

STATE ALLOCATION BOARD

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



Date: November 9, 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 on Thursday, November 30, 2006 and Friday, December 1, 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. 2007 Implementation Committee Meeting Calendar.
3. Implementation of Chapter 35, Statutes of 2006 (Assembly Bill 127 – Nunez/Perata).
Further discussion, in the following proposed order, on several provisions contained within the statute:
 - Overcrowding Relief Grant
 - Career Technical Education Facilities Program
 - Seismic Mitigation
4. Implementation of Chapter 704, Statutes of 2006 (Assembly Bill 607 – Goldberg)
Discussion on the development of a grant application for the Emergency Repair Program and revisions to the school facility inspection and evaluation instrument.

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 Ernest Valentine at (916) 445-3159.

A handwritten signature in black ink that reads "Mavonne Garrity".

MAVONNE GARRITY, Chairperson
State Allocation Board Implementation Committee

MG:ev

**STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE**

**Pending Items List
November 30 & December 1 , 2006**

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.

- Implementation of recently enacted legislation as follows:
 - *AB 2419 pertaining to Career Technical Education Facilities*
 - *AB 2947 pertaining to transfer of special education programs*

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
November 30, 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 full 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.

Districts will work with the CDE in order to determine its eligible schools. As a part of the pupil density calculation, CDE will make any necessary adjustments for multistory, approved new construction projects and COS projects. The Office of Public School Construction (OPSC) will work with CDE in order to determine the COS and approved new construction project adjustments.

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 multiplied by the applicable

*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.

State loading standard, i.e. K-6: 25, 7-12: 27, non-severe: 13, and severe: 9. Districts may establish eligibility prior to or concurrently with the submittal of a funding application. A separate eligibility form will be developed for this purpose.

Pupils who are housed in Class Size Reduction (CSR) portables must be reduced from the number of eligible pupils pursuant to EC Section 17079.10 (a). In order to accomplish this, each elementary school application submitted will be adjusted based on a pro-rate of the number of districtwide CSR portables and elementary schools. Districts will certify to the OPSC on the eligibility form the total number of CSR portables districtwide, as well as the total number of elementary schools in the district. Then the number of portables will be divided by the number of elementary schools to determine the average number of CSR portables at each elementary school. This will be a one-time determination. Each elementary school funding application pupil grant request will be reduced by the average number of portables per elementary school multiplied by 25 (State loading standard for K-6).

The following provides an example of the entire eligibility determination process.

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. To determine the number of portables counted in the initial baseline for Option B, subtract Part I Line 7 from Part I Line 8, then subtract the number of excluded portables from Part II Option B Line d.

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 1 Continued

	K-6	7-8	9-12	Non-severe	Severe	Total
Part I Line 8	174	103	35	7	0	319
Subtract Part I Line 7	-84	-74	-32	-5	-0	-195
Subtract Part II Option B Line d	-48	-14	-1	-1	-0	-64
Total	42	15	2	1	0	60

Step 2. The number of portables determined above are multiplied by the State loading standard.

Districtwide Eligibility Determination					
	K-6	7-8	9-12	Non-severe	Severe
Number of Portables	42	15	2	1	0
Multiply by the State Loading Standard	25	27	27	13	9
Total Pupil Grant Eligibility	1,050	405	54	13	0

Step 3. CSR Adjustment

The District certified to:

- 20 CSR portables districtwide
- 10 elementary schools (eligible and ineligible) districtwide

20 / 10 = 2 = There is an average of 2 CSR portables at each elementary school.

Elementary School #1 has 5 portables on the site.

The OPSC would reduce the number of portables eligible for replacement by 2. (5 portables – 2 CSR portables = 3 eligible portables)

The District would be eligible to submit an ORG funding application for Elementary School #1 requesting 75 pupil grants (3 portables x 25 loading standard = 75).

Each elementary school site eligibility will be adjusted in the same manner.

Districts may use any grade level of eligibility for their projects; therefore a use of grants is not necessary. For example, if the District shown in the above example wanted to replace three high school portables, it may request 54 9-12 pupil grants and 27 7-8 pupil grants. However, each project must meet the 60 percent commensurate requirement** and the requirements discussed in the following paragraphs:

**The 60 percent commensurate requirement is a certification made to by the architect, as well as, the District on the Form SAB 50-04, to ensure the construction costs (this does not include site acquisition, planning, tests, inspection, or furniture and equipment) are equal to at least 60 percent of the state and district's matching share combined.

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 that can be removed from each eligible school to reach this 150 percent “threshold” will be determined by CDE during their determination of the site’s eligibility.

-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

Savings

Districts will be required to return any savings that are realized at the conclusion of the project. This will allow the OPSC to maximize the number of projects to be funded and assist in relieving additional overcrowded schools.

Site Acquisition

In order to maximize relief at overcrowded schools, districts may purchase acreage based on the number of pupils being diverted from the overcrowded site. If districts wish to purchase additional acreage, they will have the option of linking the acreage acquired through the ORG to an SFP project to increase the amount of acreage.

Funding Cycles

Project applications will be funded based on highest density for a total of three funding cycles. The funding cycles will occur as follows:

- January 2008 - \$500 million
- July 2008 - \$300 million
- January 2009 - \$200 million

Any remaining funds from each funding cycle will be rolled over into the next funding cycle.

Financial Hardship

Under the ORG, design and site apportionments will not be available to financial hardship districts. Districts will have the option of acquiring a loan to fund the design and planning of their projects, and if it is determined that the district qualifies for financial hardship assistance, the State will pay up to the district's full matching share at the full grant apportionment. Because of the filing periods and requirement to fund the highest density projects first, the OPSC cannot guarantee the availability of funds once the district is prepared to submit a full grant application. The financial hardship regulations will be modified to allow the bridge financing loan for the ORG and will protect the loan from being considered a district contribution towards the district's School Facility Program projects.

4. Processing

Districts will request funding under the ORG by submitting a complete new construction package to the OPSC, which will include an *Application for Funding* (Form SAB 50-04). The Form SAB 50-04 will be modified to request a narrative describing how the project relieves overcrowding. Site visits will be conducted by OPSC to verify information reported by the districts.

Projects will require the typical processing period. It is anticipated that districts will need to submit their complete applications approximately 120 days prior to apportionment in order to allow an adequate amount of time to for the OPSC and CDE to review the eligibility and funding applications.

During the processing of the ORG applications, site modernization eligibility will be reduced to account for the replaced facilities.

RECOMMENDATION

Prepare regulations to be presented at a future Implementation Committee meeting.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
November 30 and December 1, 2006

CAREER TECHNICAL EDUCATION FACILITIES PROGRAM

BACKGROUND

Assembly Bill 127, Chapter 35, Statutes of 2006, (Nunez/Perata) enacts the Kindergarten-University Public Education Facilities Bond Act of 2006. This bill establishes the Career Technical Education Facilities Program (CTEFP) and provides \$500,000,000 to fund the program. The purpose of CTEFP is to provide funding to qualifying local educational agencies for the purpose of constructing new facilities or reconfiguring existing facilities to enhance the educational opportunities for pupils in order to provide them with the skills and knowledge necessary for the high-demand technical careers of today and tomorrow.

Staff introduced the CTEFP at the August 18, 2006 meeting of the Implementation Committee and returned to the October 6, 2006 meeting to further discuss the program. The second meeting included a presentation by the California Department of Education (CDE) which included discussion of the application process. Additionally, stakeholders meetings on October 23 and November 13 discussed the components necessary for a Career Technical Education (CTE) plan.

This presentation incorporates issues raised at the previous meetings and provides several proposed CTEFP revisions.

AUTHORITY

Article 13, Assembly Bill 127, Chapter 35, Statutes of 2006, (Nunez/Perata). See Attachment A.

DISCUSSION

Revised Application Guidelines

The first step of the CTEFP will be to submit an application to the CDE (Attachment B) detailing the applicant's CTE plan. The CDE will review each application as described in the Attachment. Upon approval, an overall score will be presented to the Office of Public School Construction (OPSC). The score will be used, in part, to establish funding priority within the program.

Staff from CDE will be discussing the revised draft application guidelines.

Eligible Entities

Districts may apply for CTEFP funding for new construction or modernization if they are operating a high school meeting the definition of a comprehensive high school pursuant to the Education Codes 51224, 51225.3, and 51228.

A joint power authority (JPA) in existence as of May 20, 2006 may apply for CTEFP funds for the purposes of modernization provided the JPA is expressly for CTE and meets the other requirements identified in law. The JPA may include one or more local educational agencies.

Grant Amounts

AB 127 established that the CTEFP grant is to be allocated on a per-square-foot basis. In the initial presentation, it was proposed that a multiplier would be determined for each CTE industry sector and that multiplier would be applied to the eligible square footage of the project. Given the considerable variation in facility and equipment needs between, and within, the CTE industry sectors, this approach proved to be very cumbersome and problematic. Thus, a revised method to calculate the CTE grants was proposed in which the funding was determined on a case-by-case basis with the applicant supplying the anticipated costs and square footage of each project. These costs will be subject to confirmation and the project will be bound by the funding limits set forth in the law.

Grants for the CTEFP are supplementary to allocations made under the School Facility Program (SFP) for new construction or modernization. However, the law also allows CTE funding for facilities and applicants that are not permissible under the SFP. In instances where there is no SFP new construction or modernization grant, the entire project is eligible for CTEFP funding. Accordingly, the following recommendations are presented regarding the determination of the CTE grant under the various circumstances:

- On a new construction project, if *any* SFP grants are requested, an amount will be deducted from the project cost to account for the new construction base grant allocated to build the facility. For every CTE classroom identified in the project, the deduction will be the standard per square foot allowance of \$130 multiplied by 960 square feet for a typical classroom, regardless of the actual size of the proposed classroom. The remaining cost of the facility, subject to the maximum allowance, will be the CTEFP allocation accounting for “excess costs uniquely related to facilities required to provide” CTE. In this situation, there will be no additional charge to a district’s eligibility, since the new construction grants are being used to construct the capacity.
- If no SFP new construction grants are requested for a CTE project, there will be no deduction for the basic construction of a classroom. The cost of the entire facility may constitute the CTEFP allocation, subject to the maximum allowance. In this instance, the additional capacity of the facility will be charged against a district’s new construction eligibility, as is required of any capacity added after the new construction baseline is established. In the event a district has not established new construction eligibility, any classroom provided under the CTEFP would be captured in the baseline when new construction eligibility is established.
- On a modernization project, no deduction will be made regardless if SFP modernization grants are used or not. Any modernization of existing facilities for the purpose of creating CTE classroom could reasonably be assumed to be “uniquely related to facilities required to provide” CTE. Thus, costs associated with a project could be eligible CTE expenditures.

Local Contribution and State Loan

A local contribution equal to the State contribution shall be required on any CTEFP project. This matching share may come from the applicant, applicant’s partners, or other sources. Partners and monetary contribution may be identified on the CTE application.

In the event local funds are not immediately available for the project, the applicant may apply for a loan from the State. Ability to receive a loan will be subject to financial review, currently expected to be a checklist or certification identifying partners and available monetary contribution.

