how the New Construction Base Grant was to be determined and how the Construction Cost Index (CCI) was used to bring it up to current costs. Based on the Staffs' proposal correlating the recommended change in the base grant with the CCI increase, the Committee requested that regulations be developed to clarify the SAB's flexibility when adjusting the New Construction Base Grant. There was also a discussion on the best way to capture the current costs to build schools so that Staff can make recommendations to the SAB regarding the amount of the base grant increase/decrease. Staff stated that proposed regulations would be presented at the next available Implementation Committee Meeting.

AUTHORITY

See Attachment A

DISCUSSION

***Grant Increase***

As previously discussed, starting January 1, 2008, the SAB has the authority to annually increase the per pupil base grant amount by up to six percent, or reduce the per pupil base grant amount by an amount determined based on an analysis of the current costs to build a school. AB 127 allows for changes in the base grant amount every year to be adjusted for the current costs of new school construction; therefore, Staff's recommendations will be based on information relating to actual project costs that are reviewed on an annual basis. Staff further recommends that the increases/decreases be determined by an analysis of the correlating costs of building new schools versus the total grant that is currently provided in law, taking into account the adjustment for the current CCI. The proposed regulation changes clarify that the SAB's authority is not limited to the Staff's recommendations and can adjust the new construction base grant independent from the yearly CCI adjustment. It is anticipated that the first report on the cost to build new schools will be presented in June 2007; however, any adjustments will not be made until January 2008 as provided for in the law. The law gives the authority to adjust the new construction base grant within a fiscal year. Since the CCI is adjusted each January, it is probable that any new construction base grant adjustments will be done concurrently.

***Amendments to Fund Release Authorization (Form SAB 50-05) and Expenditure Report (Form SAB 50-06)***

In order to capture the most current costs to construct schools, Staff proposed to make changes to the Form SAB 50-05 and the Form SAB 50-06. These changes would include, but not be limited to, gathering information regarding actual project costs, bid information, type of buildings being constructed, square footage, etc. Staff has amended the forms to include detailed project information that will be used to make a recommendation to the Board to determine the increase/decrease in the base grant.

Staff will analyze the information submitted to determine the current construction climate and how it is affecting the cost to build schools. Staff will determine the cost per square foot by comparing the square footage in the project vs. the total building cost, what facilities are being constructed, if facilities have been reduced in size or removed in order to stay within the district's budget, if districts are building core facilities for the pupil grants in the project, or if they are building to a master plan. If districts are building to a master plan, then the square footage and cost per square foot will be pro-rated to adjust for the master plan and to get a more accurate view of the project costs. Staff will also be reviewing the type of buildings that are being built, including if districts have to use modular or portable classrooms instead of stick-built in order to meet their budget. Other factors to be reviewed include whether the projects include optional or required local design features, or if districts are re-using plans and if the re-use is resulting in cost-savings. These are all aspects of the projects that will be considered when looking at the cost to build a school compared to the grants provided by the State.

#### RECOMMENDATION

Present the proposed regulation amendments to the SAB.

Section 1859.71. Adjustment to the New Construction Grant.

The new construction per-unhoused-pupil grant amount, as provided by Education Code Section 17072.10(a), will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January. The base Class B Construction Cost Index shall be 1.30 and the first adjustment shall be January, 1999.

The new construction per unhoused-pupil grant amount, as provided by Education Code Section 17072.10(a), will be increased by an amount not to exceed six percent in a fiscal year or decreased based on the analysis of the current cost to build schools as reported on the Forms SAB 50-05 and 50-06 and as approved by the Board.

For any changes or additions to the regulations adopted by the Board in 1999, those changes shall be adjusted in accordance with this Section at the time the regulations are adopted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17072.10, 17072.11 Education Code.

**FUND RELEASE AUTHORIZATION**  
**SCHOOL FACILITY PROGRAM****GENERAL INSTRUCTIONS INFORMATION****(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).
- Check the box(es) in Part IV for release of new construction or modernization funds and enter the appropriate dates:
  - a. Issue date of the Notice to Proceed for the construction phase of the project; and
  - b. Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box in Part VIII that identifies the construction delivery method that the district utilized for this project.

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

1. Signature page of the contract(s) that meets the requirement for a fund release (Part IV and/or VI).
2. Notice to Proceed(s).
3. For projects that require a Labor Compliance Program:
  - All school district and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
  - Third party contract(s).

For the purposes of completing this form to obtain a fund release for a Final Charter School Apportionment, a charter school shall be treated as a school district.

**SPECIFIC INSTRUCTIONS****Part I. Preliminary Apportionment—Design Only**

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 859.149(a)(2).

**Part II. Preliminary Charter School Apportionment**

Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2

**Part III. Separate Site Apportionment**

Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

**Part IV. New Construction/Modernization**

Check the box(es) for release of new construction or modernization funds and enter the following:

- a. Enter the percent of the construction the district has under binding contract(s).
- b. Issue date of the Notice to Proceed for the construction phase of the project; and
- c. Signature date of the initial construction contract entered into by the district for this project.

**Part V. New Construction—Site Acquisition Only**

Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

**Part VI. Joint-Use Projects**

Check the boxes if the district is requesting release of joint-use project funds.

**Part VII. Identify District and Joint-Use Partners' Funding Sources**

Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

**Part VIII. Identify District's Construction Delivery Method**

Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

**Part IX. Project Information—New Construction Only**

For new construction projects that complete Part IV, complete all parts of this section. Attach to this form the accepted bid documents including additive/deductive alternates.

**A. General Project Information:**

1. Enter the number of classrooms that are included in the construction contract(s).
2. Enter the capacity of the project based on single track use (disregard multi-track year round loading) and local district loading standards. Based on teacher contracts and/or local loading standards this number may be different from the number of pupils requested on the Application for Funding (Form SAB 50-04).
3. Enter the total building square footage of the project. When calculating the square footage, include the total enclosed exterior square footage of the school

# FUND RELEASE AUTHORIZATION

## SCHOOL FACILITY PROGRAM

SAB 50-05 (REV 02/05/08/06)

building(s). Do not include un-enclosed corridor area. Enter the cost per square foot. To determine the cost per square foot, divide the total building square footage as reported by the total building cost, excluding site development.

- a. From the total square footage entered above, enter the amount of square footage that is considered permanent (including modular buildings).
  - b. From the total square footage entered above, enter the amount of square footage that is considered portable per Education Code Section 17070.15(j).
4. Enter the recommended site size, as determined by the CDE. Enter the number of pupils that was used to determine the recommended site size.
  5. Enter the master plan site size, as reported to the CDE on the Form 4.02 or other documentation submitted. Enter the number of pupils that was used to determine the master plan site size.

### B. Financial Information (do not include site acquisition dollars):

#### 1. Funds Available

- Enter the amount of any interest earned on State funds for this project.
- Enter the amount of the local contribution, do not include any funds that were part of the local contribution for a joint-use project (if applicable).

#### 2. Bid/Contract Data

- a. Enter the accepted base bid amount prior to any accepted additive/deductive alternates for all contracts. If there is more than one contract signed (e.g., multi-prime, etc.) please enter the total of all base bids.
- b. Enter the amount of all accepted additive/deductive alternates for all contracts.
- c. Enter the amount of the total construction contract. Include the amount of any change orders.
  - 1) Enter the amount of the building cost in the contract(s).
  - 2) Enter the amount of the site development work, including service site, offsite, utilities, and general site, included in the contract(s).

#### 3. Estimated Remaining Project Cost Not Yet Contracted

- Enter the amount of the estimated remaining project cost not yet contracted, invoiced or obligated (e.g., furniture and equipment, portions of work not yet bid, etc.) that are necessary for the completion of this project. Do not include any costs that are reported in 4.

#### 4. Soft Costs

- Enter the amount of soft costs for the project (e.g., tests and inspections, architect fees). Do not include any costs reported in 3.

#### 5. Total Project Cost

- Enter the amount of the total project cost. This amount should be equal to the sum of 2c, 3 and 4.

#### Additional Bid Data

- Enter the number of bidders who bid this project. If more than one contract was signed, please attach a separate listing of all trades, the number of bidders per package, and the dates each respective bid was opened.
- Enter the date(s) the bid(s) opened.
- Describe the additive/deductive alternates. Include the amount of square footage included in the additive/deductive alternates, if applicable.

#### 6. Joint-Use Information

- Check the yes box if the project includes a joint use partner, even if the joint-use project does not include State funding. Enter the OPSC application number, if applicable. If the project does not include a joint-use partner, check no.
- If applicable, enter the name of the joint use partner and what facilities are included as part of the joint use project.
- Check the yes box if the joint-use partner pledged or contributed capital funding towards this project. If not, check the no box.
- Enter the dollar amount the joint-use partner is contributing.

### C. Detailed Project Information:

- For each of the core facilities listed in this section, enter the quantity built and the square footage of each facility. For purposes of the gymnasium include shower, locker, toilet, and office areas. For multi-purpose rooms, include the toilet area. The total square footage listed should not exceed the total project square footage listed in Part A of this section. For purposes of identifying square footage, include the total enclosed exterior square footage of the buildings. Do not report any area more than once. Please enter the approximate cost for each of the "other areas" which include square footage.
- List the core facilities from this section that were built to the number of pupils for the master plan enrollment.

### D. Additional Information:

1. Check yes if the project did not include all the necessary core facilities or classrooms at the design phase or if any core facilities or classrooms were changed (e.g., stick built to portable) or removed during the design or construction phase. If no facilities were excluded or changed, check no.
  - a. Check yes if core facilities or classrooms were not included or if they were changed or removed from the project during the design phase. If no facilities were excluded or changed, check no. If you checked yes, check the box(es) that most resembles the reason why the facilities were changed or excluded.
  - b. Check yes if core facilities or classrooms were not included or if they were changed or removed from the project during the construction phase. If no facilities were excluded or changed, check no. If you checked yes, check the box(es) that most resembles the reason why the facilities were changed or excluded.

Please explain any features that were excluded, changed or removed.

- c. Describe any district-selected or local mandated design features that were added to the project over and above the educational specifications. For example: bell tower, bridges between buildings, all brick exteriors, tile roofing, stadiums, or swimming pools. Enter the estimated or known cost of each of these features.
2. Check the yes box if there were any local requirements or ordinances the district had to meet. For example, building a bridge, road, street improvements, utilities, snow load, or seismic. If not, check no.
    - If the State funded these mandates, check the yes box. If not check no.
    - If you checked yes on the previous box, enter the amount of State funding received.

**FUND RELEASE AUTHORIZATION**  
**SCHOOL FACILITY PROGRAM**

- Check the yes box if the costs of the mandated work was in the construction contract. If not, check no.
  - Describe the local requirement(s) and any associated costs to meet the requirement(s).
3. Enter the percentage of the main components of the permanent building(s) envelope. Enter the type of roofing used for this project.
  4. Check the yes box if this project is a re-use of plans. If not, check no.
    - If the project is a re-use of plans, enter the number of times the plans have been re-used and the date the plans were first built.
    - Enter the building and site development costs of the original project.
- Check the yes box if changes were made to the original plans (classrooms/core facilities added/deleted) on the subsequent use(s). If not, check no.
  - List the changes that were made to the plans (classrooms/core facilities added/deleted) on the subsequent use(s).
  - Enter the building and site development costs on the subsequent projects.
  - Check the yes box if the re-use of the plans resulted in cost savings. If not, check no.
  - Enter the amount that was saved, if any, on subsequent re-uses of the plans.
5. Please provide any additional information about this project that you think will be helpful in completing the analysis.

DRAFT

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

**Part I. Preliminary Apportionment—Design Only**

- The district certifies it has complied with Section 1859.149(a).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

**Part II. Preliminary Charter School Apportionment**

**A. Design Only**

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

- The Charter School certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.

**B. Separate Site Apportionment**

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

- Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The Charter School certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.

**Part III. Separate Site Apportionment**

- RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

- Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

**Part IV. New Construction/Modernization**

District must be able to check both boxes:

- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction (must be as least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**Part V. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

**Part VI. Joint-Use Projects**

- The district certifies that the Joint-Use Partners' financial contribution has either:
  - been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction (must be as least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

**FUND RELEASE AUTHORIZATION**  
**SCHOOL FACILITY PROGRAM**

**Part VII. Identify District and Joint-Use Partners' Funding Sources**

- Available bond funds such as general obligation, or Mello-Roos.
- Available developer fees, proceeds from the sale of surplus property, or federal grants.
- Other funds available (identify) \_\_\_\_\_
- Funds already expended by the district for the project.
- Funds already expended by the Joint-Use Partners for the project.
- Future revenue sources to be used for the project (identify) \_\_\_\_\_

**Part VIII. Identify District's Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- Other: \_\_\_\_\_

**Part IX. Project Information—New Construction Only**

**A. GENERAL PROJECT INFORMATION**

**Project Pupil Capacity**

1. Number of Classrooms In Contract: \_\_\_\_\_
  2. Capacity of project based on single track use and local district loading standard): \_\_\_\_\_
  3. Total Building Square Footage: \_\_\_\_\_  
 a. Permanent Area (including modular): \_\_\_\_\_  
 b. Portable Area: \_\_\_\_\_
  4. CDE Recommended Acreage: \_\_\_\_\_
  5. CDE Master Plan Acreage: \_\_\_\_\_
- Cost per Square Foot: \$ \_\_\_\_\_
- Based on how many pupils? \_\_\_\_\_
- Based on how many pupils? \_\_\_\_\_

**B. FINANCIAL INFORMATION**

Do not include site acquisition dollars

**1. Funds Available**

- Interest Earned on State Apportionment for this project: \$ \_\_\_\_\_
- Total Local Contribution (excluding Joint Use): \$ \_\_\_\_\_

**2. Bid/Contract Data**

- a. Bid Amount prior to additive/deductive alternates: \$ \_\_\_\_\_
- b. Amount of accepted additive/deductive alternates: \$ \_\_\_\_\_
- c. Total Contract Cost: \$ \_\_\_\_\_
- 1) Building Cost in Contract: \$ \_\_\_\_\_
  - 2) Site Development in Contract: \$ \_\_\_\_\_

**PROJECT COST UNDER CONTRACT  
(INCLUDE ALL SOURCES OF FUNDING)**

3. Estimated Remaining Project Cost Not Yet Contracted: \$ \_\_\_\_\_
4. Soft Costs (e.g., tests and inspections, architect fees): \$ \_\_\_\_\_
5. Total Project Cost (Sum of 2c, 3 and 4): \$ \_\_\_\_\_

**Additional Bid Information**

How many bidders bid the project? \_\_\_\_\_

What date did the bids open? \_\_\_\_\_

Please describe the additive/deductive alternates: \_\_\_\_\_

Square Footage? \_\_\_\_\_

**5. Joint-Use Information**

- Did the project include a joint-use partner?  Yes  No OPSC application number (if applicable): \_\_\_\_\_
- If yes, who was the joint-use partner and which facilities are involved? \_\_\_\_\_
- Did the joint-use partner pledge or contribute any capital funding towards the construction of the project?  Yes  No
- If yes, how much? \$ \_\_\_\_\_

**C. DETAILED PROJECT INFORMATION**

Please check those facilities included in the project. For purposes of determining square footage, please only include the total enclosed exterior square footage. The total square footage listed below should not exceed the total project square footage listed above. Please do not report any area more than once.

	<u>QTY</u>	<u>TOTAL SQ FT</u>	
<input type="checkbox"/> <b>Media Center/Library</b>	_____	_____	
<input type="checkbox"/> <b>Multi Purpose Room</b>	_____	_____	
<input type="checkbox"/> <b>Gymnasium</b>	_____	_____	
<input type="checkbox"/> <b>Administration</b>		_____	
<input type="checkbox"/> <b>Kitchen Area</b>			
<input type="checkbox"/> Central Kitchen		_____	
<input type="checkbox"/> Warming Kitchen		_____	
<input type="checkbox"/> Full Service Kitchen		_____	
<input type="checkbox"/> Central Kitchen serving other sites		_____	
<input type="checkbox"/> Food Kiosks		_____	
<input type="checkbox"/> <b>Other Area</b>			<b><u>APPROXIMATE COST</u></b>
<input type="checkbox"/> Facilities for dance, theater and visual arts (Performing Arts)		_____	\$ _____
<input type="checkbox"/> Stadium (seating capacity in lieu of square footage)		_____	\$ _____
<input type="checkbox"/> Lighting for evening games		_____	\$ _____
<input type="checkbox"/> Other		_____	\$ _____
Provide description (e.g., swimming pool): _____			
<input type="checkbox"/> Other Area as required by local educational specifications		_____	\$ _____
Provide description: _____			

Of the above core facilities (indicated by **boldface** type), which were built based on the number of pupils for the Master Plan Enrollment?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. ADDITIONAL INFORMATION**

Please answer the following questions in the space provided. If additional space is needed you may attach additional pages.

**1. Were any classrooms or core facilities changed, removed, or not included in the design or construction phase of the project?**  Yes  No

Check more than one reason if necessary. For example, local educational specifications did not require it or budgetary constraints prohibited the inclusion of it.

a. Design  Yes  No

- Project Budgetary Constraints
- Subsequent Phase in Project
- Other (Board Policy, Local Ed Specs)

b. Construction  Yes  No

- Project Budgetary Constraints
- Subsequent Phase in Project
- Other (Board Policy, Local Ed Specs)

Please explain: \_\_\_\_\_  
 \_\_\_\_\_

c. What district-selected or local mandated design features (architectural or otherwise) were added to the project that exceed the educational specifications (i.e., bell tower, all brick exteriors, tile roof, stadiums, swimming pools etc.)? \_\_\_\_\_ Cost: \$ \_\_\_\_\_

**2. Were there any local requirements or ordinances the district had to meet (i.e., road, street improvements, utilities, snow load, seismic)?**  Yes  No

If yes, did the State fund these mandates?  Yes  No Cost: \$ \_\_\_\_\_

If yes, were these costs included in the contract?  Yes  No

If yes, please specify the local requirement and the associated cost. \_\_\_\_\_

**3. What materials are the main components of this project's building envelope?**

Please indicate the percentage of each type of material used.

- Brick: \_\_\_\_\_ %
- Stucco: \_\_\_\_\_ %
- Siding: \_\_\_\_\_ %
- Concrete: \_\_\_\_\_ %
- Type of Roofing: \_\_\_\_\_

**4. Did you utilize existing architectural plans from another project?**  Yes  No

If yes, how many times were these plans re-used? \_\_\_\_\_

What was the cost of the original project? Building: \$ \_\_\_\_\_ Site Development: \$ \_\_\_\_\_ Year Built: \_\_\_\_\_

Were there any changes to the plans for any subsequent projects (i.e., buildings added or excluded)?  Yes  No

If yes, what were the changes? \_\_\_\_\_

What was the cost of subsequent projects? Building: \$ \_\_\_\_\_ Site Development: \$ \_\_\_\_\_

Did the re-use of plans result in a cost savings?  Yes  No

If yes, how much was saved? \$ \_\_\_\_\_

**5. Comments**

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

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

- The site where buildings will be modernized must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The district has ~~or will~~ initiated and will enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
 SCHOOL FACILITY PROGRAM  
 SAB 50-06 (REV 09/02)

STATE ALLOCATION BOARD  
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL DISTRICT		APPLICATION NUMBER
BUSINESS ADDRESS		REPORT NUMBER
COUNTY		PERIOD ENDING
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS

**INSTRUCTIONS – (refer to Title 2, California Code of Regulations Sections 1859.104 through 1859.106)**

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the date construction actually began as stated in the architect's notice to proceed to the contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "\$0" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. Enter the amount of district funds or Joint-use Partner(s) funds contributed towards the project.
8. Enter the amount of State warrants received towards the project.
9. Enter the amount of interest earned on State and district funds.

10. Enter the total amount spent from State and district funds. Provide a detailed listing of each expenditure by warrant, the date of the warrant, payee, warrant number, and description/purpose of the expenditure. Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately. The use of a transaction record, in lieu of warrant numbers, is acceptable for force account expenditures. Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79. Contact the Office of Public School Construction for an EXCEL worksheet which may be used to assist the district in reporting these expenditures at the OPSC Web site at [www.opsc.dgs.ca.gov/](http://www.opsc.dgs.ca.gov/).
11. Enter the State funds remaining after all project costs are paid. (sum of lines 7, 8, and 9 and subtract line 10).
12. If applicable, enter the district's SFP financial hardship project(s) that savings from this project will be used.

1. PERCENT OF PROJECT COMPLETED	2. NOTICE TO PROCEED DATE	3. NOTICE OF COMPLETION DATE	4. PREVIOUS REPORT	5. REPORT PERIOD	6. TOTAL TO DATE
7. DISTRICT FUNDS OR JOINT-USE PARTNER(S) CONTRIBUTION					
8. STATE FUNDS					
9. INTEREST EARNED					
10. PROJECT EXPENDITURES					
11. TOTAL PROJECT SAVINGS					

**Submit to:**  
 Department of General Service  
 Office of Public School Construction  
 Attn: SFP Audit  
 1130 K Street, Suite 300  
 Sacramento, CA 95814

12. If applicable, list the School Facility Program hardship projects and the amount of the savings that will be used:

PROJECT NUMBER _____	PROJECT NUMBER _____
_____	_____

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; 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 construction of this project; and,
- 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 _____
--	------------

**INSTRUCTIONS (Refer to Title 2, California Code of Regulations Sections 1859.104 and 1859.106)**

For purposes of completing this form enter the total amount spent for the project, including expenditures that may exceed the State and district shares authorized by the State Allocation Board.

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the earliest issue date of the notice to proceed to the construction contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "so" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current report period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. If applicable, enter the district's future SFP financial hardship project(s) that savings from this project will be applied.
8. Complete all sections for new construction projects that have received an adjusted grant fund release. If project information was previously provided, please update to include the most current information. Attach to this form accepted bid documents including additive/deductive alternates.

**A. General Project Information:**

1. Enter the number of classrooms that are included in the construction contract(s).
2. Enter the capacity of the project based on single track use (disregard multi-track year round loading) and local district loading standards. Based on teacher contracts and/or local loading standards, this number may be different from the number of pupils requested on the Application for Funding (Form SAB 50-04).
3. Enter the total building square footage of the project. When calculating the square footage, include the total enclosed exterior square footage of the school building(s). Do not include un-enclosed corridor area. Enter the cost per square foot. To determine the cost per square foot, divide the total building square footage as reported by the total building cost, excluding site development.
  - a. From the total square footage entered above, enter the amount of square footage that is considered permanent (including modular buildings).
  - b. From the total square footage entered above, enter the amount of square footage that is considered portable per Education Code Section 17070.15(j).
4. Enter the recommended site size, as determined by the California Department of Education (CDE). Enter the number of pupils that was used to determine the recommended site size.
5. Enter the master plan site size, as reported to the CDE on the Form 4.02 or other documentation submitted. Enter the number of pupils that was used to determine the master plan site size.

**B. Financial Information (do not include site acquisition dollars):**

1. Funds Available
    - Enter the amount of any interest earned on State funds for this project.
    - Enter the amount of the local contribution, do not include any funds that were part of the local contribution for a joint-use project (if applicable).
  2. Bid/Contract Data
    - a. Enter the accepted base bid amount prior to any accepted additive/deductive alternates for all contracts. If there is more than one contract signed (e.g. multi-prime, etc.) please enter the total of all base bids.
    - b. Enter the amount of all accepted additive/deductive alternates for all contracts.
    - c. Enter the amount of the total construction contract. Include the amount of any change orders.
      - 1) Enter the amount of the building cost in the contract(s).
      - 2) Enter the amount of the site development work, including service site, offsite, utilities, and general site, included in the contract(s).
  3. Estimated Remaining Project Cost Not Yet Contracted
    - Enter the amount of the estimated remaining project cost not yet contracted, invoiced or obligated (e.g., furniture and equipment, portions of work not yet bid, etc.) that are necessary for the completion of this project. Do not include any costs that are reported in 4.
  4. Soft Costs
    - Enter the amount of soft costs for the project (e.g., tests and inspections, architect fees). Do not include any costs reported in 3.
  5. Total Project Cost
    - Enter the amount of the total project cost including soft costs (e.g., tests and inspections, architect fees). This amount should be equal to the sum of 2c, 3 and 4.
- Additional Bid Data
- Enter the number of bidders who bid this project. If more than one contract was signed, please attach a separate listing of all trades, the number of bidders per package, and the dates each respective bid was opened.
  - Enter the date(s) the bid(s) opened.
  - Describe the additive/deductive alternates. Include the amount of square footage included in the additive/deductive alternates, if applicable.
6. Joint-Use Information
    - Check the yes box if the project includes a joint use partner, even if the joint-use project does not include State funding. Enter the Office of Public School Construction (OPSC) application number, if applicable. If the project does not include a joint-use partner, check no.

- If applicable, enter the name of the joint use partner and what facilities are included as part of the joint use project.
- Check the yes box if the joint-use partner pledged or contributed capital funding towards this project. If not, check the no box.
- Enter the dollar amount the joint-use partner is contributing.

**C. Detailed Project Information:**

- For each of the core facilities listed in this section, enter the quantity built and the square footage of each facility. For purposes of the gymnasium include shower, locker, toilet, and office areas. For multi-purpose rooms, include the toilet area. The total square footage listed should not exceed the total project square footage listed in Part A of this section. For purposes of identifying square footage, include the total enclosed exterior square footage of the buildings. Do not report any area more than once. Please enter the approximate cost for each of the "other areas" which include square footage.
- List the core facilities from this section that were built to the number of pupils for the master plan enrollment.

**D. Additional Information:**

1. Check yes if the project did not include all the core facilities or classrooms at the design phase or if any core facilities or classrooms were changed (e.g., stick-built to portable) or removed during the design or construction phase. If no facilities were excluded or changed, check no.
  - a. Check yes if core facilities or classrooms were not included or if they were changed or removed from the project during the design phase. If no facilities were excluded or changed, check no. If you checked yes, check the box(es) that most resembles the reason why the facilities were changed or excluded.
  - b. Check yes if core facilities or classrooms were not included or if they were changed or removed from the project during the construction phase. If no facilities were excluded or changed, check no. If you checked yes, check the box(es) that most resembles the reason why the facilities were changed or excluded.

Please explain any features that were excluded, changed or removed.

- c. Describe any district-selected or local mandated design features that were added to the project over and above the educational specifications. For example: bell tower, bridges between buildings, all brick exteriors, tile roofing, stadiums, or swimming pools. Enter the estimated or known cost of each of these features.
2. Check the yes box if there were any local requirements or ordinances the district had to meet. For example, building a bridge, road, street improvements utilities, snow load, or seismic. If not, check no.
    - If the State funded these mandates, check the yes box. If not check no.
    - If you checked yes on the previous box, enter the amount of State funding received.
    - Check the yes box if the costs of the mandated work was in the construction contract. If not, check no.
    - Describe the local requirement(s) and any associated costs to meet the requirement(s).

3. Enter the percentage of the main components of the permanent building(s) envelope. Enter the type of roofing used for this project.
4. Check the yes box if this project is a re-use of plans. If not, check no.
  - If the project is a re-use of plans, enter the number of times the plans have been re-used and the date the plans were first used.
  - Enter the building and site development costs of the original project.
  - Check the yes box if changes were made to the original plans (classrooms/core facilities added/deleted) on the subsequent use(s). If not, check no.
  - List the changes that were made to the plans (classrooms/core facilities added/deleted) on the subsequent use(s).
  - Enter the building and site development costs on the subsequent projects.
  - Check the yes box if the re-use of the plans resulted in cost savings. If not, check no.
  - Enter the amount that was saved, if any, on subsequent re-uses of the plans.
5. Please provide any additional information about this project that you think will be helpful in completing the analysis.