The loan for the local contribution shall be paid back over time with interest collected at the rate paid on monies in the Pooled Money Investment Account. The recovered loan principal and interest will return to the CTEFP fund. Staff is recommending a repayment schedule of ten years for any loan made for the local match. This timeframe is consistent with the required lifespan of durable equipment that may be purchased under the CTEFP and staff believes it is impractical to exceed the ten-year requirement. The relatively short repayment schedule will also minimize applicant obligations and interest expenditures (Attachment C). Additionally, Staff is recommending that there be no prepayment interest penalty. However, should the applicant default on the loan, the outstanding debt may be deducted from payments to the applicant pursuant to Education Code Section 17076.10(c).

Reservation of Funds

Previous discussions raised concerns about expending funds to design CTE facilities without assurance that CTEFP funding would be available at the time a funding application was submitted. Staff evaluated the possibility of reserving funds and proposes the following:

- An applicant will be able to submit a funding request to the OPSC if the applicant's education plan has been reviewed and scored by the CDE.
- If the application is approved by the State Allocation Board (SAB), funds will be reserved for the project and the applicant will have twelve months to submit a complete funding application.
- If the applicant submits the full funding application within twelve months, the apportionment will be released to the applicant subject to the requirements specified on the Fund Release Authorization (Form SAB 50-05).
- If the applicant fails to submit a complete application within twelve months, the apportionment is returned to the program and the applicant will be able to resubmit the application.

Design Funding

Design funds are not available under the CTEFP unless the applicant is requesting a loan from the State for the entire local match.

If an applicant does require a loan for the matching contribution, upon approval of the application by the SAB, ten percent of the total project will be released to the applicant. The remaining funds will be reserved for twelve months or receipt of the applicant's full funding application.

Funding Cycles and Funding Priority

Two funding cycles per year are planned for the CTEFP. The first two cycles will split the funds provided under AB 127 with a maximum of \$250 million allocated in each funding cycle. Dividing the funds for the first two cycles has two benefits. First, it prevents the majority of available funds from being locked up in projects that are in preliminary stages and may not come to fruition. Second, it allows applicants additional time to prepare for the second round with the assurance that funds will be available. Any funds remaining after the first two cycles will carry over to subsequent funding cycles.

Staff anticipates the first funding cycle to end in October 2007, with allocations for the CTEFP projects occurring at the February 2008 SAB meeting. The second cycle would end in April 2008.

Within each cycle CTEFP funds will be allotted for each of the eleven Service Regions of the California County Superintendents Educational Services Association based upon the total high

school enrollment with each region. Attachment D shows the distribution of funds by Service Region.

Funding priority within each Service Region will be determined by the adequacy of the applicant's CTE plan score and the project locality of each application. The CDE will review and score each applicant's CTE plan, resulting in higher scores for the CTE plans most likely to proceed. Should an applicant submit multiple projects within a funding cycle, the score of the projects will be considered independently; multiple high-ranked projects from a single applicant may be funded before lower-ranked projects from other applicants. The locality for each project, identified as Urban, Suburban or Rural, shall be determined by the National Center for Education Statistics.

Applications within each region will be funded in rounds, accounting for all localities in each round until the funds or applications are exhausted. In the initial round, if the funding requests exceed the available funds in a region, all applications will be compared and the project with the highest CTE plan score will be funded regardless of locality, then the highest scoring plan in a different locality will be funded, followed by the highest scoring plan in the remaining locality. The process will be repeated in the subsequent rounds; the order of the localities may change and will be determined based on the remaining applications (Attachment E).

In the event two or more applicants have the same CTE plan score and are of the same locality, the application received first by the OPSC will be funded. In the event the applicants have the same CTE plan score, are of the same locality, and were received by the OPSC on the same day, the applicant with the highest dropout rate will be funded. If the remaining funds are inadequate to fund the entire project, the applicant will have the option to accept the reduced amount or reapply for the subsequent funding cycle. Funds not apportioned in a region will carryover to the next cycle for that region.

Fund Release

The applicant has 18 months from the time of project approval to submit their fund release. If the applicant has not submitted their fund release within 18 months of the allocation, the funds will be returned to the CTEFP fund.

In the event an applicant received design funding but does not submit a fund release for the remainder, the project will be reduced to costs incurred. The applicant is still responsible for 50 percent of the expenditures and is still be obligated to repay the loan amount in full.

Savings

The applicant may not retain savings on a CTEFP project. Any unused funds return to the program and are available for subsequent projects.

RECOMMENDATION

Present proposed regulations at the next available Committee meeting.

ATTACHMENT B
Draft Version: November 13, 2006

**Career Technical Education Facilities Program
(Assembly Bill 127) Article 13, Chapter 35,
Statutes of 2006**

**CALIFORNIA DEPARTMENT OF EDUCATION
APPLICATION GUIDELINES**

Date: _____ (TBA)

**DUE DATE:
No later than 4:00 P.M. ____ TBA ____, 2007**

California Department of Education
1430 N Street
Sacramento, CA 95814

Office of Public School Construction
1130 K Street, Suite 400
Sacramento, CA 95814

TABLE of CONTENTS

	Page
Background and Purpose	3
Grant Application Submission Requirements	5
Application Review and Scoring Process	7
Project Elements of the Application	8
Timelines for Review and Release of Grant Funding	10
 Checklist of Required Documents:	
Form A – Cover Page	11
Form B – Educational Specification and Equipment/ Space Requirements Sheet	12
Form C – Budget Justification/Detail Sheet	13
Form D – Industry Sectors and Pathways	14
Form E – Eleven County Supts. Service Regions	16

ATTACHMENT B
Career Technical Education Facilities Program

BACKGROUND AND PURPOSE

The Career Technical Education Facilities Program (CTEFP) was established by Article 13 of the *Kindergarten-University Public Education Facilities Bond Act of 2006*, Assembly Bill (AB) 127, Chapter 35, Statutes of 2006.

Article 13 of AB 127 authorizes the issuance and sale of state general obligation bonds to provide aid to school districts/comprehensive high schools and/or joint powers authorities to reconfigure, construct, or modernize Career Technical Education (CTE) facilities, and/or purchase equipment for CTE programs. This act becomes effective only if approved by the voters at the November 7, 2006 statewide general election.

Purpose of the Grants

Article 13 addresses the needs of CTE facilities, to provide funding to qualifying local educational agencies (LEA) for constructing new facilities, reconfiguring/modernizing existing facilities, or purchasing equipment for the following purposes:

1. To reconfigure/modify a structure of any age that will enhance the CTE educational opportunities for pupils in qualifying educational agencies in order to provide them with the skills and knowledge necessary for high-demand technical careers.
2. Funds may be used for limited new construction necessary to accommodate reconfiguration.
3. New construction of CTE facilities.
4. Funds may be used to purchase equipment with an average useful life expectancy of at least 10 years.

Criteria for Application

The California Department of Education (CDE) in cooperation with the Chancellor's Office of the Community Colleges, the Labor and Workforce Development Agency, and business and industry groups, is responsible for developing grant application criteria and pupil outcome measures to evaluate the program. The criteria shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at partnering community colleges or private institutions.

Grants will be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the State Allocation Board consistent with the approved application for the project. A school district/LEA must contribute an equal amount as the state-

ATTACHMENT B

awarded grant. This local contribution may be provided by private industry groups, the school district, or a joint powers authority and may be paid over time per a State Board of Allocation-approved payment schedule. The local contribution cannot be waived.

The school district is not required to demonstrate that it has un-housed pupils or that a permanent school building is more than 25 years old in order to receive a grant. However, the application will be subject to all other laws and regulations governing the School Facility Program. Please contact your Project Manager at the Office of Public School Construction (OPSC) at (916) 445-3160 for additional information.

The CDE review process is a two-stage process:

1. The CTE educational program, project or equipment will be reviewed based upon the grant requirements for the CTE educational program.
2. The facilities, space, and equipment requirements of the proposed project will be reviewed by the CDE/SFPD for consistency with Title 5 standards and for the plan supporting the described educational program. Approved grant applications will be forwarded to the OPSC.

To ensure equity and diversity of funding awards, it is the intent of CDE, OPSC, and the State Allocation Board (SAB) that these grants be implemented in multiple areas of the state (i.e. within the eleven California County Superintendent's regions). The California Department of Education/School Facilities Planning Division, OPSC and State Allocation Board retains ultimate discretion in the awarding of these grants to achieve this objective, therefore, geographical location of the projects may be a determining factor in awarding the grants.

ATTACHMENT B
Career Technical Education Facilities Program

GRANT APPLICATION SUBMISSION REQUIREMENTS

(Note: A separate application is required for each project, program or site)

Requirements

- **Cover Page (See Form A on page ____)**
- **Table of Contents**
- **Project Abstract (1 page maximum)**
Complete a one-page abstract that includes a heading and brief summary of the Career Technical Education facilities/equipment request. The summary should describe the project's goals and objectives as they relate to enhancing the Career Technical Education opportunities for students.
- **Project Elements (Narrative 10 pages maximum)**
The narrative must include clear descriptions of the Elements beginning on page _____. Please label and specify which Element item is being addressed.
- **Educational Specification and Equipment/Space Requirements Sheet (See Form B on page ____)**
- **Budget Justification/Detail Sheet (See Form C on page ____)**
Provide a budget summary specifically addressing how the requested funds will be spent and other financial details.
- **Unique Conditions (1 page maximum)**
If applicable, provide a one page description of any unique conditions affecting this application.
- **Checklist of Required Documents**

Format for the Preparation of the Application

Applications that do not comply with these formatting requirements will not be reviewed or considered for funding.

- Microsoft Word format
- Single line spacing
- 12-point Arial font
- 1" side, top, and bottom margins
- Page numbers at bottom of each page with applicant agency name
- Do not attach additional pages or information not requested in the requirements
- Original and all copies stapled in upper left corner

ATTACHMENT B

- Do not use binders or folders
- Include an electronic copy of your application on either a 3.5" floppy disk or CD. Alternatively, you may e-mail an electronic document of your application to _____@cde.ca.gov by _____, 2007, 4:00 PM. The disk or CD will not be returned to the applicant.

**DUE DATE: The original application document, three copies, and the electronic copy/e-mail document must be received no later than: _____, 2007, 4:00 PM.
Postmarks will not be accepted.**

Submit original, three copies, and electronic copy to:

_____, Assistant Field Representative
School Facilities Planning Division
California Department of Education
1430 N Street, Suite 1201
Sacramento, CA 95814-5901

ATTACHMENT B
Career Technical Education Facilities Program

APPLICATION REVIEW AND SCORING PROCESS

California Department of Education (CDE), Office of Public School Construction (OPSC) and the State Allocation Board (SAB) are charged with the review and awarding of grants under provisions of AB 127, Article 13. Staff will review project proposals submitted according to application guidelines. Scores will be based on the clarity and strength of descriptions of the application's required items. There are several weighted-score items which are indicated with an asterisk (*). The following table shows the maximum number of points to be assigned to each requirement.

Project Requirements	Maximum Potential Score
Cover Page (Use Form A)	5
Element 1. Career Technical Education Plan	50
Element 2. Projections of Student Enrollment	25
Element 3. Identification of Feeder Schools and Partners	15
Element 4. The Accountability Plan	25
Element 5. Educational Specification and Equipment/Space Requirements Sheet (Use Form B)	10
Element 6. Budget Justification/Detail Sheet (Use Form C)	30
Element 7. Unique Conditions	5
Element 8. Checklist of Required Documents	5
Overall Feasibility of the Project <i>(For reviewers only, see note below)</i>	5

Total: 175

*Note: Overall Feasibility of the Project
This is not a category to be addressed by the applicant, but rather a rated area on the scoring sheet for the reviewer. The reviewer has an opportunity to consider whether the overall project is realistically capable of achieving the intent of AB 127, Article 13. The reviewer will consider the entire application, in overall context, to make a final, overall appraisal. The intent is to judge the cohesiveness and viability of the project.*

ATTACHMENT B

Career Technical Education Facilities Program

PROJECT ELEMENTS OF THE APPLICATION

The following outline is intended to assist applicants to address each element in the grant application. Applicants must concisely describe each item in each element. For example, under Career Technical Education Plan, separately describe A, B, C, etc.

SCORING PROPOSAL FOR PROJECT ELEMENTS

Item	Element 1. Career Technical Education Plan	Points
A.*	Describe the Career Technical Education Plan, including the rationale for the requested CTE modification, reconfiguration, new construction, or equipment. Identify the industry sector being addressed and describe the high-demand labor market for qualified technical employees in this field in the region. (Include a copy of the Plan, with approval date, in the Checklist of Required Documentation.)	20
B.	Identify the membership of the advisory committee required pursuant to Education Code Section 8070 and each member's affiliation and contact information. (Include a roster of members, affiliations, and contact information in the Checklist of Required Documentation.)	5
C.	Describe how the school is committed to ensuring that all students are given the opportunity to participate in CTE programs, activities and experiences.	10
D.	Describe how the CTE program includes the following: Industry-based certifications, State Board of Education-adopted CTE Standards, a sequence of CTE courses, and career pathways.	15

Item	Element 2. Projections of Student Enrollment	Points
A.*	Describe the total number of pupils expected to attend the CTE program that will be supported with these funds and the method used to project the student enrollments.	15
B.	Describe the procedures in place that will ensure that the projected student enrollment will be met. Include the specific role of the guidance and counseling component of the school in the recruitment and enrollment process.	10

Item	Element 3. Identification of Feeder Schools and Partners	Points
A.*	Identify the feeder schools, middle schools, high schools, regional occupational centers and programs (ROCPs), students, parents, counselors, community members, business and industry partners related to the sector being addressed, community colleges, and other key stakeholders who participated in the development, articulation, review and approval of the CTE Plan. Describe the geographic proximity of other similar programs to ensure that the project complements CTE offerings in the area. (Include a roster with participants' names and affiliations in the Checklist of Required Documentation.)	15

**Weighted score items are indicated with an asterisk (*)*

ATTACHMENT B

Item	Element 4. The Accountability Plan	Points
A.*	Describe the school's accountability plan for enrollments and outcomes. Include the following: (1) the expected number of students who will complete a certificate, i.e. ROCP, industry-based, etc., (2) the number of students expected to enter employment in a related industry, apprenticeship program or military, (3) the number of students expected to successfully transition into postsecondary institutions for more advanced study in the applicable industry or other areas of study, and (4) the process the school will use to gather, analyze, and disseminate the data from 1-3 above to the School Board, parents, community members, business and industry partners, and other key stakeholders.	20
B.	Describe how the school will meet or exceed its obligations pursuant to Education Code Section 51228 (b).	5

Item	Element 5. Educational Specification and Equipment/Space Requirements Sheet (Use Form B)	Points
A.	Applicants are to provide an educational specification that defines the educational goals of the particular CTE program and shows how the requested grant will be used (specify equipment, furniture and facilities construction or modernization) to meet those goals and include a schematic drawing of the proposed space and/or location of the equipment for this project.	10

Item	Element 6. Budget Justification/Detail Sheet (Use Form C)	Points
A.*	Provide the estimated capital cost per pupil and the rationale/method used for calculating this number. Reference the CTE Plan where feasible.	15
B.*	Describe the financial participation of industry partners in the construction and equipping of the facility.	15

Item	Element 7. Unique Conditions	Points
A.	Describe, in one page or less, any unique conditions which may affect this application. Unique conditions may include, but are not limited to, such items as rural or isolated schools or educational agencies, unique partnership arrangements, unique costs and expense issues, unique physical plant conditions or facilities issues, etc.	5

Item	Element 8. Checklist of Required Documentation	Points
A.	Cover Page (Form A)	5
B.	Educational Specification and Equipment/Space Requirements Sheet (Form B)	
C.	Budget Justification/Detail Sheet including schematic drawings (Form C)	
D.	Career Technical Education Plan (Element 1, Item A.)	
E.	Roster of required advisory committee members, affiliations, and contact information. (Element 1, Item B.)	
F.	Roster of other key stakeholders, participants, partners, etc. who participated in the development, articulation, review and approval of the CTE Plan. (Element 3, Item A.)	

Weighted score items are indicated with an asterisk ()

ATTACHMENT B

Career Technical Education Facilities Program

TIMELINES FOR THE REVIEW AND RELEASE OF GRANT FUNDING

Funding Opportunity Announced and Application Guidelines Released	_____ , 2007
Applicants' workshops conducted regionally	_____ , 2007
Applications Due to CDE No Later Than	_____ , 2007
Application Scoring Completed	_____ , 2007
Successful Applicants Recommended to SAB	_____ , 2007

ATTACHMENT B
Career Technical Education Facilities Program

FORM A – COVER PAGE

Local Educational Agency

Name of Local Educational Agency (LEA):	CDS Code:
Printed Name and Title of Fiscal Contact:	
Address:	
City:	Zip:
Telephone:	Fax:
E-mail:	Web Site:

CTE Facilities Contact

CTE Project/Equipment Location:	
Printed Name and Title of Facilities Contact:	
Address:	
City:	Zip:
Telephone:	Fax:
E-mail:	Web Site:

Signatures/Approvals/Certifications

Printed Name of Superintendent:
Date CTE Plan Approved by Governing Board:
Certification: District certifies that the Advisory Committee pursuant to Education Code Section 8070 has met and approved the CTE Plan, and the other requirements contained in AB 127, Article 13, Section 17078.72, including Sections (i) (1 thru 7) have been accomplished, and minutes and other supporting documentation is on file at the District Office. Further, the project is on a comprehensive high school site that meets the requirements of Education Codes 51224, 51225.3, and 51228.
Signature of Superintendent and Date:

ATTACHMENT B

Career Technical Education Facilities Program

FORM B – EDUCATIONAL SPECIFICATION AND EQUIPMENT/SPACE REQUIREMENTS SHEET

(Use additional sheets as necessary)

County:	Name of Project:
Local Education Agency:	Type of Project: <input type="checkbox"/> New Construction <input type="checkbox"/> Modernization <input type="checkbox"/> Equipment
Name of School:	Student Capacity for Project:
Project Tracking Number:	Proposed Schematic Drawing Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

Project Summary

Generally describe the scope of the career technical project and its educational goals.

Program and Space Functionality

Describe the program activities for this career tech project/equipment and how the teaching station will support those functions.

Space and Equipment Requirements

List required equipment needed to support the career technical project and the square footage requirements for all its other spaces (teaching station, storage, office, lab, lecture area, etc.). Please attach a schematic drawing of the proposed project.

Functional Relationship to Site

Describe how the new construction or modernized building impacts other areas of the site.

Site Development Considerations

Provide, if any, additional site development needs associated with the career technical project.

ATTACHMENT B

Career Technical Education Facilities Program

FORM C – BUDGET JUSTIFICATION/DETAIL SHEET

(One Form per School Site, Per Project)

LEA Name:

Project Name:

Provide sufficient detail to justify the budget. The budget justification page(s) must provide all required information even if the items have already been identified and discussed in another section. For each project or equipment, list the costs associated. Please use additional sheets as necessary.

Project/Equipment Description	Subtotal Each Item
<p style="text-align: right;">Total Amount of Funds Requested:</p>	

Total Match Amount:

Source of Match:

Time Payment Required: Y N

Financial Support from Industry Partners:

Other Sources of Funding:

ATTACHMENT B
FORM D – INDUSTRY SECTORS AND PATHWAYS
California Department of Education

Agriculture and Natural Resources Industry Sector

- A. Agricultural Business Pathway
- B. Agricultural Mechanics Pathway
- C. Agriscience Pathway
- D. Animal Science Pathway
- E. Forestry and Natural Resources Pathway
- F. Ornamental Horticulture Pathway
- G. Plant and Soil Science Pathway

Arts, Media, and Entertainment Industry Sector

- A. Media and Design Arts Pathway
- B. Performing Arts Pathway
- C. Production and Managerial Arts Pathway

Building Trades and Construction Industry Sector

- A. Cabinetmaking and Wood Products Pathway
- B. Engineering and Heavy Construction Pathway
- C. Mechanical Construction Pathway
- D. Residential and Commercial Construction Pathway

Education, Child Development, and Family Services Industry Sector

- A. Child Development Pathway
- B. Consumer Services Pathway
- C. Education Pathway
- D. Family and Human Services Pathway

Energy and Utilities Industry Sector

- A. Electromechanical Installation and Maintenance Pathway
- B. Energy and Environmental Technology Pathway
- C. Public Utilities Pathway
- D. Residential and Commercial Energy and Utilities Pathway

Engineering and Design Industry Sector

- A. Architectural and Structural Engineering Pathway
- B. Computer Hardware, Electrical, and Networking Engineering Pathway
- C. Engineering Design Pathway
- D. Engineering Technology Pathway
- E. Environmental and Natural Science Engineering Pathway

Fashion and Interior Design Industry Sector

- A. Fashion Design, Manufacturing, and Merchandising Pathway
- B. Interior Design, Furnishings, and Maintenance Pathway

ATTACHMENT B

Finance and Business Industry Sector

- A. Accounting Services Pathway
- B. Banking and Related Services Pathway
- C. Business Financial Management Pathway

Health Science and Medical Technology Industry Sector

- A. Biotechnology Research and Development Pathway
- B. Diagnostic Services Pathway
- C. Health Informatics Pathway
- D. Support Services Pathway
- E. Therapeutic Services Pathway

Hospitality, Tourism, and Recreation Industry Sector

- A. Food Science, Dietetics, and Nutrition Pathway
- B. Food Service and Hospitality Pathway
- C. Hospitality, Tourism, and Recreation Pathway

Information Technology Industry Sector

- A. Information Support and Services Pathway
- B. Media Support and Services Pathway
- C. Network Communications Pathway
- D. Programming and Systems Development Pathway

Manufacturing and Product Development Industry Sector

- A. Graphic Arts Technology Pathway
- B. Integrated Graphics Technology Pathway
- C. Machine and Forming Technology Pathway
- D. Welding Technology Pathway