Provide a detailed listing of each expenditure listing items by:

- Warrant, date of warrant, payee, warrant number, and description/purpose of the expenditure.
- Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately.
- The use of a transaction record, in lieu of warrant number, is acceptable for force account expenditures.
- Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79.

Go to the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for the Expenditure Worksheet (an Excel worksheet) which may be used to assist in reporting these expenditures.

Submit completed form to: **Department of General Services**  
**Office of Public School Construction**  
**Attn: SFP Audit**  
**1130 K Street, Suite 400**  
**Sacramento, CA 95814**

STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
**SCHOOL FACILITY PROGRAM**

SAB 50-06 (REV 09/02/08/06)

SCHOOL DISTRICT		COUNTY	APPLICATION NUMBER
BUSINESS ADDRESS/CITY			REPORT NUMBER
SCHOOL NAME	DSA NUMBER	COS NUMBER	PERIOD ENDING
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	

1. **Percent of Project Complete:** \_\_\_\_\_
2. **Notice to Proceed Issue Date:** \_\_\_\_\_
3. **Notice of Completion Date:** \_\_\_\_\_

	4. Previous Report	5. Report Period	6. Total to Date
District Funds or Joint-Use Partner(s) Contribution			
State Funds			
Interest Earned			
Project Expenditures			

7. **If applicable, list the amount of savings from this financial hardship project that will be used to reduce the grant of a future School Facility Program financial hardship project which has not yet been apportioned. Attach written declaration of savings pursuant to Section 1859.103.**

Project Number \_\_\_\_\_ Amount of Savings \$ \_\_\_\_\_  
 Project Number \_\_\_\_\_ Amount of Savings \$ \_\_\_\_\_

8. **Project Information — New Construction Only**

A. **GENERAL PROJECT INFORMATION**

**Project Pupil Capacity**

1. Number of Classrooms in Contract: \_\_\_\_\_
2. Capacity of project based on single track use and local district loading standard): \_\_\_\_\_
3. Total Building Square Footage: \_\_\_\_\_ Cost per Square Foot: \$ \_\_\_\_\_
  - a. Permanent Area (including modular): \_\_\_\_\_
  - b. Portable Area: \_\_\_\_\_
4. CDE Recommended Acreage: \_\_\_\_\_ Based on how many pupils? \_\_\_\_\_
5. CDE Master Plan Acreage: \_\_\_\_\_ Based on how many pupils? \_\_\_\_\_

B. **FINANCIAL INFORMATION**

Do not include site acquisition dollars

1. **Funds Available**

Interest Earned on State Apportionment for this project: \$ \_\_\_\_\_  
 Total Local Contribution (excluding Joint Use): \$ \_\_\_\_\_

**PROJECT COST UNDER CONTRACT  
 (INCLUDE ALL SOURCES OF FUNDING)**

2. **Bid/Contract Data**

- a. Bid Amount prior to additive/deductive alternates: \$ \_\_\_\_\_
- b. Amount of accepted additive/deductive alternates: \$ \_\_\_\_\_
- c. Total Contract Cost \$ \_\_\_\_\_
  - 1) Building Cost in Contract: \$ \_\_\_\_\_
  - 2) Site Development in Contract: \$ \_\_\_\_\_

- 3. **Estimated Remaining Project Cost Not Yet Contracted:** \$ \_\_\_\_\_
- 4. **Soft Costs (e.g., tests and inspections, architect fees):** \$ \_\_\_\_\_
- 5. **Total Project Cost (Sum of 2c, 3 and 4):** \$ \_\_\_\_\_

**Additional Bid Information**

How many bidders bid the project? \_\_\_\_\_  
 What date did the bids open? \_\_\_\_\_  
 Please describe the additive/deductive alternates: \_\_\_\_\_  
 Square Footage? \_\_\_\_\_

**6. Joint-Use Information**

Did the project include a joint-use partner?  Yes  No OPSC application number (if applicable): \_\_\_\_\_  
 If yes, who was the joint-use partner and which facilities are involved? \_\_\_\_\_  
 Did the joint-use partner pledge or contribute any capital funding towards the construction of the project?  Yes  No  
 If yes, how much? \$ \_\_\_\_\_

**C. DETAILED PROJECT INFORMATION**

Please check those facilities included in the project. For purposes of determining square footage, please only include the total enclosed exterior square footage. The total square footage listed below should not exceed the total project square footage listed above. Please do not report any area more than once.

	QTY	TOTAL SQ FT	
<input type="checkbox"/> <b>Media Center/Library</b>	_____	_____	
<input type="checkbox"/> <b>Multi Purpose Room</b>	_____	_____	
<input type="checkbox"/> <b>Gymnasium</b>	_____	_____	
<input type="checkbox"/> <b>Administration</b>	_____	_____	
<input type="checkbox"/> <b>Kitchen Area</b>			
<input type="checkbox"/> Central Kitchen	_____	_____	
<input type="checkbox"/> Warming Kitchen	_____	_____	
<input type="checkbox"/> Full Service Kitchen	_____	_____	
<input type="checkbox"/> Central Kitchen serving other sites	_____	_____	
<input type="checkbox"/> Food Kiosks	_____	_____	
<input type="checkbox"/> <b>Other Area</b>			<b>APPROXIMATE COST</b>
<input type="checkbox"/> Facilities for dance, theater and visual arts (Performing Arts)	_____	_____	\$ _____
<input type="checkbox"/> Stadium (seating capacity in lieu of square footage)	_____	_____	\$ _____
<input type="checkbox"/> Lighting for evening games	_____	_____	\$ _____
<input type="checkbox"/> Other	_____	_____	\$ _____
Provide description (e.g., swimming pool): _____			
<input type="checkbox"/> Other Area as required by local educational specifications	_____	_____	\$ _____
Provide description: _____			

Of the above core facilities (indicated by **boldface** type), which were built based on the number of pupils for the Master Plan Enrollment?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. ADDITIONAL INFORMATION**

Please answer the following questions in the space provided. If additional space is needed you may attach additional pages.

**1. Were any classrooms or core facilities changed, removed, or not included in the design or construction phase of the project?**  Yes  No

Check more than one reason if necessary. For example, local educational specifications did not require it or budgetary constraints prohibited the inclusion of it.

a. Design  Yes  No

- Project Budgetary Constraints
- Subsequent Phase in Project
- Other (Board Policy, Local Ed Specs)

b. Construction  Yes  No

- Project Budgetary Constraints
- Subsequent Phase in Project
- Other (Board Policy, Local Ed Specs)

Please explain: \_\_\_\_\_

c. What district-selected or local mandated design features (architectural or otherwise) were added to the project that exceed the educational specifications (i.e., bell tower, all brick exteriors, tile roof, stadiums, swimming pools etc.)? \_\_\_\_\_ Cost: \$ \_\_\_\_\_

**2. Were there any local requirements or ordinances the district had to meet (i.e., road, street improvements, utilities, snow load, seismic)?**  Yes  No

If yes, did the State fund these mandates?  Yes  No Cost: \$ \_\_\_\_\_

If yes, were these costs included in the contract?  Yes  No

If yes, please specify the local requirement and the associated cost. \_\_\_\_\_

**3. What materials are the main components of this project's building envelope?**

Please indicate the percentage of each type of material used.

Brick: \_\_\_\_\_ %

Stucco: \_\_\_\_\_ %

Siding: \_\_\_\_\_ %

Concrete: \_\_\_\_\_ %

Type of Roofing: \_\_\_\_\_

**4. Did you utilize existing architectural plans from another project?**  Yes  No

If yes, how many times were these plans re-used? \_\_\_\_\_

What was the cost of the original project? Building: \$ \_\_\_\_\_ Site Development: \$ \_\_\_\_\_ Year Built: \_\_\_\_\_

Were there any changes to the plans for any subsequent projects (i.e., buildings added or excluded)?  Yes  No

If yes, what were the changes? \_\_\_\_\_

What was the cost of subsequent projects? Building: \$ \_\_\_\_\_ Site Development: \$ \_\_\_\_\_

Did the re-use of plans result in a cost savings?  Yes  No

If yes, how much was saved? \$ \_\_\_\_\_

**5. Comments**

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

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; 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 construction of this project; and,
- 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

## ATTACHMENT A

### Assembly Bill No. 127

#### CHAPTER 35

An act to amend Sections 17070.40, 17072.35, 17075.10, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17261, and 81130.3 of, to add Sections 17070.96, 17072.11, and 81052 to, to add Article 13 (commencing with Section 17078.70) and Article 14 (commencing with Section 17079) to Chapter 12.5 of Part 10 of, and to add Part 69 (commencing with Section 101000) to, the Education Code, to amend Section 65997 of the Government Code, to amend Section 4 of Chapter 421 of the Statutes of 2001, and to amend Section 4 of Chapter 637 of the Statutes of 2002, relating to education facilities, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 2006. Filed with Secretary of State May 20, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 127, Nunez. Education facilities: Kindergarten-University Public Education Facilities Bond Act of 2006.

(1) Existing law, the California Constitution, prohibits the Legislature from creating a debt or liability that singly or in the aggregate with any previous debts or liabilities exceeds the sum of \$300,000, except by an act that (a) authorizes the debt for a single object or work specified in the act, (b) has been passed by a  $\frac{2}{3}$  vote of all the members elected to each house of the Legislature, (c) has been submitted to the people at a statewide general or primary election, and (d) has received a majority of all the votes cast for and against it at that election.

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.

This bill would enact the Kindergarten-University Public Education Facilities Bond Act of 2006 to authorize \$10,416,000,000 of state general obligation bonds to provide aid to school districts, county superintendents of schools, county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities.

The bond act would become operative only if approved by the voters at the November 7, 2006, statewide general election, and would provide for its submission to the voters at that election.

The bill would also submit to the voters for approval an authorization to use the proceeds of any bond act, approved on or before January 1, 2006, that are designated for joint-use facilities to be used for other related school facilities projects.

(2) This bill would specify that certain provisions of the bill shall become operative only if the Kindergarten-University Public Education Facilities Bond Act of 2006 is approved by the voters at the November 7, 2006, statewide general election.

(3) The bill would make conforming, technical changes in related provisions of existing law.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17070.40 of the Education Code is amended to  
2 read:

3 17070.40. (a) (1) A fund is hereby established in the State Treasury to  
4 be known as the 1998 State School Facilities Fund. All money in the fund,  
5 including any money deposited in that fund from any source whatsoever,  
6 and notwithstanding Section 13340 of the Government Code, is hereby  
7 continuously appropriated without regard to fiscal years for expenditure  
8 pursuant to this chapter.

9 (2) The board may apportion funds to school districts for the purposes  
10 of this chapter from funds transferred to the 1998 State School Facilities  
11 Fund from any source.

12 (3) The board may make apportionments in amounts not exceeding  
13 those funds on deposit in the 1998 State School Facilities Fund, and any  
14 amount of bonds authorized by the committee, but not yet sold by the  
15 Treasurer.

16 (4) The board may make disbursements pursuant to any apportionment  
17 made from any funds in the 1998 State School Facilities Fund, irrespective  
18 of whether there exists at the time of the disbursement an amount in the  
19 1998 State School Facilities Fund sufficient to permit payment in full of  
20 all apportionments previously made. However, no disbursement shall be  
21 made from any funds required by law to be transferred to the General  
22 Fund.

23 (b) (1) A fund is hereby established in the State Treasury to be known  
24 as the 2002 State School Facilities Fund. All money in the fund, including  
25 any money deposited in that fund from any source whatsoever, and  
26 notwithstanding Section 13340 of the Government Code, is hereby  
27 continuously appropriated without regard to fiscal years for expenditure  
28 pursuant to this chapter.

29 (2) The board may apportion funds to school districts for the purposes  
30 of this chapter from funds transferred to the 2002 State School Facilities  
31 Fund from any source.

32 (3) The board may make apportionments in amounts not exceeding  
33 those funds on deposit in the 2002 State School Facilities Fund, and any  
34 amount of bonds authorized by the committee, but not yet sold by the  
35 Treasurer.

36 (4) The board may make disbursements pursuant to any apportionment  
37 made from any funds in the 2002 State School Facilities Fund, irrespective  
38 of whether there exists at the time of the disbursement an amount in the  
39 2002 State School Facilities Fund sufficient to permit payment in full of  
40 all apportionments previously made. However, no disbursement shall be  
41 made from any funds required by law to be transferred to the General  
42 Fund.

43 (c) (1) A fund is hereby established in the State Treasury to be known  
44 as the 2004 State School Facilities Fund. All money in the fund, including  
45 any money deposited in that fund from any source whatsoever, and  
46 notwithstanding Section 13340 of the Government Code, is hereby  
47 continuously appropriated without regard to fiscal years for expenditure  
48 pursuant to this chapter.

49 (2) The board may apportion funds to school districts for the purposes  
50 of this chapter from funds transferred to the 2004 State School Facilities  
51 Fund from any source.

52 (3) The board may make apportionments in amounts not exceeding  
53 those funds on deposit in the 2004 State School Facilities Fund, and any  
54 amount of bonds authorized by the committee, but not yet sold by the  
55 Treasurer.

56 (4) The board may make disbursements pursuant to any apportionment  
57 made from any funds in the 2004 State School Facilities Fund, irrespective  
58 of whether there exists at the time of the disbursement an amount in the  
59 2004 State School Facilities Fund sufficient to permit payment in full of  
60 all apportionments previously made. However, no disbursement shall be  
61 made from any funds required by law to be transferred to the General  
62 Fund.

63 (d) (1) A fund is hereby established in the State Treasury, to be known  
64 as the 2006 State School Facilities Fund. All money in the fund, including  
65 any money deposited in that fund from any source whatsoever, and  
66 notwithstanding Section 13340 of the Government Code, is hereby  
67 continuously appropriated without regard to fiscal years for expenditure  
68 pursuant to this chapter.

69 (2) The board may apportion funds to school districts for the purposes  
70 of this chapter from funds transferred to the 2006 State School Facilities  
71 Fund from any source.