Marketing, Sales, and Service Industry Sector

- A. E-commerce Pathway
- B. Entrepreneurship Pathway
- C. International Trade Pathway
- D. Professional Sales and Marketing Pathway

Public Services Industry Sector

- A. Human Services Pathway
- B. Legal and Government Services Pathway
- C. Protective Services Pathway

Transportation Industry Sector

- A. Vehicle Maintenance, Service, and Repair
- B. Aviation and Aerospace Transportation Services Pathway
- C. Collision Repair and Refinishing Pathway

ATTACHMENT B

FORM E

The Eleven Service Regions of California County Superintendents Educational Services Association (CCSESA)



DRAFT

ATTACHMENT C

AMORTIZATION TABLES

Amortization Table

A simple amortization table covering 5 payment periods

Career Technical Education Facilities Program - \$1.5 million over 10 years with an interest rate of 4.8270%

Initial Data

LOAN DATA		TABLE DATA	
Loan amount:	\$1,500,000.00	Table starts at date:	
Annual interest rate:	4.8270%	or at payment number:	1
Term in years:	10		
Payments per year:	1		
First payment due:	1/1/2007		

PERIODIC PAYMENT

Entered payment: *The table uses the calculated periodic payment amount unless you enter a value for "Entered payment".*
 Calculated payment: **\$192,628.21**

CALCULATIONS

Use payment of: \$192,628.21
 1st payment in table: 1
 Beginning balance at payment 1: 1,500,000.00
 Cumulative interest prior to payment 1: 0.00

Table

No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
1	1/1/2007	1,500,000.00	72,405.00	120,223.21	1,379,776.79	72,405.00
2	1/1/2008	1,379,776.79	66,601.83	126,026.38	1,253,750.41	139,006.83
3	1/1/2009	1,253,750.41	60,518.53	132,109.68	1,121,640.73	199,525.36
4	1/1/2010	1,121,640.73	54,141.60	138,486.61	983,154.12	253,666.96
5	1/1/2011	983,154.12	47,456.85	145,171.36	837,982.76	301,123.81
6	1/1/2012	837,982.76	40,449.43	152,178.78	685,803.98	341,573.23
7	1/1/2013	685,803.98	33,103.76	159,524.45	526,279.53	374,676.99
8	1/1/2014	526,279.53	25,403.51	167,224.70	359,054.83	400,080.50
9	1/1/2015	359,054.83	17,331.58	175,296.63	183,758.20	417,412.08
10	1/1/2016	183,758.20	8,870.01	183,758.20	0.00	426,282.09

	Interest	Principal	Total
TOTAL	426,282.09	1,500,000.00	1,926,282.09

ATTACHMENT C

Amortization Table

A simple amortization table covering 5 payment periods
Career Technical Education Facilities Program - \$3.0 million over 10 years with an interest rate of 4.8270%

Initial Data

LOAN DATA

Loan amount: **\$3,000,000.00**
 Annual interest rate: 4.8270%
 Term in years: 10
 Payments per year: 1
 First payment due: 1/1/2007

TABLE DATA

Table starts at date:
 or at payment number: 1

PERIODIC PAYMENT

Entered payment: *The table uses the calculated periodic payment amount*
 Calculated payment: **\$385,256.42** *Unless you enter a value for "Entered payment".*

CALCULATIONS

Use payment of: \$385,256.42
 1st payment in table: 1
 Beginning balance at payment 1: 3,000,000.00
 Cumulative interest prior to payment 1: 0.00

Table

No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
1	1/1/2007	3,000,000.00	144,810.00	240,446.42	2,759,553.58	144,810.00
2	1/1/2008	2,759,553.58	133,203.65	252,052.77	2,507,500.82	278,013.65
3	1/1/2009	2,507,500.82	121,037.06	264,219.35	2,243,281.46	399,050.72
4	1/1/2010	2,243,281.46	108,283.20	276,973.22	1,966,308.24	507,333.91
5	1/1/2011	1,966,308.24	94,913.70	290,342.72	1,675,965.52	602,247.61
6	1/1/2012	1,675,965.52	80,898.86	304,357.56	1,371,607.96	683,146.47
7	1/1/2013	1,371,607.96	66,207.52	319,048.90	1,052,559.06	749,353.98
8	1/1/2014	1,052,559.06	50,807.03	334,449.39	718,109.67	800,161.01
9	1/1/2015	718,109.67	34,663.15	350,593.26	367,516.40	834,824.16
10	1/1/2016	367,516.40	17,740.02	367,516.40	0.00	852,564.18

	Interest	Principal	Total
TOTAL	852,564.18	3,000,000.00	3,852,564.18

ATTACHMENT D

DISTRIBUTION OF FUNDS BY REGION

Region	CBEDS High School Enrollment	CBEDS % of Total High School Enrollment	Portion of \$500 Million	Portion of \$250 Million
1	40,282	2.09 %	\$10,426,465	\$5,213,232
2	33,854	1.75 %	\$8,762,662	\$4,381,331
3	124,040	6.42 %	\$32,106,119	\$16,053,059
4	204,262	10.57 %	\$52,870,526	\$26,435,263
5	113,072	5.85 %	\$29,267,197	\$14,633,598
6	80,313	4.16 %	\$20,787,961	\$10,393,980
7	117,902	6.10 %	\$30,517,379	\$15,258,689
8	128,433	6.65 %	\$33,243,189	\$16,621,594
9	324,497	16.80 %	\$83,991,771	\$41,995,885
10	244,874	12.68 %	\$63,382,407	\$31,691,203
11	520,190	26.93 %	\$134,644,325	\$67,322,163
Total	1,931,719	100.00 %	\$500,000,000	\$250,000,000

ATTACHMENT E
 SAMPLE FUNDING SEQUENCE
 (Single Region)

Applications Received

Application	CTE Plan Score	Locality
Davis USD	150	Suburban
Elk Grove USD #1	130	Suburban
Elk Grove USD #2	120	Urban
Natomas USD	135	Suburban
Placer HSD #1	137	Rural
Placer HSD #2	125	Urban
Roseville HSD	140	Urban
Sacramento USD #1	145	Urban
Sacramento USD #2	130	Urban
Sacramento USD #3	135	Urban
Sierra USD	130	Rural

Applications Sorted by Locality and Score

Application	CTE Plan Score	Locality
Sacramento USD #1	145	Urban
Roseville HSD	140	Urban
Sacramento USD #3	135	Urban
Sacramento USD #2	130	Urban
Placer HSD #2	125	Urban
Elk Grove USD #2	120	Urban
Davis USD	150	Suburban
Natomas USD	135	Suburban
Elk Grove USD #1	130	Suburban
Placer HSD #1	137	Rural
Sierra USD	130	Rural

Funding Sequence

Round			
1	Davis USD (Highest score)	Sacramento USD #1 (Highest score, not Suburban)	Placer HSD #1 (Highest score, remaining locality)
2	Roseville HSD (Highest score)	Natomas USD (Highest score, not Urban)	Sierra USD (Highest score, remaining locality)
3	Sacramento USD #3 (Highest score)	Elk Grove USD #1 (Highest score, not Urban)	n/a (no remaining Rural locality)
4	Sacramento USD #2 (Highest score)	n/a	n/a
5	Placer HSD #2 (Highest score)	n/a	n/a
6	Elk Grove USD #2 (Highest score)	n/a	n/a

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING
December 1, 2006

EMERGENCY REPAIR PROGRAM AND
INTERIM EVALUATION INSTRUMENT REVISIONS

PURPOSE

To discuss the implementation of Assembly Bill (AB) 607 (Chapter 704, Statutes of 2006 – Goldberg) with regard to changes to the Emergency Repair Program (ERP) and the definition of Good Repair.

BACKGROUND

Senate Bill (SB) 6 (Chapter 899, Statutes of 2004 - Alpert) and SB 550 (Chapter 900, Statutes of 2004 - Vasconcellos) established the ERP and the good repair standards in response to the settlement agreement in the case of *Williams vs. California*. One of the main purposes of the settlement was to ensure that all California school children have equal access to adequate school facilities. In response to the settlement agreement, current law:

- Provides reimbursement ERP funding through the Office of Public School Construction (OPSC) in order to help meet the emergency repair costs of Local Educational Agencies (LEAs). Funding is available to schools ranked in deciles 1 to 3, inclusive, based on the 2003 Academic Performance Index (API) and that were newly constructed prior to January 1, 2000.
- Defines "good repair" to mean: "the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the OPSC". The Interim Evaluation Instrument (IEI) was developed and made available to LEAs in January of 2005, when it was adopted by the State Allocation Board (SAB).

As a continuation of the provisions of the Williams settlement, AB 607 adopts various changes to the Education Code (EC). These changes provide flexibility and encourage participation in the ERP as well as replace the IEI with a permanent school facility inspection and evaluation instrument. [To reference AB 607 text, please see Attachment B.]

DISCUSSION

Revisions to ERP Funding Process

AB 607 requires the following changes to the EC:

- EC Section 1240 requires the list of eligible schools to be updated for various provisions, including ERP funding for the 2007-08 fiscal year and thereafter. The list will be updated with the current API ranking every three years [EC Section 1240 (c)(2)(E)(i)]. Pursuant to EC Section 17592.72 (a)(3), LEAs with schools that were

deciles one to three on the 2003 Base API, but are no longer deciles one to three on the 2006 Base API will not be eligible to submit an application after June 30, 2007. It is possible that school districts may have school sites that will become ineligible for funding after this date but will not have completed their qualifying ERP projects. The regulations will allow these school districts to file applications for grant funding prior to June 30, 2007 and complete their projects even after the schools become ineligible. In addition, if the revised regulations and grant application forms are not in effect by March 30, 2007, a grandfathering period would be provided for 90 days following the regulations approval.

The following tables provide examples for project eligibility and OPSC filing periods:

Application Filing Periods

2003 to 2006 Academic Performance Index Rankings

	2003 API	2006 API	Project Eligibility Date*	Application Submittals Accepted On or After	Application Submittal Deadline
School A	Decile 3	Decile 4	September 29, 2004	May 31, 2005	June 30, 2007**
School B	Decile 2	Decile 2	September 29, 2004	May 31, 2005	June 30, 2010
School C	Decile 4	Decile 3	September 1, 2005	July 1, 2007	June 30, 2010

2006 to 2009 Academic Performance Index Rankings

	2006 API	2009 API	Project Eligibility Date*	Application Submittals Accepted On or After	Application Submittal Deadline
School A	Decile 3	Decile 4	September 1, 2005	July 1, 2007	June 30, 2010
School B	Decile 2	Decile 2	September 29, 2004	May 31, 2005	June 30, 2013
School C	Decile 4	Decile 3	September 1, 2008	July 1, 2010	June 30, 2013

*Date on/after which projects can commence, and enter into contracts or expend funds.

**Grandfathering period: If the revised ERP regulations are not in effect by the end of March 2007, LEAs with these schools may submit applications for 90 days following the regulations approval.

- EC Section 17592.72 adds a provision to modify the ERP to provide grant funding in addition to reimbursement funding that is already available. This means that LEAs may request funding for projects that have not yet commenced or are not completed based on a cost estimate. In addition, the LEAs may continue to submit applications for reimbursement for projects that have been completed and actual costs are known. LEAs can request funding for eligible projects on a grant basis once the revised regulations are approved. As such, LEAs may request the following apportionments for each project:

- 1) "Estimated Grant":
The Application for Reimbursement and Expenditure Report (Form SAB 61-03) must be submitted (with the appropriate supporting health/safety and cost estimate documentation) to request initial grant funding for a project. This type of application would be subsequently followed by a Final Grant application to determine appropriate increases/decreases to the Estimated Grant.
- 2) "Final Grant":
The Form SAB 61-03 must be submitted once the project is complete to provide the final cost amounts for verification of the Estimated Grant funding previously received. LEAs will be required to have the appropriate expenditure supporting documentation available upon request for ERP audit purposes.

The following table illustrates the funding path for an ERP grant request:

Type of Application	Step 1	Step 2	Step 3	Step 4
1) Estimated Grant Request	<u>OPSC Review:</u> Health/Safety and Cost Estimate	SAB Apportionment	Automatic Fund Release	Submit a Final Grant Request within one year
2) Final Grant Request	<u>OPSC Review:</u> Actual Costs vs. Estimated Grant	Final SAB Apportionment	<u>Increase:</u> Automatic fund release <u>Decrease:</u> LEA returns difference the State	<u>Audit:</u> Expenditure and Certifications

Revisions to ERP Regulations

Following are highlights of the recommended revisions to the ERP Regulations.

- 1859.302 *Definitions*
 - New terms: Estimated Grant and Final Grant
- 1859.320 *General*
 - The application will allow LEAs to request funding for more than one type of system/component at each site.
- 1859.323 *Eligible Project Costs*
 - Architect/structural engineer fee amounts are capped at 12 per cent.
 - Projects must meet a minimum threshold dollar amount:
 - Pragmatic solution to time and resource limitations of the OPSC.
 - Projects can meet minimum by combining small same-site projects.
- 1859.323.1 *Replacement Projects*
 - Replacement with a more costly alternate material/system allowable on a prorated basis.
- 1859.323.2 *Ineligible Expenditures*
 - Administrative and consultant planning fees are ineligible.
 - Self insured and otherwise insurable assets, and insurance deductibles are ineligible.
- 1859.324 *Eligible Projects*
 - List of eligible schools updated with 2006 Base API.

- 1859.326 *Expenditure Determination and Audit*
 - Expenditure determination occurs before Final Grant.
 - Estimated Grant may be increased/decreased for Final Grant.
 - Projects subject to audit after Final Grant.
- 1859.330 *Time Limit on Advance Apportionment*
 - Projects must be completed within one year.
 - Projects that are not completed within the one year will be automatically rescinded.
- 1859.331 *Estimated Grant Project Cost Increases*
 - Additional costs must be within original project scope.
- 1859.332 *Grant Savings*
 - Savings and interest identified from an Estimated Grant must be returned to the State.

Policy Regarding Funding the Replacement of Portables

Replacing portable classrooms will be considered on a case-by case basis, dependent upon several factors, such as the following:

- Has the LEA provided justification that the combined costs to repair one or more components/systems in the portable are greater than 75 % of the replacement cost of the portable?
- Is the requested replacement cost reasonable as project costs are limited to the minimum work necessary to mitigate the health and safety hazard?
- Was/Is the portable a State Relocatable Program classroom?
- Was the portable excluded in the new construction baseline eligibility determination? Does the new construction eligibility need to be adjusted?
- Did the portable generate modernization eligibility and/or funding? Does the modernization eligibility need to be adjusted?
- Does the LEA plan to replace the portable with a new portable or a used portable?

Revisions to Form SAB 61-03

Following are highlights of the recommended changes to the Form SAB 61-03.

- General Information/Instructions will be enhanced/clarified to reflect new regulations, and to clarify the support documentation LEAs will be required to have available for ERP audit purposes.
- The form includes more project options for “Type of System/Component.”
- Each application may include more than one Type of System/Component.

Revisions to Internal Evaluation Instrument (IEI):

AB 607 EC Sections 1242 and 1242.5, which relate to the definition of Good Repair, provide a permanent statutory standard of good repair. As such, it requires that the IEI be replaced with a permanent school facility inspection and evaluation instrument. The following items are a summary of the major additions to the existing IEI (see Attachment A for the draft IEI):

- *Gas Leaks*
 - Appear safe, functional, and free of leaks

- *Mechanical Systems*
 - Adequate air supply to all facilities
 - Interior temperatures appear to be maintained within normal ranges.
- *Windows/Doors/Gates/Fences*
 - Doors, windows, locks function as designed
 - Gates and fences intact and functional
- *Structural Damage*
 - Posts, beams, supports, ramps are intact, secure, and function as designed
 - No apparent undermining of structural components
- *Fire Safety*
 - Fire alarm pull stations are clearly visible
 - Fire extinguishers placed in all required areas
 - Emergency exits clearly marked and unobstructed
- *Electrical*
 - Electrical systems appear to be working properly
 - Electrical equipment/fixtures are covered and guarded from pupil access.
 - There is no unusual hum or noise from light fixtures
- *Drinking Fountains*
 - Water is without unusual odor
 - Excessive staining is not evident
- *Sewer*
 - The sewer system controls odor as designed
- *Playground/School Grounds*
 - No signs of drainage problems or clogged storm drain inlets
 - Seating and tables are functional and free of significant cracks
- *Roofs (observed from the ground, inside and outside the building)*
 - New category added to ensure roof systems are functioning properly
 - Roofs, gutters, roof drains, and down spouts are intact appear to be functioning properly and free of visible damage
- *Overall Cleanliness*
 - New category added to ensure school and grounds are cleaned regularly
 - School is free from accumulated refuse
 - School free from unabated graffiti
 - Restrooms, drinking fountains, and food preparation areas appear to have been cleaned each day

In addition, AB 607 requires that the OPSC add a system that will evaluate each part listed on the instrument on a scale of good, fair, or poor and an overall summary of the conditions at each school on a scale of exemplary, good, fair, or poor. This will be developed at a later date and discussed at a future Implementation Committee meeting. Until the rating system is developed, the IEI will be modified to include the above items, will receive a revision date, and shall continue to be considered the “Interim Evaluation Instrument.”

RECOMMENDATIONS

1. Prepare draft regulations and Form SAB 61-03 to be presented at a future Implementation Committee meeting including all of the proposals presented in this item.
2. Present the revised IEI to the next available SAB meeting for adoption.

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

GENERAL INFORMATION

Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction or a local evaluation instrument that meets the same criteria [pursuant to Education Code (EC) Section 17002(d)(1)]. As part of the school accountability report card, school districts and county offices of education are required to make specified assessments of school conditions including the safety, cleanliness, and adequacy of school facilities and needed maintenance to ensure good repair. In addition, beginning with the 2005/2006 fiscal year, school districts and county offices of education must certify that a facility inspection system has been established to ensure that each of its facilities is maintained in good repair in order to participate in the School Facility Program and the Deferred Maintenance Program. ~~Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction [pursuant to Education Code (EC) Section 17002(d)(1)].~~ This tool is intended to assist school districts and county offices of education in that determination.

County superintendents are required to annually visit the schools in the county of his or her office ~~that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index pursuant to as determined by EC Section 1240(c) (The California Department of Education published a list of these schools, pursuant to EC Section 17592.70(b) on the department's Web site at www.cde.ca.gov).~~ Further, EC Section 1240(c)(2)(E), states "the priority objective of the visits made shall be to determine the status of the condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by EC Section 17592.72 (c) and the accuracy of data reported on the school accountability report card with the respect to the safety, cleanliness, and adequacy of school facilities, including good repair as required by EC Sections 17014, 17032.5, 17070.75, and 17089." This tool is also intended to assist county offices of education in performing these functions.

SPECIFIC INSTRUCTIONS

Parts I–~~XV~~~~XIII~~

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response to each part. Note that a "no" response indicates a deficiency. If a deficiency is determined by the evaluator, boxes are provided to indicate additional information. In the building/classroom box, the evaluator will need to provide the location of the problem by indicating a building identification or classroom number. This identifier should correspond to the school's current fire drill site map. In the comment box, the evaluator can provide a description of the issue and any other details necessary to specifically identify the problem.

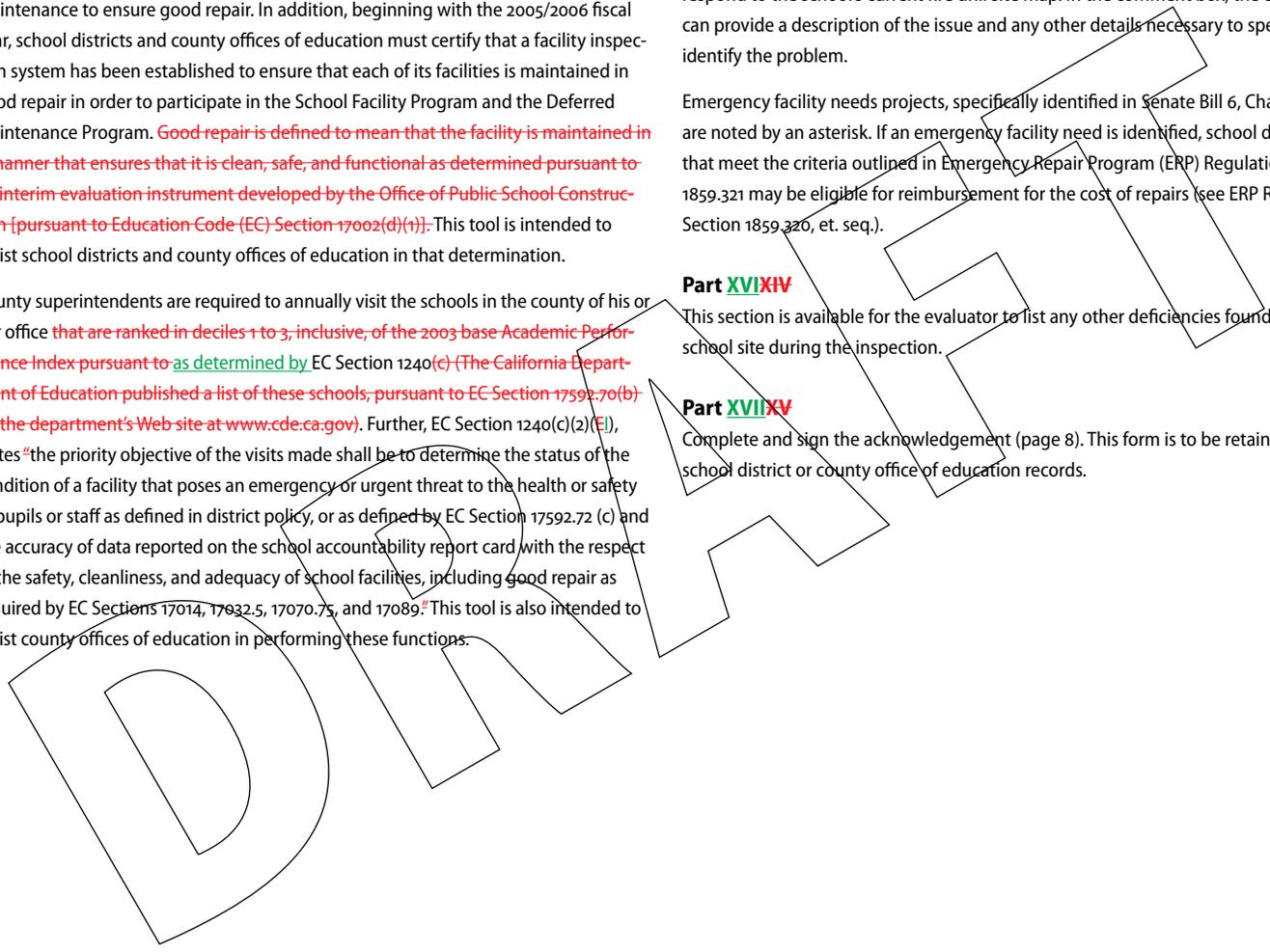
Emergency facility needs projects, specifically identified in Senate Bill 6, Chapter 899, are noted by an asterisk. If an emergency facility need is identified, school districts that meet the criteria outlined in Emergency Repair Program (ERP) Regulation Section 1859.321 may be eligible for reimbursement for the cost of repairs (see ERP Regulation Section 1859.320, et. seq.).