72 (3) The board may make apportionments in amounts not exceeding  
73 those funds on deposit in the 2006 State School Facilities Fund, and any  
74 amount of bonds authorized by the committee, but not yet sold by the  
75 Treasurer.

76 (4) The board may make disbursements pursuant to any apportionment  
77 made from any funds in the 2006 State School Facilities Fund, irrespective  
78 of whether there exists at the time of the disbursement an amount in the  
79 2006 State School Facilities Fund sufficient to permit payment in full of  
80 all apportionments previously made. However, no disbursement shall be  
81 made from any funds required by law to be transferred to the General  
82 Fund.

83 SEC. 2. Section 17070.96 is added to the Education Code, to read:  
84 17070.96. As part of its application for funding under this chapter, a  
85 school district shall certify that it has considered the feasibility of using  
86 designs and materials for the construction or modernization project that  
87 promote the efficient use of energy and water, the maximum use of natural  
88 lighting and indoor air quality, the use of recycled materials and materials  
89 that emit a minimum of toxic substances, the use of acoustics conducive to  
90 teaching and learning, and other characteristics of high performance  
91 schools.

92 SEC. 3. Section 17072.11 is added to the Education Code, to read:  
93 17072.11. (a) All of the following shall apply on and after July 1,  
94 2006, until January 1, 2008:

95 (1) The per-unhoused-pupil grant eligibility determined under  
96 paragraphs (1) and (2) of subdivision (a) of Section 17072.10 shall be  
97 increased by 7 percent.

98 (2) The per-unhoused-pupil grant eligibility determined under  
99 paragraph (3) of subdivision (a) of Section 17072.10 shall be increased by  
100 4 percent.

101 (3) The board shall conduct an analysis of the relationship between the  
102 per-unhoused-pupil grant eligibility determined under this article and the  
103 per-pupil cost of new school construction for elementary, middle, and high  
104 school pupils.

105 (b) On or after January 1, 2008, the board shall increase or decrease the  
106 per-unhoused-pupil grant eligibility by amounts it deems necessary to  
107 cause the grants to correspond to costs of new school construction,  
108 provided that the increase in any fiscal year pursuant to this section shall  
109 not exceed 6 percent.

110 SEC. 4. Section 17072.35 of the Education Code is amended to read:  
111 17072.35. A grant for new construction may be used for any and all  
112 costs necessary to adequately house new pupils in any approved project,  
113 and those costs may only include the cost of design, engineering, testing,  
114 inspection, plan checking, construction management, site acquisition and  
115 development, evaluation and response action costs relating to hazardous  
116 substances at a new or existing schoolsite, demolition, construction,  
117 acquisition and installation of portable classrooms, landscaping, necessary  
118 utility costs, utility connections and other fees, equipment including  
119 telecommunication equipment to increase school security, furnishings, and  
120 the upgrading of electrical systems or the wiring or cabling of classrooms  
121 in order to accommodate educational technology. A grant for new  
122 construction may also be used to acquire an existing government or

123 privately owned building, or a privately financed school building, and for  
124 the necessary costs of converting the government or privately owned  
125 building for public school use. A grant for new construction may also be  
126 used for the costs of designs and materials that promote the efficient use of  
127 energy and water, the maximum use of natural lighting and indoor air  
128 quality, the use of recycled materials and materials that emit a minimum of  
129 toxic substances, the use of acoustics conducive to teaching and learning,  
130 and other characteristics of high performance schools.

131 SEC. 5. Section 17075.10 of the Education Code is amended to read:

132 17075.10. (a) A school district may apply for hardship assistance in  
133 cases of extraordinary circumstances. Extraordinary circumstances may  
134 include, but are not limited to, the need to repair, reconstruct, or replace  
135 the most vulnerable school facilities that are a Category 2 building, as  
136 defined in the report submitted pursuant to Section 17317, determined by  
137 the department to pose an unacceptable risk of injury to its occupants in  
138 the event of a seismic event.

139 (b) A school district applying for hardship state funding under this  
140 article shall comply with either paragraph (1) or (2).

141 (1) Demonstrate both of the following:

142 (A) That due to extreme financial, disaster-related, or other hardship the  
143 school district has unmet need for pupil housing.

144 (B) That the school district is not financially capable of providing the  
145 matching funds otherwise required for state participation, that the district  
146 has made all reasonable efforts to impose all levels of local debt capacity  
147 and development fees, and that the school district is, therefore, unable to  
148 participate in the program pursuant to this chapter except as set forth in  
149 this article.

150 (2) Demonstrate that due to unusual circumstances that are beyond the  
151 control of the district, excessive costs need to be incurred in the  
152 construction of school facilities. Funds for the purpose of seismic  
153 mitigation work or facility replacement pursuant to this section shall be  
154 allocated by the board on a 50 percent state share basis from any funds  
155 reserved for that purpose in any bond approved by the voters after January  
156 1, 2006. If the board determines that the seismic mitigation work of a  
157 school building would require funding that is greater than 50 percent of the  
158 funds required to construct a new facility, the school district shall be  
159 eligible for funding to construct a new facility under this chapter.

160 (c) The board shall review the increased costs that may be uniquely  
161 associated with urban construction and shall adjust the per-pupil grant for  
162 new construction or modernization hardship applications as necessary to  
163 accommodate those costs. The board shall adopt regulations setting forth  
164 the standards, methodology, and a schedule of allowable adjustments, for  
165 the urban adjustment factor established pursuant to this subdivision.

166 SEC. 6. Section 17078.52 of the Education Code is amended to read:

167 17078.52. (a) There is hereby established the Charter Schools  
168 Facilities Program to provide funding to qualifying entities for the purpose  
169 of establishing school facilities for charter school pupils.

170 (b) (1) The 2002 Charter School Facilities Account is hereby  
171 established within the 2002 State School Facilities Fund established  
172 pursuant to subdivision (b) of Section 17070.40. The proceeds of bonds, as  
173 set forth in subparagraph (A) of paragraph (1) of subdivision (a) of Section  
174 100620, shall be deposited into the 2002 Charter School Facilities Account  
175 for the purposes of this article. Notwithstanding Section 13340 of the  
176 Government Code, funds deposited into the account are hereby  
177 continuously appropriated for the purposes of this article.

178 (2) The 2004 Charter School Facilities Account is hereby established  
179 within the 2004 State School Facilities Fund established pursuant to  
180 subdivision (c) of Section 17070.40. The proceeds of bonds, as set forth in  
181 subparagraph (A) of paragraph (1) of subdivision (a) of Section 100820, if  
182 approved by the voters, shall be deposited into the 2004 Charter School  
183 Facilities Account for the purposes of this article. Notwithstanding Section  
184 13340 of the Government Code, funds deposited into the account are  
185 hereby continuously appropriated for the purposes of this article.

186 (3) The 2006 Charter School Facilities Account is hereby established  
187 within the 2006 State School Facilities Fund established pursuant to  
188 subdivision (d) of Section 17070.40. The proceeds of bonds, as set forth in  
189 paragraph (2) of subdivision (a) of Section 101012, if approved by the  
190 voters, shall be deposited into the 2006 Charter School Facilities Account  
191 for the purposes of this article. Notwithstanding Section 13340 of the  
192 Government Code, funds deposited into the account are hereby  
193 continuously appropriated for the purposes of this article.

194 (c) As used in this article, the following terms have the following  
195 meanings:

196 (1) "Authority" means the California School Finance Authority  
197 established pursuant to Section 17172.

198 (2) "Account" means the pertinent account established under  
199 subdivision (b).

200 (3) "Preliminary apportionment" means an apportionment made for  
201 eligible applicants under this article in advance of full compliance with all  
202 of the application requirements otherwise required for an apportionment  
203 pursuant to this chapter. The process for making preliminary  
204 apportionments under this article shall be substantially identical to the  
205 process established for critically overcrowded schools pursuant to Sections  
206 17078.22 to 17078.30, inclusive.

207 (4) "Financially sound" means a charter school that has demonstrated,  
208 over a period of time determined by the authority, but not less than 24  
209 months immediately preceding the submission of the application, that it  
210 has operated as a financially capable concern in California, as measured by  
211 criteria established by the authority. A charter school that cannot  
212 demonstrate that it has been a financially capable concern for at least 24  
213 months immediately preceding the submission of the application, due  
214 solely to not having operated as a charter school for at least 24 months,  
215 may meet this 24-month requirement if the charter school is managed by  
216 staff who have at least 24 months of documented experience, as measured

217 by criteria established by the authority and the charter school has an  
218 educational plan, financial resources, facilities expertise, management  
219 expertise, and has been a financially capable concern for at least 24  
220 months, as established by the authority.

221 (d) The board shall, from time to time, transfer funds within the account  
222 to the California School Finance Authority Fund for the purposes of this  
223 article pursuant to the request of the authority as set forth in this article.

224 SEC. 7. Section 17078.53 of the Education Code is amended to read:  
225 17078.53. (a) The initial preliminary applications for projects to be  
226 funded pursuant to this article shall be submitted to the board by March  
227 31, 2003. Thereafter, the board may establish subsequent application  
228 periods as needed.

229 (b) Preliminary applications may be submitted by eligible applicants as  
230 set forth in this article by either of the following:

231 (1) A school district on behalf of a charter school that is physically  
232 located within the geographical jurisdiction of the school district.

233 (2) A charter school on its own behalf if the charter school has notified  
234 both the superintendent and the governing board of the school district in  
235 which it is physically located of its intent to do so in writing at least 30  
236 days prior to submission of the preliminary application.

237 (c) A preliminary application shall demonstrate either of the following:

238 (1) That a charter petition for the school for which the application is  
239 submitted has been granted by the appropriate chartering entity prior to the  
240 application deadline determined by the board.

241 (2) That an already existing charter has been amended to include the  
242 school for which the application is submitted and approved by the  
243 appropriate chartering entity prior to the deadline determined by the board.

244 (d) A preliminary application shall include either of the following:

245 (1) For a preliminary application submitted pursuant to paragraph (1) of  
246 subdivision (b), the number of unhoused pupils determined pursuant to  
247 Article 3 (commencing with Section 17071.75) that will be housed by the  
248 project for which the preliminary application has been submitted.

249 (2) For a preliminary application submitted pursuant to paragraph (2) of  
250 subdivision (b), a certification from the governing board of the district  
251 within which the charter school is physically located of the number of  
252 unhoused pupils for that district determined pursuant to Article 3  
253 (commencing with Section 17071.75) that will be housed by the project  
254 for which the preliminary application has been submitted.

255 (e) Prior to submitting a preliminary application, the school district and  
256 charter school shall consider existing school district facilities in  
257 accordance with Section 47614.

258 (f) The board, after consideration of the recommendations of the  
259 authority regarding whether a charter school is financially sound, shall  
260 approve the preliminary application and shall make the preliminary  
261 apportionment for funding pursuant to this article.

262 (g) (1) The board shall establish a process to ensure that pupil  
263 attendance in a charter school that is physically located within the

264 geographical jurisdiction of a school district is counted as per-pupil  
265 eligibility for that school district and to ensure that the same per-pupil  
266 attendance is not so counted for any other school district or other applicant  
267 under this chapter.

268 (2) (A) Except as provided pursuant to subparagraph (B) and  
269 notwithstanding subdivision (b) of Section 17071.75, the number of pupils  
270 for which facilities are provided under this article shall not be included in  
271 the sum determined under subdivision (b) of Section 17071.75.

272 (B) The number of unhoused pupils determined pursuant to subdivision  
273 (d) that will be housed by the project for which a preliminary application  
274 has been submitted shall be included in the sum determined under  
275 subdivision (b) of Section 17071.75.

276 (h) The board shall establish a process to be used for release of funds  
277 for approved projects pursuant to this article. Notwithstanding Section  
278 17072.30, the board may provide for the release of planning and site  
279 acquisition funds prior to the approval of the project by the Department of  
280 General Services pursuant to the Field Act, as defined in Section 17281.  
281 SEC. 8. Section 17078.54 of the Education Code is amended to read:  
282 17078.54. (a) An eligible project under this article shall include  
283 funding, as permitted by this chapter, for new construction or  
284 rehabilitation of a school facility for charter school pupils, as set forth in  
285 this article. A project may include, but is not limited to, the cost of  
286 retrofitting an existing building for charter school purposes, purchasing a  
287 building, or retrofitting a building that has been purchased by the charter  
288 school, if those costs have not been previously funded under this chapter,  
289 but may not exceed the amounts set forth in subdivision (b). Existing  
290 school buildings made available by a school district that will be  
291 rehabilitated for the purposes of this article are not subject to Article 6  
292 (commencing with Section 17073.10). An allocation of funds shall not be  
293 made for a school facility that is less than 15 years old.

294 (b) The maximum amount of the funding pursuant to this article shall  
295 be determined by calculating the charter school's per-pupil grant amount  
296 plus other allowable costs as set forth in this chapter. Funding shall be  
297 provided by the authority for new facility construction or rehabilitation as  
298 set forth in Section 17078.58.

299 (c) To be funded under this article, a project shall comply with all of the  
300 following:

301 (1) It shall meet all the requirements regarding public school  
302 construction, plan approvals, toxic substance review, site selection, and  
303 site approval, as would any noncharter school project of a school district  
304 under this chapter, including, but not limited to, regulations adopted by the  
305 State Architect pursuant to Section 17280.5 relating to the retrofitting of  
306 existing buildings, as applicable.

307 (2) Notwithstanding any provision of law to the contrary, including, but  
308 not limited to paragraph (1), the board, after consulting with the relevant  
309 regulatory agencies, shall, to the extent feasible, adopt regulations  
310 establishing a process for projects to be subject to a streamlined method

311 for obtaining regulatory approvals for all requirements described in  
312 paragraph (1), except for the requirements of the Field Act as defined in  
313 Section 17281 which shall be complied with in the same manner as any  
314 other project under this chapter.

315 (3) The board shall fund only new construction to be physically located  
316 within the geographical jurisdiction of a school district.

317 (d) Facilities funded pursuant to this article shall have a 50 percent  
318 local share matching obligation that may be paid by the applicant through  
319 lease payments in lieu of the matching share, or as otherwise set forth in  
320 this article, including, but not limited to, Section 17078.58.