Part ~~XVI~~~~XIV~~

This section is available for the evaluator to list any other deficiencies found at the school site during the inspection.

Part ~~XVII~~~~XV~~

Complete and sign the acknowledgement (page 8). This form is to be retained for school district or county office of education records.



INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

School Site Information

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION	COUNTY	
SCHOOL SITE		
REPRESENTATIVE OF DISTRICT WHO ACCOMPANIED THE EVALUATOR (IF APPLICABLE)	DATE OF REVIEW	TIME OF REVIEW

Evaluator(s) Information

NAME(S)	TITLE	REPRESENTS
1.		
2.		
3.		

Part I. Gas Leaks*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Gas systems and pipes appear safe, functional, and free of leaks. A gas leak(s) is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There does not appear to be any odor caused by a gas leak.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. There does not appear to be any broken pipes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part II. Mechanical Systems*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Problems with the heating, ventilation, and air conditioning systems as applicable appear to be functional and unobstructed are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. The heating system is working.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. The facilities are ventilated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. The ventilation units are unobstructed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. The existing air conditioning system is working.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. There appears to be an adequate air supply to all classrooms, work spaces, and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Interior temperatures appear to be maintained within normally accepted ranges.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
ge. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE

Part III. Windows/Doors/Gates/Fences* (Interior and Exterior)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Conditions that pose a security risk are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Windows are <u>intact not broken or missing</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Windows are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
cb. Doors are <u>intact not broken or missing</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Doors are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
ec. Gates and fences appear to be functional <u>are not broken or missing</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
fd. Gates and fences are intact and <u>Fencing is free of any holes and other conditions that could present a safety hazard to pupils, staff, or others</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
ge. Locks and other security hardware <u>are functioning as designed</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
hf. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part IV. Interior Surfaces (Walls, Floors, and Ceilings)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Interior surfaces appear to be clean, safe, and functional. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Walls are free of hazards from tears, holes, and water damage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Flooring is free of hazards from torn carpeting, missing floor tiles, holes, water damage and accumulated refuse.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Ceiling is free of hazards from missing ceiling tiles, holes, and water damage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Interior surfaces appear to be free of mildew or mold odor and visual mold.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE

Part V. Hazardous Materials* (Interior and Exterior)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

There does not appear to be evidence of hazardous materials that may pose an immediate threat to pupils or staff. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There does not appear to be peeling, chipping, or cracking paint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. There does not appear to be damaged tiles or other circumstances that may indicate asbestos exposure.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. There does not appear to be any indication of mold or mildew, such as odor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Hazardous chemicals and flammable materials are stored properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part VI. Structural Damage*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

There does not appear to be evidence of structural damage that has created or has the potential to create hazardous or uninhabitable conditions. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Severe cracks are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Ceilings and floors are not sloping or sagging.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Posts, or beams, supports for portable classrooms, ramps, and other structural building members appear to be intact, secure and functional as designed are not missing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Dry rot/mold in structural components are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. There does not appear to be any damage that undermines the structural components.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE

Part VII. Fire Safety

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

1. The fire sprinklers appear to be in working order.* For example:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Missing or damaged sprinkler heads are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. The emergency equipment and systems appear to be functioning properly. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Emergency alarms appear to be functional.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Fire extinguishers are <u>current and placed in all required areas, including every classroom and assembly area inspected</u> not missing or out-of-date.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. <u>Fire alarms pull stations are clearly visible.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. <u>Emergency exits are clearly marked and unobstructed.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part VIII. Electrical (Interior and Exterior)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

1. There is no evidence that any portion of the school has a power failure.*	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
2. Electrical <u>systems, components, and equipment appear to be working properly</u> hazards are not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Exposed electrical wires are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Outlets, switch plates, junction boxes and fixtures are covered and <u>guarded from pupil access</u> appear to be working properly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Electrical equipment appears to be properly covered and guarded <u>from pupil access.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Lighting appears to be adequate and working properly, <u>including exterior lights.</u> For example:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Lighting appears to be adequate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Lighting is not flickering.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. <u>There is no unusual hum or noise from the light fixtures.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE _____

Part IX. Pest/Vermin Infestation*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Major pest or vermin infestation is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. There are no holes in the walls, floors, or ceilings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Rodent droppings are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Odor caused by a pest or vermin infestation is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part X. Drinking Fountains (Inside and Outside)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Drinking fountains appear to be accessible and functioning as intended. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Drinking fountains are accessible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Water pressure is adequate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. A leak is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Moss, or mold , or excessive staining is not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. The water is clear and without unusual taste or odor tasteless .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XI. Restrooms

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Restrooms appear to be accessible during school hours, clean, functional and in compliance with SB 892 (EC Section 35292.5). The following are the requirements of being in compliance with SB 892:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Restrooms are maintained and cleaned regularly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Restrooms are fully operational.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Restrooms are stocked with toilet paper, soap, and paper towels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. Restrooms are open during school hours.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE

Part XII. Sewer*

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Major sewer line stoppage is not evident. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Obvious signs of flooding in the facilities or on the school grounds are not evident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. <u>The sanitary system controls odor as designed</u> There does not appear to be any odor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XIII. Playground/School Grounds

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

The playground equipment and school grounds appear to be clean, safe, and functional. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. Significant cracks, holes and deterioration are not found.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Accumulated refuse is not found.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Open "S" hooks, protruding bolt ends, and sharp points/edges are not found in the playground equipment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
d. <u>Seating, tables, and equipment are functional and free of significant cracks.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
e. <u>There are no signs of drainage problems, such as flooded areas, eroded soil, water damage to asphalt, or clogged storm drain inlets.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
f. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XIV. Roofs (as observed from the ground, inside and outside of the building)

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

Roof systems appear to be functioning properly. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. <u>Roofs, gutters, roof drains, and down spouts are free of visible damage.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. <u>Roofs, gutters, roof drains, and down spouts are intact.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

INTERIM EVALUATION INSTRUMENT
SCHOOL FACILITY CONDITIONS EVALUATION

(REV 01/07)

SCHOOL SITE

Part XV. Overall Cleanliness of the School

Check the appropriate box that indicates a "yes", "no", or "n/a" (not applicable) response for each standard of good repair. A "no" response indicates a deficiency is present.

School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly. The following are examples:	YES	NO	N/A	BUILDING/CLASSROOM	COMMENTS
a. School is free of accumulated refuse.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. School is free of unabated graffiti.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Part XVI. Other

BUILDING/CLASSROOM

Part XVII. Acknowledgement:

I am a representative of _____, and the information contained herein is true and correct to the best of my knowledge and the above findings were made during my review of this school site on _____ at _____ a.m./p.m.

PRINT NAME	TITLE
SIGNATURE	DATE
TELEPHONE NUMBER	E-MAIL ADDRESS

ATTACHMENT B

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BILL NUMBER: AB 607 CHAPTERED
BILL TEXT

CHAPTER 704
FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2006
APPROVED BY GOVERNOR SEPTEMBER 29, 2006
PASSED THE ASSEMBLY AUGUST 31, 2006
PASSED THE SENATE AUGUST 29, 2006
AMENDED IN SENATE AUGUST 28, 2006
AMENDED IN SENATE AUGUST 22, 2006
AMENDED IN SENATE AUGUST 7, 2006
AMENDED IN SENATE JUNE 22, 2006
AMENDED IN ASSEMBLY JANUARY 4, 2006
AMENDED IN ASSEMBLY APRIL 25, 2005

INTRODUCED BY Assembly Member Goldberg
(Coauthors: Senators Alquist, Romero, and Torlakson)

FEBRUARY 17, 2005

An act to amend Sections 1240, 17002, 17076.10, 17592.72, 35186, and 60119 of, and to add Sections 1242 and 1242.5 to, the Education Code, relating to school facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 607, Goldberg School Facilities Emergency Repair Account.

(1) Existing law requires a county superintendent of schools, among other things, to visit and examine each school in the county to observe its operation and learn of its problems. Existing law requires the county superintendent to annually present a report to the governing board of each school district under his or her jurisdiction, and to the board of supervisors of the county, describing the state of the schools in the county that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API).

This bill would require the annual report to be submitted in November at a regularly scheduled meeting of the governing board. The bill would require the report to include certain determinations for each school and teacher misassignments and teacher vacancies and would require the county superintendent, or his or her designee, to use a standardized template to report those details, unless those details are already being reported by the county superintendent, or his or her designee.

The bill would require commencing with the 2006-07 fiscal year, certain funds appropriated pursuant to the Budget Act of 2006 to

51 county offices of education for site visits to be allocated to
52 elementary, middle or junior, and high schools, as specified. The
53 bill would provide an additional allocation, as specified, to county
54 offices of education that are responsible for visiting more than 150
55 schoolsites. The bill would set \$10,000 as the minimum amount for
56 allocation to county offices of education.

57 The bill would require the State Department of Education to review
58 the actual costs of 2005-06 fiscal year site visits conducted and if
59 the department determines that a county office of education did not
60 expend the funds allocated, the amount that exceeds the amount spent
61 shall revert to a certain fund and would be available to cover
62 certain extraordinary costs incurred by county offices of education.
63 The bill would require the department to allocate the funds to county
64 offices of education by June 30, 2007.