321 (e) The authority may charge its administrative costs against the  
322 respective 2002, 2004, or 2006 Charter School Facilities Account, which  
323 shall be subject to the approval of the Department of Finance and which  
324 may not exceed 2.5 percent of the account.

325 SEC. 9. Section 17078.56 of the Education Code is amended to read:  
326 17078.56. (a) The board, in consultation with the authority, shall  
327 approve projects pursuant to this article as otherwise set forth in this  
328 chapter, and shall make preliminary apportionments only to financially  
329 sound applicants in accordance with all of the following criteria:

330 (1) The board shall seek to ensure that, when considered as a whole, the  
331 applications approved pursuant to this article are fairly representative of  
332 the various geographical regions of the state.

333 (2) The board shall seek to ensure that, when considered as a whole, the  
334 applications approved pursuant to this article are fairly representative of  
335 urban, rural, and suburban regions of the state.

336 (3) The board shall seek to ensure that, when considered as a whole, the  
337 applications approved pursuant to this article are fairly representative of  
338 large, medium, and small charter schools throughout the state.

339 (4) The board shall seek to ensure that, when considered as a whole, the  
340 applications approved pursuant to this article are fairly representative of  
341 the various grade levels of pupils served by charter school applicants  
342 throughout the state.

343 (b) While ensuring that the requirements of subdivision (a) are met  
344 when considering all approved projects under this article as a whole, the  
345 board shall, within each factor of the criteria set forth in subdivision (a),  
346 give a preference to charter schools in overcrowded school districts,  
347 charter schools in low-income areas, charter schools operated by  
348 not-for-profit entities, and charter schools that utilize existing school  
349 district facilities.

350 SEC. 10. Section 17078.58 of the Education Code is amended to read:  
351 17078.58. (a) Funding granted pursuant to this article may not exceed  
352 100 percent of the total allowable project costs as determined by  
353 calculating double the per-pupil grant eligibility as set forth in Section  
354 17072.10, and subdivision (e) of Section 17078.53, plus 100 percent of all  
355 other allowable construction project costs, as appropriate to the project,  
356 that would otherwise be available to school district projects as set forth in  
357 this chapter. Funding granted for the purposes of rehabilitating buildings

358 under Section 17078.54 shall be limited to the costs necessary to comply  
359 with subdivision (c) of Section 17078.54, and shall not exceed the  
360 maximum costs that would otherwise be allowable for a new construction  
361 project funded under this article.

362 (b) The local share equivalent shall be collected in the form of lease  
363 payments or otherwise as set forth in this article.

364 (c) Lease payments in lieu of local share payments, and any other local  
365 share payments made pursuant to this article, shall be made to the board  
366 for deposit into the respective 2002, 2004, or 2006 Charter School  
367 Facilities Account. Funds deposited into the account pursuant to this  
368 section may be used by the board only for a purpose related to charter  
369 school facilities pursuant to this article.

370 (d) When a preliminary apportionment under this article is converted to  
371 a final apportionment, any funds not needed for the final apportionment  
372 shall remain in the 2002, 2004, or 2006 Charter School Facilities Account  
373 for use by the board for any purpose related to charter school facilities  
374 pursuant to this article.

375 SEC. 11. Article 13 (commencing with Section 17078.70) is added to  
376 Chapter 12.5 of Part 10 of the Education Code, to read:

377 Article 13. Career Technical Education Facilities Program

378 17078.70. (a) For the purposes of this article, “reconfiguration” means  
379 any modification of a structure of any age that will enhance the  
380 educational opportunities for pupils in existing middle and high schools in  
381 order to provide them with the skills and knowledge necessary for  
382 high-demand technical careers.

383 (b) “Reconfiguration” may include limited new construction necessary  
384 to accommodate the reconfiguration.

385 17078.72. (a) The Career Technical Education Facilities Program is  
386 hereby established to provide funding to qualifying local educational  
387 agencies for the purpose of constructing new facilities or reconfiguring  
388 existing facilities, including, but not limited to, purchasing equipment with  
389 an average useful life expectancy of at least 10 years, to enhance  
390 educational opportunities for pupils in existing high schools in order to  
391 provide them with the skills and knowledge necessary for the high-demand  
392 technical careers of today and tomorrow.

393 (b) The State Department of Education, in cooperation with the  
394 Chancellor’s Office of the Community Colleges, the Labor and Workforce  
395 Development Agency, and industry groups, shall develop criteria and pupil  
396 outcome measures to evaluate the program. The criteria shall ensure  
397 equity, program relevance to industry needs, and articulation with more  
398 advanced coursework at the partnering community colleges or private  
399 institutions.

400 (c) The program shall be based on grant applications administered by  
401 the board.

402 (d) Grants shall be allocated on a per-square-foot basis for the  
403 applicable type of construction proposed or deemed necessary by the  
404 board consistent with the approved application for the project.

405 (e) New construction grants shall not exceed three million dollars  
406 (\$3,000,000) per project per schoolsite, inclusive of equipment, and shall  
407 only be allocated to comprehensive high schools that have an active Career  
408 Technical Advisory Committee pursuant to Section 8070, in either of the  
409 following methods:

410 (1) For a stand-alone project on a per-square-foot basis for the  
411 applicable type of construction proposed, based on the criteria established  
412 pursuant to subdivision (b), consistent with the approved application for  
413 the project.

414 (2) For new school projects, as a supplement to the per pupil allocation  
415 pursuant to Section 17072.10. The supplement is intended to cover excess  
416 costs uniquely related to the facilities required to provide the career  
417 technical education program or programs.

418 (f) Modernization grants shall not exceed one million five hundred  
419 thousand dollars (\$1,500,000) per project per schoolsite, inclusive of  
420 equipment and may be awarded to comprehensive high schools or joint  
421 power authorities currently operating career technical education programs  
422 that have an active Career Technical Advisory Committee pursuant to  
423 Section 8070 for the purpose of reconfiguration. For comprehensive high  
424 schools, the grant shall be supplemental to the per pupil allocation  
425 pursuant to Section 17074.10. The supplement is intended to cover excess  
426 costs uniquely related to the facilities required to provide the career  
427 technical education program or programs.

428 (g) (1) A school district shall contribute from local resources a dollar  
429 amount that is equal to the amount of the grant of state funds awarded  
430 under subdivisions (d), (e), and (f). The local contribution may be  
431 provided by private industry groups, the school district, or a joint powers  
432 authority.

433 (2) A school district shall not be required to demonstrate that it has  
434 unhoused pupils or that a permanent school building is more than 25 years  
435 old in order to receive a grant under the program.

436 (h) The program shall allow the local contribution to be paid over time  
437 should sufficient local funds not be immediately available. The board may  
438 provide for a repayment schedule consistent with subparagraphs (C) and  
439 (D) of paragraph (1) of subdivision (a) of Section 17078.57. The board  
440 shall not waive the local contribution on the basis of financial hardship or  
441 on any other basis.

442 (i) Applications shall meet the criteria developed under subdivision (b)  
443 and shall require all of the following:

444 (1) A clear and comprehensive Career Technical Education plan for  
445 each course of study applicable to the instructional space.

446 (2) Projections of pupil enrollment.

447 (3) Identification of feeder schools, industry partners, and community  
448 colleges or other postsecondary schools participating in the development,  
449 articulation, and review of the educational program.  
450 (4) Evidence of approval of the plan by the entities listed in paragraph  
451 (3).  
452 (5) The method by which accountability for pupil enrollments and  
453 outcomes will be maintained. Outcomes shall include, but are not limited  
454 to, certificate completion, the successful entry of pupil to employment in  
455 the applicable industry, and successful transition to post-secondary  
456 institutions for work in the applicable industry or other areas of study.  
457 (6) Evidence of coordination with all feeder schools, middle schools,  
458 and high schools within the area to ensure that the project and programs  
459 complement career technical education offerings in the area.  
460 (7) Evidence that upon completion of the project the local educational  
461 agency will meet all of its obligations under Section 51228 relating to  
462 career technical education.  
463 (j) Applications shall give weight to the number of pupils expected to  
464 attend, the cost per pupil, financial participation by industry partners in the  
465 construction and equipping of the facility, commitment to accountability  
466 for outcomes and participation, the strength and relevance of the  
467 educational plans to the needs of industry for qualified technical  
468 employees applicable to the economic development needs of the region in  
469 which the project will be located, and coordination and articulation with  
470 feeder schools, other high schools, and community colleges.  
471 (k) The Office of Public School Construction shall develop and the  
472 board shall approve regulations to implement this article on or before April  
473 19, 2007, and the board may promulgate those regulations first on an  
474 emergency basis, which shall be effective for no more than 12 months,  
475 after which any permanent regulations shall be promulgated in accordance  
476 with the Administrative Procedure Act (Chapter 3.5 (commencing with  
477 Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).  
478 SEC. 12. Article 14 (commencing with Section 17079) is added to  
479 Chapter 12.5 of Part 10 of the Education Code, to read:

480 Article 14. Overcrowding Relief Grants

481 17079. (a) For purposes of this article, an eligible school is a school  
482 for which the schoolsite pupil population density is equal to or greater than  
483 175 percent of the schoolsite pupil population density recommended by  
484 the Superintendent as of January 1, 2006, adjusted by the following  
485 factors:  
486 (1) The density calculation shall be reduced to take into account the  
487 additional pupil capacity created by multistory construction.  
488 (2) The schoolsite pupil population density shall be reduced to take into  
489 account approved new construction projects, including projects approved  
490 pursuant to Article 11 (commencing with Section 17078.10).

491 (b) The board shall adopt regulations to determine the adjustments set  
492 forth in paragraphs (1) and (2) of subdivision (a).  
493 17079.10. (a) For purposes of this article, an eligible pupil is a pupil  
494 who is housed in a portable classroom, except portable classrooms used  
495 for purposes of the Class Size Reduction Program set forth in Chapter 6.10  
496 (commencing with Section 52120) of Part 28, at an eligible school.  
497 (b) The board shall apportion an overcrowding relief grant to districts  
498 on behalf of each eligible pupil equal to the appropriate  
499 per-unhoused-pupil grant amount pursuant to Section 17072.10. The  
500 number of overcrowding relief grants apportioned shall be subject to the  
501 following limitations:  
502 (1) The number of grants apportioned on behalf of an eligible school  
503 shall not exceed the number of pupils whose removal from the pupil  
504 density calculation would reduce the density of the eligible schoolsite to  
505 150 percent of the schoolsite pupil population density recommended by  
506 the Superintendent as of January 1, 2006.  
507 (2) A district shall not receive more grants than the number of pupils  
508 housed in portable classrooms that were included in the initial new  
509 construction eligibility determination of the district pursuant to Article 3  
510 (commencing with Section 17071.75).  
511 17079.20. (a) The board shall require that applications for funding  
512 pursuant to this article be used for an equivalent number of permanent new  
513 school construction classrooms to replace the portable classrooms upon  
514 which the determination of the number of eligible pupils is based. The  
515 board shall also require the application to describe how the project will  
516 relieve overcrowding at the eligible school.  
517 (b) The board shall create a list of projects eligible for funding and shall  
518 approve applications semiannually on a schedule determined by the board.  
519 (c) The board shall require that applicant school districts comply with  
520 all of the same conditions otherwise required for new construction funding  
521 pursuant to this chapter with the exception of subdivision (b) of Section  
522 17071.75.  
523 (d) The board shall not apportion funds for a project pursuant to this  
524 article any portion of which involves the construction, acquisition, or  
525 transportation of portable classrooms for any school in the school district.  
526 (e) In the event the funding available to the board for purposes of this  
527 article is less than the amount necessary to fund all eligible applications,  
528 the board shall prioritize and fund the projects on the basis of the pupil  
529 density of the eligible schools.  
530 17079.30. (a) The board shall require both of the following as  
531 conditions for receiving funding pursuant to this article:  
532 (1) Within six months after the date of initial occupancy of the  
533 permanent school facilities constructed pursuant to this article, the school  
534 district shall remove from the eligible school, and remove from service as  
535 classrooms in the district, the portable classrooms used for determining the  
536 number of eligible pupils.

537 (2) The new school construction funding provided pursuant to this  
538 article shall result in a reduction in the total number of portable classrooms  
539 in the school district.

540 (b) This section does not preclude the school district from using the  
541 portable classrooms removed from eligible schools for child care or  
542 preschool programs, if those portable classrooms are not located at an  
543 eligible school.

544 (c) This section does not apply to eligible schools operating on double  
545 session schedules in an elementary school district in a county of the  
546 second class, as set forth in Section 28023 of the Government Code.

547 SEC. 13. Section 17261 of the Education Code is amended to read:  
548 17261. The State Allocation Board shall obtain construction plans for  
549 school buildings appropriate for school districts in various climates and  
550 geographical conditions of the state. The plans shall be composed of plans  
551 designed to meet the needs of school districts requiring school buildings of  
552 various sizes. The plans may include landscape suggestions. The plans  
553 may include designs that promote the efficient use of energy and water, the  
554 maximum use of natural lighting and indoor air quality, the use of recycled  
555 materials and materials that emit a minimum of toxic substances, the use  
556 of acoustics conducive to teaching and learning, and other characteristics  
557 of high performance schools.

558 SEC. 14. Section 81052 is added to the Education Code, to read:  
559 81052. Each school building constructed, reconstructed, modified, or  
560 expanded after July 1, 2006, on a community college campus shall be built  
561 according to the Field Act, as defined in Section 81130.3, or according to  
562 the California Building Standards Code, as adopted by the California  
563 Building Standards Commission.

564 SEC. 15. Section 81130.3 of the Education Code is amended to read:  
565 81130.3. This article, together with Article 3 (commencing with  
566 Section 17280) and Article 6 (commencing with Section 17365) of  
567 Chapter 3 of Part 10.5 and Article 3 (commencing with Section 81050),  
568 shall be known and may be cited as the "Field Act."

569 SEC. 16. Part 69 (commencing with Section 101000) is added to the  
570 Education Code, to read:

571 PART 69. KINDERGARTEN-UNIVERSITY PUBLIC EDUCATION  
572 FACILITIES BOND ACT OF 2006

573 Chapter 1. General

574 101000. This part shall be known and may be cited as the  
575 Kindergarten-University Public Education Facilities Bond Act of 2006.  
576 101001. The incorporation of, or reference to, any provision of  
577 California statutory law in this part includes all acts amendatory thereof  
578 and supplementary thereto.

579 101002. (a) Bonds in the total amount of ten billion four hundred  
580 sixteen million dollars (\$10,416,000,000), not including the amount of any  
581 refunding bonds issued in accordance with Sections 101030, 101039, and  
582 101059, or so much thereof as is necessary, may be issued and sold to  
583 provide a fund to be used for carrying out the purposes expressed in this  
584 part and to reimburse the General Obligation Bond Expense Revolving  
585 Fund pursuant to Section 16724.5 of the Government Code. The bonds,  
586 when sold, shall be and constitute a valid and binding obligation of the  
587 State of California, and the full faith and credit of the State of California is  
588 hereby pledged for the punctual payment of the principal of, and interest  
589 on, the bonds as the principal and interest become due and payable.  
590 (b) Pursuant to this section, the Treasurer shall sell the bonds  
591 authorized by the State School Building Finance Committee established by  
592 Section 15909 or the Higher Education Facilities Finance Committee  
593 established pursuant to Section 67353, as the case may be, at any different  
594 times necessary to service expenditures required by the apportionments.

595 Chapter 2. Kindergarten Through 12th Grade

596 Article 1. Kindergarten Through 12th Grade School Facilities Program  
597 Provisions

598 101010. The proceeds of bonds issued and sold pursuant to Article 2  
599 (commencing with Section 101020) shall be deposited in the 2006 State  
600 School Facilities Fund established in the State Treasury under subdivision  
601 (d) of Section 17070.40 and shall be allocated by the State Allocation  
602 Board pursuant to this chapter.

603 101011. All moneys deposited in the 2006 State School Facilities Fund  
604 for the purposes of this chapter shall be available to provide aid to school  
605 districts, county superintendents of schools, and county boards of  
606 education of the state in accordance with the Leroy F. Greene School  
607 Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10)  
608 of Part 10), as set forth in Section 101012, to provide funds to repay any  
609 money advanced or loaned to the 2006 State School Facilities Fund under  
610 any act of the Legislature, together with interest provided for in that act,  
611 and to reimburse the General Obligation Bond Expense Revolving Fund  
612 pursuant to Section 16724.5 of the Government Code.

613 101012. (a) The proceeds from the sale of bonds, issued and sold for  
614 the purposes of this chapter, shall be allocated in accordance with the  
615 following schedule:

616 (1) The amount of one billion nine hundred million dollars  
617 (\$1,900,000,000) for new construction of school facilities of applicant  
618 school districts under Chapter 12.5 (commencing with Section 17070.10)  
619 of Part 10. Of the amount allocated under this paragraph, up to 10.5  
620 percent shall be available for purposes of seismic repair, reconstruction, or  
621 replacement, pursuant to Section 17075.10.

622 (2) The amount of five hundred million dollars (\$500,000,000) shall be  
623 available for providing school facilities to charter schools pursuant to  
624 Article 12 (commencing with Section 17078.52) of Chapter 12.5 of Part  
625 10.

626 (3) The amount of three billion three hundred million dollars  
627 (\$3,300,000,000) for the modernization of school facilities pursuant to  
628 Chapter 12.5 (commencing with Section 17070.10) of Part 10.

629 (4) The amount of five hundred million dollars (\$500,000,000) for the  
630 purposes set forth in Article 13 (commencing with Section 17078.70) of  
631 Chapter 12.5 of Part 10, relating to facilities for career technical education  
632 programs.

633 (5) Of the amounts allocated under paragraphs (1) and (3), up to two  
634 hundred million dollars (\$200,000,000) for the purposes set forth in  
635 Chapter 894 of the Statutes of 2004, relating to incentives for the creation  
636 of smaller learning communities and small high schools.

637 (6) The amount of twenty-nine million dollars (\$29,000,000) for the  
638 purposes set forth in Article 10.6 (commencing with Section 17077.40) of  
639 Chapter 12.5 of Part 10, relating to joint use projects.

640 (7) The amount of one billion dollars (\$1,000,000,000) shall be  
641 available for providing new construction funding to severely overcrowded  
642 schoolsites pursuant to Article 14 (commencing with Section 17079) of  
643 Chapter 12.5 of Part 10.

644 (8) The amount of one hundred million dollars (\$100,000,000) for  
645 incentive grants to promote the use of designs and materials in new  
646 construction and modernization projects that include the attributes of  
647 high-performance schools, including, but not limited to, the elements set  
648 forth in Section 17070.96, pursuant to regulations adopted by the State  
649 Allocation Board.

650 (b) School districts may use funds allocated pursuant to paragraph (3)  
651 of subdivision (a) only for one or more of the following purposes in  
652 accordance with Chapter 12.5 (commencing with Section 17070.10) of  
653 Part 10:

654 (1) The purchase and installation of air-conditioning equipment and  
655 insulation materials, and related costs.

656 (2) Construction projects or the purchase of furniture or equipment  
657 designed to increase school security or playground safety.

658 (3) The identification, assessment, or abatement in school facilities of  
659 hazardous asbestos.

660 (4) Project funding for high-priority roof replacement projects.

661 (5) Any other modernization of facilities pursuant to Chapter 12.5  
662 (commencing with Section 17070.10) of Part 10.

663 (c) Funds allocated pursuant to paragraph (1) of subdivision (a) may  
664 also be utilized to provide new construction grants for eligible applicant  
665 county boards of education under Chapter 12.5 (commencing with Section  
666 17070.10) of Part 10 for funding classrooms for severely handicapped  
667 pupils, or for funding classrooms for county community school pupils.

668 (d) (1) The Legislature may amend this section to adjust the funding  
669 amounts specified in paragraphs (1) to (8), inclusive, of subdivision (a),  
670 only by either of the following methods:  
671 (A) By a statute, passed in each house of the Legislature by rollcall vote  
672 entered in the respective journals, by not less than two-thirds of the  
673 membership in each house concurring, if the statute is consistent with, and  
674 furthers the purposes of, this chapter.  
675 (B) By a statute that becomes effective only when approved by the  
676 voters.  
677 (2) Amendments pursuant to this subdivision may adjust the amounts to  
678 be expended pursuant to paragraphs (1) to (8), inclusive, of subdivision  
679 (a), but may not increase or decrease the total amount to be expended  
680 pursuant to that subdivision.  
681 (e) Funds available pursuant to this section may be used for acquisition  
682 of school facilities authorized pursuant to Section 17280.5.

683 Article 2. Kindergarten Through 12th Grade School Facilities Fiscal  
684 Provisions

685 101020. (a) Of the total amount of bonds authorized to be issued and  
686 sold pursuant to Chapter 1 (commencing with Section 101000), bonds in  
687 the amount of seven billion three hundred twenty-nine million dollars  
688 (\$7,329,000,000) not including the amount of any refunding bonds issued  
689 in accordance with Section 101030, or so much thereof as is necessary,  
690 may be issued and sold to provide a fund to be used for carrying out the  
691 purposes expressed in this chapter and to reimburse the General Obligation  
692 Bond Expense Revolving Fund pursuant to Section 16724.5 of the  
693 Government Code. The bonds, when sold, shall be and constitute a valid  
694 and binding obligation of the State of California, and the full faith and  
695 credit of the State of California is hereby pledged for the punctual payment  
696 of the principal of, and interest on, the bonds as the principal and interest  
697 become due and payable.

698 (b) Pursuant to this section, the Treasurer shall sell the bonds  
699 authorized by the State School Building Finance Committee established  
700 pursuant to Section 15909 at any different times necessary to service  
701 expenditures required by the apportionments.

702 101021. The State School Building Finance Committee, established by  
703 Section 15909 and composed of the Governor, the Controller, the  
704 Treasurer, the Director of Finance, and the Superintendent, or their  
705 designated representatives, all of whom shall serve thereon without  
706 compensation, and a majority of whom shall constitute a quorum, is  
707 continued in existence for the purpose of this chapter. The Treasurer shall  
708 serve as chairperson of the committee. Two Members of the Senate  
709 appointed by the Senate Committee on Rules, and two Members of the  
710 Assembly appointed by the Speaker of the Assembly, shall meet with and  
711 provide advice to the committee to the extent that the advisory

712 participation is not incompatible with their respective positions as  
713 Members of the Legislature. For the purposes of this chapter, the Members  
714 of the Legislature shall constitute an interim investigating committee on  
715 the subject of this chapter and, as that committee, shall have the powers  
716 granted to, and duties imposed upon, those committees by the Joint Rules  
717 of the Senate and the Assembly. The Director of Finance shall provide  
718 assistance to the committee as it may require. The Attorney General of the  
719 state is the legal adviser of the committee.

720 101022. (a) The bonds authorized by this chapter shall be prepared,  
721 executed, issued, sold, paid, and redeemed as provided in the State General  
722 Obligation Bond Law (Chapter 4 (commencing with Section 16720) of  
723 Part 3 of Division 4 of Title 2 of the Government Code), and all of the  
724 provisions of that law, except Section 16727 of the Government Code to  
725 the extent that it conflicts with this part, apply to the bonds and to this  
726 chapter and are hereby incorporated into this chapter as though set forth in  
727 full within this chapter.

728 (b) For purposes of the State General Obligation Bond Law, the State  
729 Allocation Board is designated the “board” for purposes of administering  
730 the 2006 State School Facilities Fund.

731 101023. (a) Upon request of the State Allocation Board, the State  
732 School Building Finance Committee shall determine whether or not it is  
733 necessary or desirable to issue bonds authorized pursuant to this chapter in  
734 order to fund the apportionments and, if so, the amount of bonds to be  
735 issued and sold. Successive issues of bonds may be authorized and sold to  
736 fund those apportionments progressively, and it is not necessary that all of  
737 the bonds authorized to be issued be sold at any one time.

738 (b) A request of the State Allocation Board pursuant to subdivision (a)  
739 shall be supported by a statement of the apportionments made and to be  
740 made for the purposes described in Sections 101011 and 101012.

741 101024. There shall be collected each year and in the same manner and  
742 at the same time as other state revenue is collected, in addition to the  
743 ordinary revenues of the state, a sum in an amount required to pay the  
744 principal of, and interest on, the bonds each year. It is the duty of all  
745 officers charged by law with any duty in regard to the collection of the  
746 revenue to do and perform each and every act that is necessary to collect  
747 that additional sum.

748 101025. Notwithstanding Section 13340 of the Government Code,  
749 there is hereby appropriated from the General Fund in the State Treasury,  
750 for the purposes of this chapter, an amount that will equal the total of the  
751 following:

752 (a) The sum annually necessary to pay the principal of, and interest on,  
753 bonds issued and sold pursuant to this chapter, as the principal and interest  
754 become due and payable.

755 (b) The sum necessary to carry out Section 101028, appropriated  
756 without regard to fiscal years.

757 101026. The State Allocation Board may request the Pooled Money  
758 Investment Board to make a loan from the Pooled Money Investment

759 Account or any other approved form of interim financing, in accordance  
760 with Section 16312 of the Government Code, for the purpose of carrying  
761 out this chapter. The amount of the request shall not exceed the amount of  
762 the unsold bonds that the committee, by resolution, has authorized to be  
763 sold for the purpose of carrying out this chapter. The board shall execute  
764 any documents required by the Pooled Money Investment Board to obtain  
765 and repay the loan. Any amounts loaned shall be deposited in the fund to  
766 be allocated by the board in accordance with this chapter.

767 101027. Notwithstanding any other provision of this chapter, or of the  
768 State General Obligation Bond Law, if the Treasurer sells bonds pursuant  
769 to this chapter that include a bond counsel opinion to the effect that the  
770 interest on the bonds is excluded from gross income for federal tax  
771 purposes, subject to designated conditions, the Treasurer may maintain  
772 separate accounts for the investment of bond proceeds and for the  
773 investment earnings on those proceeds. The Treasurer may use or direct  
774 the use of those proceeds or earnings to pay any rebate, penalty, or other  
775 payment required under federal law or take any other action with respect  
776 to the investment and use of those bond proceeds required or desirable  
777 under federal law to maintain the tax-exempt status of those bonds and to  
778 obtain any other advantage under federal law on behalf of the funds of this  
779 state.

780 101028. For the purposes of carrying out this chapter, the Director of  
781 Finance may authorize the withdrawal from the General Fund of an  
782 amount not to exceed the amount of the unsold bonds that have been  
783 authorized by the State School Building Finance Committee to be sold for  
784 the purpose of carrying out this chapter. Any amounts withdrawn shall be  
785 deposited in the 2006 State School Facilities Fund consistent with this  
786 chapter. Any money made available under this section shall be returned to  
787 the General Fund, plus an amount equal to the interest that the money  
788 would have earned in the Pooled Money Investment Account, from  
789 proceeds received from the sale of bonds for the purpose of carrying out  
790 this chapter.

791 101029. All money deposited in the 2006 State School Facilities Fund,  
792 that is derived from premium and accrued interest on bonds sold shall be  
793 reserved in the fund and shall be available for transfer to the General Fund  
794 as a credit to expenditures for bond interest.

795 101030. The bonds may be refunded in accordance with Article 6  
796 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of  
797 Title 2 of the Government Code, which is a part of the State General  
798 Obligation Bond Law. Approval by the voters of the state for the issuance  
799 of the bonds described in this chapter includes the approval of the issuance  
800 of any bonds issued to refund any bonds originally issued under this  
801 chapter or any previously issued refunding bonds.