65 (2) Existing law, the Leroy F. Greene School Facilities Act of
66 1998, requires the State Allocation Board to allocate to applicant
67 school districts, prescribed per-unhoused-pupil state funding for
68 construction and modernization of school facilities, including
69 hardship funding, and supplemental funding for site development and
70 acquisition. Existing law requires a school district that receives
71 funding pursuant to the act to submit to the board a summary report
72 of expenditure of state funds and district matching funds annually
73 until all state funds and district matching funds are expended and
74 then to submit a final report, and authorizes the board to require an
75 audit of these reports or other district records to ensure all funds
76 received under the act are expended in accordance with program
77 requirements. Existing law provides that, if the board, after the
78 review of expenditures or the audit, determines that a school
79 district failed to expend funds in accordance with the act, the
80 Department of General Services is required to notify the school
81 district of the amount that must be repaid within 60 days and to
82 notify the Controller and the school district if the district fails
83 to make that payment, and requires the Controller to deduct that
84 amount from the district's next principal apportionment of state
85 funds, as specified.

86 This bill would require the board to approve a plan of equal
87 annual payments, with interest, as specified, over a period of up to
88 5 years if the board determines that repayment of the full liability
89 within 60 days after the board's action would constitute a severe
90 financial hardship, as defined by the board, for the school district.
91 The bill would require the Controller to withhold certain amounts
92 pursuant to the plan.

93 (3) Existing law establishes the School Facilities Emergency
94 Repair Account in the State Treasury, to be administered by the State
95 Allocation Board, for the purpose of reimbursing school districts
96 with schools ranked in deciles 1 to 3, inclusive, on the API, as
97 specified, for emergency facility repairs, as provided.

98 This bill would provide that, commencing with the 2006-07 fiscal
99 year, the money in the account is also available to fund grants for
100 certain, listed necessary repairs that meet certain conditions. The
101 bill would require the board to establish a process for schools to
102 apply for the grants and provide certification of the completion of

103 the projects. The bill would require the board to post the grant
104 application form on its Internet Web site.

105 (4) Existing law requires a school district to use its uniform
106 complaint process to help identify and resolve any deficiencies
107 related to instructional materials, conditions of facilities that are
108 not maintained in a clean and safe manner or in good repair, and
109 teacher vacancy or misassignment. Existing law requires a notice to
110 be posted in each classroom in each school in the school district
111 notifying parents and guardians that there should be sufficient
112 textbooks or instructional materials, school facilities must be
113 clean, safe, and in good repair, and there should be no teacher
114 vacancies or misassignments, as defined. Existing law also requires
115 the notice to inform parents of the location to obtain a form to file
116 a complaint in case of a shortage. Existing law authorizes a
117 complaint to be filed anonymously. If a complainant identified
118 himself or herself, the complainant is entitled to a response if he
119 or she indicates that a response is requested.

120 This bill would require, if certain conditions are met, the report
121 and response, if requested, to be written in English and the primary
122 language in which the complaint was filed, thereby establishing a
123 state-mandated local program.

124 (5) This bill would make other technical, nonsubstantive changes
125 to existing law.

126 (6) This bill would make an appropriation by requiring the
127 remaining unencumbered balance of certain funds appropriated to
128 county offices of education for certain reviews and monitoring of
129 schools and to conduct and report on site visits, as specified, to
130 remain available for expenditure through June 30, 2008, for purposes
131 of certain site visit reports on the state of certain schools.

132 (7) The California Constitution requires the state to reimburse
133 local agencies and school districts for certain costs mandated by the
134 state. Statutory provisions establish procedures for making that
135 reimbursement.

136 This bill would provide that, if the Commission on State Mandates
137 determines that the bill contains costs mandated by the state,
138 reimbursement for those costs shall be made pursuant to these
139 statutory provisions.

140 Appropriation: yes.

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

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146 SECTION 1. Section 1240 of the Education Code is amended to read:

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148

149 1240. The county superintendent of schools shall do all of the

150 following:

151 (a) Superintend the schools of his or her county.

152 (b) Maintain responsibility for the fiscal oversight of each
153 school district in his or her county pursuant to the authority
154 granted by this code.

(c) (1) Visit and examine each school in his or her county at

155 reasonable intervals to observe its operation and to learn of its
156 problems. He or she may annually present a report of the state of the
157 schools in his or her county, and of his or her office, including,
158 but not limited to, his or her observations while visiting the
159 schools, to the board of education and the board of supervisors of
160 his or her county.

161 (2) (A) For fiscal years 2004-05 to 2006-07, inclusive, to the
162 extent that funds are appropriated for purposes of this paragraph,
163 the county superintendent, or his or her designee, shall annually
164 submit a report, at a regularly scheduled November board meeting, to
165 the governing board of each school district under his or her
166 jurisdiction, the county board of education of his or her county, and
167 the board of supervisors of his or her county describing the state
168 of the schools in the county or of his or her office that are ranked
169 in deciles 1 to 3, inclusive, of the 2003 base Academic Performance
170 Index (API), as defined in subdivision (b) of Section 17592.70, and
171 shall include, among other things, his or her observations while
172 visiting the schools and his or her determinations for each school
173 regarding the status of all of the circumstances listed in
174 subparagraph (I) and teacher misassignments and teacher vacancies. As
175 a condition for receipt of funds, the county superintendent, or his
176 or her designee, shall use a standardized template to report the
177 circumstances listed in subparagraph (I) and teacher misassignments
178 and teacher vacancies, unless the current annual report being used by
179 the county superintendent, or his or her designee, already includes
180 those details for each school.

181 (B) Commencing with the 2007-08 fiscal year, to the extent that
182 funds are appropriated for purposes of this paragraph, the county
183 superintendent, or his or her designee, shall annually submit a
184 report, at a regularly scheduled November board meeting, to the
185 governing board of each school district under his or her
186 jurisdiction, the county board of education of his or her county, and
187 the board of supervisors of his or her county describing the state
188 of the schools in the county or of his or her office that are ranked
189 in deciles 1 to 3, inclusive, of the 2006 base API, pursuant to
190 Section 52056. As a condition for the receipt of funds, the annual
191 report shall include the determinations for each school made by the
192 county superintendent, or his or her designee, regarding the status
193 of all of the circumstances listed in subparagraph (I) and teacher
194 misassignments and teacher vacancies, and the county superintendent,
195 or his or her designee, shall use a standardized template to report
196 the circumstances listed in subparagraph (I) and teacher
197 misassignments and teacher vacancies, unless the current annual
198 report being used by the county superintendent, or his or her
199 designee, already includes those details with the same level of
200 specificity that is otherwise required by this subdivision. For
201 purposes of this section, schools ranked in deciles 1 to 3,
202 inclusive, on the 2006 base API shall include any schools determined
203 by the department to meet either of the following:

- 204 (i) The school meets all of the following criteria:
205 (I) Does not have a valid base API score for 2006.
206 (II) Is operating in fiscal year 2007-08 and was operating in

207 fiscal year 2006-07 during the Standardized Testing and Reporting
208 (STAR) Program testing period.
209 (III) Has a valid base API score for 2005 that was ranked in
210 deciles 1 to 3, inclusive, in that year.
211 (ii) The school has an estimated base API score for 2006 that
212 would be in deciles 1 to 3, inclusive.
213 (C) The department shall estimate an API score for any school
214 meeting the criteria of subclauses (I) and (II) of clause (i) of
215 subparagraph (B) of paragraph (2) and not meeting the criteria of
216 subclause (III) of clause (i) of subparagraph (B) of paragraph (2),
217 using available testing scores and any weighting or corrective
218 factors it deems appropriate. The department shall post the API
219 scores on its Internet Web site on or before May 1.
220 (D) For purposes of this section, references to schools ranked in
221 deciles 1 to 3, inclusive, on the 2006 base API shall exclude any
222 schools operated by county offices of education pursuant to Section
223 56140, as determined by the department.
224 (E) (i) Commencing with the 2010-11 fiscal year and every third
225 year thereafter, the Superintendent shall identify a list of schools
226 ranked in deciles 1 to 3, inclusive, of the API for which the county
227 superintendent, or his or her designee, shall annually submit a
228 report, at a regularly scheduled November board meeting, to the
229 governing board of each school district under his or her
230 jurisdiction, the county board of education of his or her county, and
231 the board of supervisors of his or her county that describes the
232 state of the schools in the county or of his or her office that are
233 ranked in deciles 1 to 3, inclusive, of the base API as defined in
234 clause (ii).
235 (ii) For the 2010-11 fiscal year, the list of schools ranked in
236 deciles 1 to 3, inclusive, of the base API shall be updated using the
237 criteria set forth in clauses (i) and (ii) of subparagraph (B),
238 subparagraph (C), and subparagraph (D), as applied to the 2009 base
239 API and thereafter shall be updated every third year using the
240 criteria set forth in clauses (i) and (ii) of subparagraph (B),
241 subparagraph (C), and subparagraph (D), as applied to the base API of
242 the year preceding the third year consistent with clause (i).
243 (iii) As a condition for the receipt of funds, the annual report
244 shall include the determinations for each school made by the county
245 superintendent, or his or her designee, regarding the status of all
246 of the circumstances listed in subparagraph (I) and teacher
247 misassignments and teacher vacancies, and the county superintendent,
248 or his or her designee, shall use a standardized template to report
249 the circumstances listed in subparagraph (I) and teacher
250 misassignments and teacher vacancies, unless the current annual
251 report being used by the county superintendent, or his or her
252 designee, already includes those details with the same level of
253 specificity that is otherwise required by this subdivision.
254 (F) The county superintendent of the Counties of Alpine, Amador,
255 Del Norte, Mariposa, Plumas, Sierra, and the City and County of San
256 Francisco shall contract with another county office of education or
257 an independent auditor to conduct the required visits and make all
258 reports required by this paragraph.

259 (G) On a quarterly basis, the county superintendent, or his or her
260 designee, shall report the results of the visits and reviews
261 conducted that quarter to the governing board of the school district
262 at a regularly scheduled meeting held in accordance with public
263 notification requirements. The results of the visits and reviews
264 shall include the determinations of the county superintendent, or his
265 or her designee, for each school regarding the status of all of the
266 circumstances listed in subparagraph (I) and teacher misassignments
267 and teacher vacancies. If the county superintendent, or his or her
268 designee, conducts no visits or reviews in a quarter, the quarterly
269 report shall report that fact.

270 (H) The visits made pursuant to this paragraph shall be conducted
271 at least annually and shall meet the following criteria:

272 (i) Minimize disruption to the operation of the school.

273 (ii) Be performed by individuals who meet the requirements of
274 Section 45125.1.

275 (iii) Consist of not less than 25 percent unannounced visits in
276 each county. During unannounced visits in each county, the county
277 superintendent shall not demand access to documents or specific
278 school personnel. Unannounced visits shall only be used to observe
279 the condition of school repair and maintenance, and the sufficiency
280 of instructional materials, as defined by Section 60119.

281 (I) The priority objective of the visits made pursuant to this
282 paragraph shall be to determine the status of all of the following
283 circumstances:

284 (i) Sufficient textbooks as defined in Section 60119 and as
285 specified in subdivision (i).

286 (ii) The condition of a facility that poses an emergency or urgent
287 threat to the health or safety of pupils or staff as defined in
288 district policy or paragraph (1) of subdivision (c) of Section
289 17592.72.