802 101031. The Legislature hereby finds and declares that, inasmuch as  
803 the proceeds from the sale of bonds authorized by this chapter are not  
804 “proceeds of taxes” as that term is used in Article XIII B of the California

805 Constitution, the disbursement of these proceeds is not subject to the  
806 limitations imposed by that article.

807 Chapter 3. California Community College Facilities

808 Article 1. General

809 101032. (a) The 2006 California Community College Capital Outlay  
810 Bond Fund is hereby established in the State Treasury for deposit of funds  
811 from the proceeds of bonds issued and sold for the purposes of this  
812 chapter.

813 (b) The Higher Education Facilities Finance Committee established  
814 pursuant to Section 67353 is hereby authorized to create a debt or debts,  
815 liability or liabilities, of the State of California pursuant to this chapter for  
816 the purpose of providing funds to aid the California Community Colleges.

817 Article 2. California Community College Program Provisions

818 101033. (a) From the proceeds of bonds issued and sold pursuant to  
819 Article 3 (commencing with Section 101034), the sum of one billion five  
820 hundred seven million dollars (\$1,507,000,000) shall be deposited in the  
821 2006 California Community College Capital Outlay Bond Fund for the  
822 purposes of this article. When appropriated, these funds shall be available  
823 for expenditure for the purposes of this article.

824 (b) The purposes of this article include assisting in meeting the capital  
825 outlay financing needs of the California Community Colleges.

826 (c) Proceeds from the sale of bonds issued and sold for the purposes of  
827 this article may be used to fund construction on existing campuses,  
828 including the construction of buildings and the acquisition of related  
829 fixtures, construction of facilities that may be used by more than one  
830 segment of public higher education (intersegmental), the renovation and  
831 reconstruction of facilities, site acquisition, the equipping of new,  
832 renovated, or reconstructed facilities, which equipment shall have an  
833 average useful life of 10 years; and to provide funds for the payment of  
834 preconstruction costs, including, but not limited to, preliminary plans and  
835 working drawings for facilities of the California Community Colleges.

836 Article 3. California Community College Fiscal Provisions

837 101034. (a) Of the total amount of bonds authorized to be issued and  
838 sold pursuant to Chapter 1 (commencing with Section 101000), bonds in  
839 the total amount of one billion five hundred seven million dollars  
840 (\$1,507,000,000), not including the amount of any refunding bonds issued  
841 in accordance with Section 101039, or so much thereof as is necessary,  
842 may be issued and sold to provide a fund to be used for carrying out the  
843 purposes expressed in this chapter and to reimburse the General Obligation

844 Bond Expense Revolving Fund pursuant to Section 16724.5 of the  
845 Government Code. The bonds, when sold, shall be and constitute a valid  
846 and binding obligation of the State of California, and the full faith and  
847 credit of the State of California is hereby pledged for the punctual payment  
848 of the principal of, and interest on, the bonds as the principal and interest  
849 become due and payable.

850 (b) It is the intent of the Legislature that the California Community  
851 Colleges annually consider, as part of their annual capital outlay planning  
852 process, the inclusion of facilities that may be used by more than one  
853 segment of public higher education (intersegmental), and, that on or before  
854 May 15th of each year, those entities report their findings to the budget  
855 committees of each house of the Legislature.

856 (c) Pursuant to this section, the Treasurer shall sell the bonds authorized  
857 by the Higher Education Facilities Finance Committee established  
858 pursuant to Section 67353 at any different times necessary to service  
859 expenditures required by the apportionments.

860 101034.5. (a) The bonds authorized by this chapter shall be prepared,  
861 executed, issued, sold, paid, and redeemed as provided in the State General  
862 Obligation Bond Law (Chapter 4 (commencing with Section 16720) of  
863 Part 3 of Division 4 of Title 2 of the Government Code), and all of the  
864 provisions of that law, except Section 16727 of the Government Code to  
865 the extent that it conflicts with this part, apply to the bonds and to this  
866 chapter and are hereby incorporated into this chapter as though set forth in  
867 full within this chapter.

868 (b) For the purposes of the State General Obligation Bond Law, each  
869 state agency administering an appropriation of the 2006 Community  
870 College Capital Outlay Bond Fund is designated as the “board” for  
871 projects funded pursuant to this chapter.

872 (c) The proceeds of the bonds issued and sold pursuant to this chapter  
873 shall be available for the purpose of funding aid to the California  
874 Community Colleges for the construction on existing or new campuses,  
875 and their respective off-campus centers and joint use and intersegmental  
876 facilities, as set forth in this chapter.

877 101035. The Higher Education Facilities Finance Committee  
878 established pursuant to Section 67353 shall authorize the issuance of  
879 bonds under this chapter only to the extent necessary to fund the  
880 apportionments for the purposes described in this chapter that are  
881 expressly authorized by the Legislature in the annual Budget Act. Pursuant  
882 to that legislative direction, the committee shall determine whether or not  
883 it is necessary or desirable to issue bonds authorized pursuant to this  
884 chapter in order to carry out the purposes described in this chapter and, if  
885 so, the amount of bonds to be issued and sold. Successive issues of bonds  
886 may be authorized and sold to carry out those actions progressively, and it  
887 is not necessary that all of the bonds authorized to be issued be sold at any  
888 one time.

889 101035.5. There shall be collected each year and in the same manner  
890 and at the same time as other state revenue is collected, in addition to the

891 ordinary revenues of the state, a sum in an amount required to pay the  
892 principal of, and interest on, the bonds each year. It is the duty of all  
893 officers charged by law with any duty in regard to the collection of the  
894 revenue to do and perform each and every act which is necessary to collect  
895 that additional sum.

896 101036. Notwithstanding Section 13340 of the Government Code,  
897 there is hereby appropriated from the General Fund in the State Treasury,  
898 for the purposes of this chapter, an amount that will equal the total of the  
899 following:

900 (a) The sum annually necessary to pay the principal of, and interest on,  
901 bonds issued and sold pursuant to this chapter, as the principal and interest  
902 become due and payable.

903 (b) The sum necessary to carry out Section 101037.5, appropriated  
904 without regard to fiscal years.

905 101036.5. The board, as defined in subdivision (b) of Section  
906 101034.5, may request the Pooled Money Investment Board to make a  
907 loan from the Pooled Money Investment Account or any other approved  
908 form of interim financing, in accordance with Section 16312 of the  
909 Government Code, for the purpose of carrying out this chapter. The  
910 amount of the request shall not exceed the amount of the unsold bonds that  
911 the committee, by resolution, has authorized to be sold for the purpose of  
912 carrying out this chapter. The board, as defined in subdivision (b) of  
913 Section 101034.5, shall execute any documents required by the Pooled  
914 Money Investment Board to obtain and repay the loan. Any amounts  
915 loaned shall be deposited in the fund to be allocated by the board in  
916 accordance with this chapter.

917 101037. Notwithstanding any other provision of this chapter, or of the  
918 State General Obligation Bond Law, if the Treasurer sells bonds pursuant  
919 to this chapter that include a bond counsel opinion to the effect that the  
920 interest on the bonds is excluded from gross income for federal tax  
921 purposes, subject to designated conditions, the Treasurer may maintain  
922 separate accounts for the investment of bond proceeds and for the  
923 investment earnings on those proceeds. The Treasurer may use or direct  
924 the use of those proceeds or earnings to pay any rebate, penalty, or other  
925 payment required under federal law or take any other action with respect  
926 to the investment and use of those bond proceeds required or desirable  
927 under federal law to maintain the tax-exempt status of those bonds and to  
928 obtain any other advantage under federal law on behalf of the funds of this  
929 state.

930 101037.5. (a) For the purposes of carrying out this chapter, the  
931 Director of Finance may authorize the withdrawal from the General Fund  
932 of an amount not to exceed the amount of the unsold bonds that have been  
933 authorized by the Higher Education Facilities Finance Committee to be  
934 sold for the purpose of carrying out this chapter. Any amounts withdrawn  
935 shall be deposited in the 2006 California Community College Capital  
936 Outlay Bond Fund consistent with this chapter. Any money made available  
937 under this section shall be returned to the General Fund, plus an amount

938 equal to the interest that the money would have earned in the Pooled  
939 Money Investment Account, from proceeds received from the sale of  
940 bonds for the purpose of carrying out this chapter.  
941 (b) Any request forwarded to the Legislature and the Department of  
942 Finance for funds from this bond issue for expenditure for the purposes  
943 described in this chapter by the California Community Colleges shall be  
944 accompanied by the five-year capital outlay plan that reflects the needs  
945 and priorities of the community college system and is prioritized on a  
946 statewide basis. Requests shall include a schedule that prioritizes the  
947 seismic retrofitting needed to significantly reduce, in the judgment of the  
948 particular college, seismic hazards in buildings identified as high priority  
949 by the college.

950 101038. All money deposited in the 2006 California Community  
951 College Capital Outlay Bond Fund that is derived from premium and  
952 accrued interest on bonds sold shall be reserved in the fund and shall be  
953 available for transfer to the General Fund as a credit to expenditures for  
954 bond interest.

955 101039. The bonds may be refunded in accordance with Article 6  
956 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of  
957 Title 2 of the Government Code, which is a part of the State General  
958 Obligation Bond Law. Approval by the voters of the state for the issuance  
959 of the bonds described in this chapter includes the approval of the issuance  
960 of any bonds issued to refund any bonds originally issued under this  
961 chapter or any previously issued refunding bonds.

962 101039.5. The Legislature hereby finds and declares that, inasmuch as  
963 the proceeds from the sale of bonds authorized by this chapter are not  
964 “proceeds of taxes” as that term is used in Article XIII B of the California  
965 Constitution, the disbursement of these proceeds is not subject to the  
966 limitations imposed by that article.

## 967 Chapter 4. University Facilities

### 968 Article 1. General

969 101040. (a) The system of public universities in this state includes the  
970 University of California, the Hastings College of the Law, and the  
971 California State University, and their respective off-campus centers.

972 (b) The 2006 University Capital Outlay Bond Fund is hereby  
973 established in the State Treasury for deposit of funds from the proceeds of  
974 bonds issued and sold for the purposes of this chapter.

975 (c) The Higher Education Facilities Finance Committee established  
976 pursuant to Section 67353 is hereby authorized to create a debt or debts,  
977 liability or liabilities, of the State of California pursuant to this chapter for  
978 the purpose of providing funds to aid the University of California, the  
979 Hastings College of the Law, and the California State University.

980 Article 2. Program Provisions Applicable to the University of  
981 California and the Hastings College of the Law

982 101041. (a) From the proceeds of bonds issued and sold pursuant to  
983 Article 4 (commencing with Section 101050), the sum of eight hundred  
984 ninety million dollars (\$890,000,000) shall be deposited in the 2006  
985 University Capital Outlay Bond Fund for the purposes of this article.  
986 When appropriated, these funds shall be available for expenditure for the  
987 purposes of this article.

988 (b) The purposes of this article include assisting in meeting the capital  
989 outlay financing needs of the University of California and the Hastings  
990 College of the Law.

991 (c) Of the amount made available under subdivision (a), the amount of  
992 two hundred million dollars (\$200,000,000) shall be used for capital  
993 improvements that expand and enhance medical education programs with  
994 an emphasis on telemedicine aimed at developing high-tech approaches to  
995 health care.

996 (d) Proceeds from the sale of bonds issued and sold for the purposes of  
997 this article may be used to fund construction on existing campuses,  
998 including the construction of buildings and the acquisition of related  
999 fixtures, construction of facilities that may be used by more than one  
1000 segment of public higher education (intersegmental), the renovation and  
1001 reconstruction of facilities, site acquisition, the equipping of new,  
1002 renovated, or reconstructed facilities, which equipment shall have an  
1003 average useful life of 10 years; and to provide funds for the payment of  
1004 preconstruction costs, including, but not limited to, preliminary plans and  
1005 working drawings for facilities of the University of California and the  
1006 Hastings College of the Law.

1007 Article 3. Program Provisions Applicable to the California State  
1008 University

1009 101042. (a) From the proceeds of bonds issued and sold pursuant to  
1010 Article 4 (commencing with Section 101050), the sum of six hundred  
1011 ninety million dollars (\$690,000,000) shall be deposited in the 2006  
1012 University Capital Outlay Bond Fund for the purposes of this article.  
1013 When appropriated, these funds shall be available for expenditure for the  
1014 purposes of this article.

1015 (b) The purposes of this article include assisting in meeting the capital  
1016 outlay financing needs of the California State University.

1017 (c) Proceeds from the sale of bonds issued and sold for the purposes of  
1018 this article may be used to fund construction on existing campuses,  
1019 including the construction of buildings and the acquisition of related  
1020 fixtures, construction of facilities that may be used by more than one  
1021 segment of public higher education (intersegmental), the renovation and  
1022 reconstruction of facilities, site acquisition, the equipping of new,

1023 renovated, or reconstructed facilities, which equipment shall have an  
1024 average useful life of 10 years; and to provide funds for the payment of  
1025 preconstruction costs, including, but not limited to, preliminary plans and  
1026 working drawings for facilities of the California State University.

1027 Article 4. University Fiscal Provisions

1028 101050. (a) Of the total amount of bonds authorized to be issued and  
1029 sold pursuant to Chapter 1 (commencing with Section 101000), bonds in  
1030 the amount of one billion five hundred eighty million dollars  
1031 (\$1,580,000,000), not including the amount of any refunding bonds issued  
1032 in accordance with Section 101059, or so much thereof as is necessary,  
1033 may be issued and sold to provide a fund to be used for carrying out the  
1034 purposes expressed in this chapter and to reimburse the General Obligation  
1035 Bond Expense Revolving Fund pursuant to Section 16724.5 of the  
1036 Government Code. The bonds, when sold, shall be and constitute a valid  
1037 and binding obligation of the State of California, and the full faith and  
1038 credit of the State of California is hereby pledged for the punctual payment  
1039 of the principal of, and interest on, the bonds as the principal and interest  
1040 become due and payable.

1041 (b) It is the intent of the Legislature that the University of California  
1042 and the California State University annually consider, as part of their  
1043 annual capital outlay planning process, the inclusion of facilities that may  
1044 be used by more than one segment of public higher education  
1045 (intersegmental), and, that on or before May 15th of each year, those  
1046 entities report their findings to the budget committees of each house of the  
1047 Legislature.

1048 (c) Pursuant to this section, the Treasurer shall sell the bonds authorized  
1049 by the Higher Education Facilities Finance Committee established  
1050 pursuant to Section 67353 at any different times necessary to service  
1051 expenditures required by the apportionments.

1052 101051. (a) The bonds authorized by this chapter shall be prepared,  
1053 executed, issued, sold, paid, and redeemed as provided in the State General  
1054 Obligation Bond Law (Chapter 4 (commencing with Section 16720) of  
1055 Part 3 of Division 4 of Title 2 of the Government Code), and all of the  
1056 provisions of that law, except Section 16727 of the Government Code to  
1057 the extent that it conflicts with this part, apply to the bonds and to this  
1058 chapter and are hereby incorporated into this chapter as though set forth in  
1059 full within this chapter.

1060 (b) For the purposes of the State General Obligation Bond Law, each  
1061 state agency administering an appropriation of the 2006 University Capital  
1062 Outlay Bond Fund is designated as the “board” for projects funded  
1063 pursuant to this chapter.

1064 (c) The proceeds of the bonds issued and sold pursuant to this chapter  
1065 shall be available for the purpose of funding aid to the University of  
1066 California, the Hastings College of the Law, and the California State

1067 University, for the construction on existing or new campuses, and their  
1068 respective off-campus centers and joint use and intersegmental facilities,  
1069 as set forth in this chapter.

1070 101052. The Higher Education Facilities Finance Committee  
1071 established pursuant to Section 67353 shall authorize the issuance of  
1072 bonds under this chapter only to the extent necessary to fund the  
1073 apportionments for the purposes described in this chapter that are  
1074 expressly authorized by the Legislature in the annual Budget Act. Pursuant  
1075 to that legislative direction, the committee shall determine whether or not  
1076 it is necessary or desirable to issue bonds authorized pursuant to this  
1077 chapter in order to carry out the purposes described in this chapter and, if  
1078 so, the amount of bonds to be issued and sold. Successive issues of bonds  
1079 may be authorized and sold to carry out those actions progressively, and it  
1080 is not necessary that all of the bonds authorized to be issued be sold at any  
1081 one time.

1082 101053. There shall be collected each year and in the same manner and  
1083 at the same time as other state revenue is collected, in addition to the  
1084 ordinary revenues of the state, a sum in an amount required to pay the  
1085 principal of, and interest on, the bonds each year. It is the duty of all  
1086 officers charged by law with any duty in regard to the collection of the  
1087 revenue to do and perform each and every act which is necessary to collect  
1088 that additional sum.

1089 101054. Notwithstanding Section 13340 of the Government Code,  
1090 there is hereby appropriated from the General Fund in the State Treasury,  
1091 for the purposes of this chapter, an amount that will equal the total of the  
1092 following:

1093 (a) The sum annually necessary to pay the principal of, and interest on,  
1094 bonds issued and sold pursuant to this chapter, as the principal and interest  
1095 become due and payable.

1096 (b) The sum necessary to carry out Section 101057, appropriated  
1097 without regard to fiscal years.

1098 101055. The board, as defined in subdivision (b) of Section 101051,  
1099 may request the Pooled Money Investment Board to make a loan from the  
1100 Pooled Money Investment Account or any other approved form of interim  
1101 financing, in accordance with Section 16312 of the Government Code, for  
1102 the purpose of carrying out this chapter. The amount of the request shall  
1103 not exceed the amount of the unsold bonds that the committee, by  
1104 resolution, has authorized to be sold for the purpose of carrying out this  
1105 chapter. The board, as defined in subdivision (b) of Section 101051, shall  
1106 execute any documents required by the Pooled Money Investment Board  
1107 to obtain and repay the loan. Any amounts loaned shall be deposited in the  
1108 fund to be allocated by the board in accordance with this chapter.

1109 101056. Notwithstanding any other provision of this chapter, or of the  
1110 State General Obligation Bond Law, if the Treasurer sells bonds pursuant  
1111 to this chapter that include a bond counsel opinion to the effect that the  
1112 interest on the bonds is excluded from gross income for federal tax  
1113 purposes, subject to designated conditions, the Treasurer may maintain

1114 separate accounts for the investment of bond proceeds and for the  
1115 investment earnings on those proceeds. The Treasurer may use or direct  
1116 the use of those proceeds or earnings to pay any rebate, penalty, or other  
1117 payment required under federal law or take any other action with respect  
1118 to the investment and use of those bond proceeds required or desirable  
1119 under federal law to maintain the tax-exempt status of those bonds and to  
1120 obtain any other advantage under federal law on behalf of the funds of this  
1121 state.

1122 101057. (a) For the purposes of carrying out this chapter, the Director  
1123 of Finance may authorize the withdrawal from the General Fund of an  
1124 amount not to exceed the amount of the unsold bonds that have been  
1125 authorized by the Higher Education Facilities Finance Committee to be  
1126 sold for the purpose of carrying out this chapter. Any amounts withdrawn  
1127 shall be deposited in the 2006 University Capital Outlay Bond Fund  
1128 consistent with this chapter. Any money made available under this section  
1129 shall be returned to the General Fund, plus an amount equal to the interest  
1130 that the money would have earned in the Pooled Money Investment  
1131 Account, from proceeds received from the sale of bonds for the purpose of  
1132 carrying out this chapter.

1133 (b) Any request forwarded to the Legislature and the Department of  
1134 Finance for funds from this bond issue for expenditure for the purposes  
1135 described in this chapter by the University of California, the Hastings  
1136 College of the Law, or the California State University shall be  
1137 accompanied by the five-year capital outlay plan. Requests forwarded by a  
1138 university or college shall include a schedule that prioritizes the seismic  
1139 retrofitting needed to significantly reduce, in the judgment of the particular  
1140 university or college, seismic hazards in buildings identified as high  
1141 priority by the university or college.

1142 101058. All money deposited in the 2006 University Capital Outlay  
1143 Bond Fund that is derived from premium and accrued interest on bonds  
1144 sold shall be reserved in the fund and shall be available for transfer to the  
1145 General Fund as a credit to expenditures for bond interest.

1146 101059. The bonds may be refunded in accordance with Article 6  
1147 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of  
1148 Title 2 of the Government Code, which is a part of the State General  
1149 Obligation Bond Law. Approval by the voters of the state for the issuance  
1150 of the bonds described in this chapter includes the approval of the issuance  
1151 of any bonds issued to refund any bonds originally issued under this  
1152 chapter or any previously issued refunding bonds.

1153 101060. The Legislature hereby finds and declares that, inasmuch as  
1154 the proceeds from the sale of bonds authorized by this chapter are not  
1155 "proceeds of taxes" as that term is used in Article XIII B of the California  
1156 Constitution, the disbursement of these proceeds is not subject to the  
1157 limitations imposed by that article.

1158 SEC. 17. Section 65997 of the Government Code is amended to read:  
1159 65997. (a) The following provisions shall be the exclusive methods of  
1160 mitigating environmental effects related to the adequacy of school

1161 facilities when considering the approval or the establishment of conditions  
1162 for the approval of a development project, as defined in Section 17620 of  
1163 the Education Code, pursuant to Division 13 (commencing with Section  
1164 21000) of the Public Resources Code:  
1165 (1) Chapter 12 (commencing with Section 17000) of, or Chapter 12.5  
1166 (commencing with Section 17070.10) of, Part 10 of the Education Code.  
1167 (2) Chapter 14 (commencing with Section 17085) of Part 10 of the  
1168 Education Code.  
1169 (3) Chapter 18 (commencing with Section 17170) of Part 10 of the  
1170 Education Code.  
1171 (4) Article 2.5 (commencing with Section 17430) of Chapter 4 of Part  
1172 10.5 of the Education Code.  
1173 (5) Section 17620 of the Education Code.  
1174 (6) Chapter 2.5 (commencing with Section 53311) of Division 2 of  
1175 Title 5.  
1176 (7) Chapter 4.7 (commencing with Section 65970) of Division 1 of  
1177 Title 7.  
1178 (b) A public agency may not, pursuant to Division 13 (commencing  
1179 with Section 21000) of the Public Resources Code or Division 2  
1180 (commencing with Section 66410) of this code, deny approval of a project  
1181 on the basis of the adequacy of school facilities.  
1182 (c) (1) This section shall become operative on or after any statewide  
1183 election in 2012, if a statewide general obligation bond measure submitted  
1184 for voter approval in 2012 or thereafter that includes bond issuance  
1185 authority to fund construction of kindergarten and grades 1 to 12,  
1186 inclusive, public school facilities is submitted to the voters and fails to be  
1187 approved.  
1188 (2) (A) This section shall become inoperative if subsequent to the  
1189 failure of a general obligation bond measure described in paragraph (1) a  
1190 statewide general bond measure as described in paragraph (1) is approved  
1191 by the voters.  
1192 (B) Thereafter, this section shall become operative if a statewide  
1193 general obligation bond measure submitted for voter approval that includes  
1194 bond issuance authority to fund construction of kindergarten and grades 1  
1195 to 12, inclusive, public school facilities is submitted to the voters and fails  
1196 to be approved and shall become inoperative if subsequent to the failure of  
1197 the general obligation bond measure a statewide bond measure as  
1198 described in this subparagraph is approved by the voters.  
1199 (d) Notwithstanding any other provision of law, a public agency may  
1200 deny or refuse to approve a legislative act involving, but not limited to, the  
1201 planning, use, or development of real property, on the basis that school  
1202 facilities are inadequate, except that a public agency may not require the  
1203 payment or satisfaction of a fee, charge, dedication, or other financial  
1204 requirement in excess of that levied or imposed pursuant to Section 65995  
1205 and, if applicable, any amounts specified in Sections 65995.5 or 65995.7.  
1206 SEC. 18. Section 4 of Chapter 421 of the Statutes of 2001 is amended  
1207 to read:

1208 Sec. 4. This act shall remain in effect only until January 1, 2010, and as  
1209 of that date is repealed, unless a later enacted statute, that is enacted before  
1210 January 1, 2010, deletes or extends that date.

1211 SEC. 19. Section 4 of Chapter 637 of the Statutes of 2002 is amended  
1212 to read:

1213 Sec. 4. This act shall remain in effect only until January 1, 2011, and as  
1214 of that date is repealed, unless a later enacted statute, that is enacted before  
1215 January 1, 2011, deletes or extends that date.

1216 SEC. 20. (a) Up to twenty-one million dollars (\$21,000,000) of any  
1217 funds that are required to be made available for rehabilitation or  
1218 construction of joint-use facilities for public schools and that result or are  
1219 derived from the sale of bonds issued on or before January 1, 2006, shall  
1220 be transferred to the State Allocation Board and may be apportioned by  
1221 that board for the purposes of Article 10.6 (commencing with Section  
1222 17077.40) of Chapter 12.5 of Part 10 of the Education Code.

1223 (b) Any funds remaining after the transfer required under subdivision  
1224 (a) that conform to the description set forth in that subdivision shall be  
1225 transferred to the State Allocation Board and may be apportioned by that  
1226 board for any of the purposes of Chapter 12.5 (commencing with Section  
1227 17070.10) of Part 10 of the Education Code.

1228 SEC. 21. The Secretary of State shall submit Sections 16 and 20 of this  
1229 act to the voters at the November 7, 2006, statewide general election.

1230 SEC. 22. Notwithstanding any other provision of law, with respect to  
1231 the Kindergarten-University Public Education Facilities Bond Act of 2006,  
1232 as set forth in Section 16 of this act, all ballots of the November 7, 2006,  
1233 statewide general election shall have printed thereon and in a square  
1234 thereof, exclusively the words: "Kindergarten-University Public Education  
1235 Facilities Bond Act of 2006" and in the same square under those words,  
1236 the following in 8-point type:

1237 "This ten billion four hundred sixteen million dollar (\$10,416,000,000)  
1238 bond issue will provide needed funding to relieve public school  
1239 overcrowding and to repair older schools. It will improve earthquake  
1240 safety and fund vocational educational facilities in public schools. Bond  
1241 funds must be spent according to strict accountability measures. Funds will  
1242 also be used to repair and upgrade existing public college and university  
1243 buildings and to build new classrooms to accommodate the growing  
1244 student enrollment in the California Community Colleges, the University  
1245 of California, and the California State University."

1246 Opposite the square, there shall be left spaces in which the voters may  
1247 place a cross in the manner required by law to indicate whether they vote  
1248 for or against the act.

1249 SEC. 23. Notwithstanding Sections 13247 and 13281 of the Elections  
1250 Code, the language in Section 22 shall be the only language included in  
1251 the ballot label for the condensed statement of the ballot title, and the  
1252 Attorney General shall not supplement, subtract from, or revise that  
1253 language, except that the Attorney General may include the financial  
1254 impact summary prepared pursuant to Section 9087 of the Elections Code

1255 and Section 88003 of the Government Code. The ballot label is the  
1256 condensed statement of the ballot title and the financial impact summary.  
1257 SEC. 24. The provisions of this act are severable. If any provision of  
1258 this act or its application is held invalid, that invalidity shall not affect  
1259 other provisions or applications that can be given effect without the invalid  
1260 provision or application.  
1261 SEC. 25. Sections 1 to 15, inclusive, and Sections 18 and 19 of this act  
1262 shall become operative only if the voters approve the  
1263 Kindergarten-University Public Education Facilities Bond Act of 2006, as  
1264 set forth in Section 16 of this act.  
1265 SEC. 26. This act is an urgency statute necessary for the immediate  
1266 preservation of the public peace, health, or safety within the meaning of  
1267 Article IV of the Constitution and shall go into immediate effect. The facts  
1268 constituting the necessity are:  
1269 In order to ensure, at the earliest possible time, that the electorate is  
1270 provided with the opportunity to vote on the financing of necessary  
1271 educational facilities at the November 7, 2006, statewide general election,  
1272 including related statutory changes, it is necessary that this act take effect  
1273 immediately.