290 (iii) The accuracy of data reported on the school accountability
291 report card with respect to the availability of sufficient textbooks
292 and instructional materials, as defined by Section 60119, and the
293 safety, cleanliness, and adequacy of school facilities, including
294 good repair as required by Sections 17014, 17032.5, 17070.75, and
295 17089

296 (J) The county superintendent may make the status determinations
297 described in subparagraph (I) during a single visit or multiple
298 visits. In determining whether to make a single visit or multiple
299 visits for this purpose, the county superintendent shall take into
300 consideration factors such as cost-effectiveness, disruption to the
301 schoolsite, deadlines, and the availability of qualified reviewers.

302 (K) If the county superintendent determines that the condition of
303 a facility poses an emergency or urgent threat to the health or
304 safety of pupils or staff as defined in district policy or paragraph
305 (1) of subdivision (c) of Section 17592.72, or is not in good repair,
306 as specified in subdivision (d) of Section 17002 and required by
307 Sections 17014, 17032.5, 17070.75, and 17089, the county
308 superintendent may, among other things, do any of the following:

309 (i) Return to the school to verify repairs.

310 (ii) Prepare a report that specifically identifies and documents

311 the areas or instances of noncompliance if the district has not
312 provided evidence of successful repairs within 30 days of the county
313 superintendent's visit or, for major projects, has not provided
314 evidence that the repairs will be conducted in a timely manner. The
315 report may be provided to the governing board of the school district.
316 If the report is provided to the school district, it shall be
317 presented at a regularly scheduled meeting held in accordance with
318 public notification requirements. The county superintendent shall
319 post the report on its Internet Web site. The report shall be removed
320 from the Internet Web site when the county superintendent verifies
321 the repairs have been completed.

322 (d) Distribute all laws, reports, circulars, instructions, and
323 blanks that he or she may receive for the use of the school officers.
324

325 (e) Annually, on or before August 15, present a report to the
326 governing board of the school district and the Superintendent
327 regarding the fiscal solvency of any school district with a
328 disapproved budget, qualified interim certification, or a negative
329 interim certification, or that is determined at any time to be in a
330 position of fiscal uncertainty pursuant to Section 42127.6.

331 (f) Keep in his or her office the reports of the Superintendent.

332 (g) Keep a record of his or her official acts, and of all the
333 proceedings of the county board of education, including a record of
334 the standing, in each study, of all applicants for certificates who
335 have been examined, which shall be open to the inspection of any
336 applicant or his or her authorized agent.

337 (h) Enforce the course of study.

338 (i) (1) Enforce the use of state textbooks and instructional
339 materials and of high school textbooks and instructional materials
340 regularly adopted by the proper authority in accordance with Section
341 51050

342 (2) For purposes of this subdivision, sufficient textbooks or
343 instructional materials has the same meaning as in subdivision (c) of
344 Section 60119.

345 (3) (A) Commencing with the 2005-06 school year, if a school is
346 ranked in any of deciles 1 to 3, inclusive, of the 2003 base API, as
347 defined in subdivision (b) of Section 17592.70, and not currently
348 under review pursuant to a state or federal intervention program, the
349 county superintendent shall specifically review that school at least
350 annually as a priority school. A review conducted for purposes of
351 this paragraph shall be completed by the fourth week of the school
352 year. For the 2004-05 fiscal year only, the county superintendent
353 shall make a diligent effort to conduct a visit to each school
354 pursuant to this paragraph within 120 days of receipt of funds for
355 this purpose.

356 (B) In order to facilitate the review of instructional materials
357 before the fourth week of the school year, the county superintendent
358 of schools in a county with 200 or more schools that are ranked in
359 any of deciles 1 to 3, inclusive, of the 2003 base API, as defined in
360 subdivision (b) of Section 17592.70, may utilize a combination of
361 visits and written surveys of teachers for the purpose of determining
362 sufficiency of textbooks and instructional materials in accordance

363 with subparagraph (A) of paragraph (1) of subdivision (a) of Section
364 60119 and as defined in subdivision (c) of Section 60119. If a county
365 superintendent of schools elects to conduct written surveys of
366 teachers, the county superintendent of schools shall visit the
367 schools surveyed within the same academic year to verify the accuracy
368 of the information reported on the surveys. If a county
369 superintendent surveys teachers at a school in which the county
370 superintendent has found sufficient textbooks and instructional
371 materials for the previous two consecutive years and determines that
372 the school does not have sufficient textbooks or instructional
373 materials, the county superintendent shall within 10 business days
374 provide a copy of the insufficiency report to the school district as
375 set forth in paragraph (4).

376 (C) For purposes of this paragraph, "written surveys" may include
377 paper and electronic or online surveys.

378 (4) If the county superintendent determines that a school does not
379 have sufficient textbooks or instructional materials in accordance
380 with subparagraph (A) of paragraph (1) of subdivision (a) of Section
381 60119 and as defined by subdivision (c) of Section 60119, the county
382 superintendent shall do all of the following:

383 (A) Prepare a report that specifically identifies and documents
384 the areas or instances of noncompliance.

385 (B) Provide within five business days of the review, a copy of the
386 report to the school district, as provided in subdivision (c), or,
387 if applicable, provide a copy of the report to the school district
388 within 10 business days pursuant to subparagraph (B) of paragraph
389 (3).

390 (C) Provide the school district with the opportunity to remedy the
391 deficiency. The county superintendent shall ensure remediation of
392 the deficiency no later than the second month of the school term.

393 (D) If the deficiency is not remedied as required pursuant to
394 subparagraph (C), the county superintendent shall request the
395 department to purchase the textbooks or instructional materials
396 necessary to comply with the sufficiency requirement of this
397 subdivision. If the department purchases textbooks or instructional
398 materials for the school district, the department shall issue a
399 public statement at the first regularly scheduled meeting of the
400 state board occurring immediately after the department receives the
401 county superintendent's request and that meets the applicable public
402 notice requirements, indicating that the district superintendent and
403 the governing board of the school district failed to provide pupils
404 with sufficient textbooks or instructional materials as required by
405 this subdivision. Before purchasing the textbooks or instructional
406 materials, the department shall consult with the district to
407 determine which textbooks or instructional materials to purchase. All
408 purchases of textbooks or instructional materials shall comply with
409 Chapter 3.25 (commencing with Section 60420) of Part 33. The amount
410 of funds necessary for the purchase the textbooks and materials is a
411 loan to the school district receiving the textbooks or instructional
412 materials. Unless the school district repays the amount owed based
413 upon an agreed-upon repayment schedule with the Superintendent, the
414 Superintendent shall notify the Controller and the Controller shall

415 deduct an amount equal to the total amount used to purchase the
416 textbooks and materials from the next principal apportionment of the
417 district or from another apportionment of state funds.

418 (j) Preserve carefully all reports of school officers and
419 teachers.

420 (k) Deliver to his or her successor, at the close of his or her
421 official term, all records, books, documents, and papers belonging to
422 the office, taking a receipt for them, which shall be filed with the
423 department.

424 (l) (1) Submit two reports during the fiscal year to the county
425 board of education in accordance with the following:

426 (A) The first report shall cover the financial and budgetary
427 status of the county office of education for the period ending
428 October 31. The second report shall cover the period ending January
429 31. Both reports shall be reviewed by the county board of education
430 and approved by the county superintendent of schools no later than 45
431 days after the close of the period being reported.

432 (B) As part of each report, the county superintendent shall
433 certify in writing whether or not the county office of education is
434 able to meet its financial obligations for the remainder of the
435 fiscal year and, based on current forecasts, for two subsequent
436 fiscal years. The certifications shall be classified as positive,
437 qualified, or negative, pursuant to standards prescribed by the
438 Superintendent, for the purposes of determining subsequent state
439 agency actions pursuant to Section 1240.1. For purposes of this
440 subdivision, a negative certification shall be assigned to any county
441 office of education that, based upon current projections, will not
442 meet its financial obligations for the remainder of the fiscal year
443 or for the subsequent fiscal year. A qualified certification shall be
444 assigned to any county office of education that may not meet its
445 financial obligations for the current fiscal year or two subsequent
446 fiscal years. A positive certification shall be assigned to any
447 county office of education that will meet its financial obligations
448 for the current fiscal year and subsequent two fiscal years. In
449 accordance with those standards, the Superintendent may reclassify
450 any certification. If a county office of education receives a
451 negative certification, the Superintendent, or his or her designee,
452 may exercise the authority set forth in subdivision (c) of Section
453 1630. Copies of each certification, and of the report containing that
454 certification, shall be sent to the Superintendent at the time the
455 certification is submitted to the county board of education. Copies
456 of each qualified or negative certification and the report containing
457 that certification shall be sent to the Controller at the time the
458 certification is submitted to the county board of education.

459 (2) All reports and certifications required under this subdivision
460 shall be in a format or on forms prescribed by the Superintendent,
461 and shall be based on standards and criteria for fiscal stability
462 adopted by the State Board of Education pursuant to Section 33127.
463 The reports and supporting data shall be made available by the county
464 superintendent of schools to any interested party upon request.

465 (3) This subdivision does not preclude the submission of
466 additional budgetary or financial reports by the county

467 superintendent to the county board of education or to the
468 Superintendent.
469 (4) The county superintendent of schools is not responsible for
470 the fiscal oversight of the community colleges in the county,
471 however, he or she may perform financial services on behalf of those
472 community colleges.
473 (m) If requested, act as agent for the purchase of supplies for
474 the city and high school districts of his or her county.
475 (n) For purposes of Section 44421.5, report to the Commission on
476 Teacher Credentialing the identity of any certificated person who
477 knowingly and willingly reports false fiscal expenditure data
478 relative to the conduct of any educational program. This requirement
479 applies only if, in the course of his or her normal duties, the
480 county superintendent of schools discovers information that gives him
481 or her reasonable cause to believe that false fiscal expenditure
482 data relative to the conduct of any educational program has been
483 reported.
484 SEC. 2. Section 1242 is added to the Education Code, to read:
485 1242. (a) Commencing with the 2006-07 fiscal year, funds
486 appropriated pursuant to Item 6110-266-0001 of Section 2.0 of Chapter
487 47 of the Statutes of 2006 to county offices of education for site
488 visits conducted pursuant to Section 1240, shall be allocated as
489 follows:
490 (1) Two thousand five hundred dollars (\$2,500) for each elementary
491 school.
492 (2) Three thousand five hundred dollars (\$3,500) for each middle
493 or junior high school.
494 (3) Five thousand dollars (\$5,000) for each high school.
495 (b) In addition to the funds described in subdivision (a), county
496 offices of education shall receive additional funding for sites whose
497 enrollment in the prior year is 20 percent greater than the average
498 enrollment of all sites for the prior year as follows:
499 (1) Two dollars and fifty cents (\$2.50) for each pupil that
500 exceeds a total elementary school enrollment of 856 pupils.
501 (2) Three dollars and fifty cents (\$3.50) for each pupil that
502 exceeds a total middle school or junior high school enrollment of
503 1,427 pupils.
504 (3) Five dollars (\$5.00) for each pupil that exceeds a total high
505 school enrollment of 2,296 pupils.
506 (c) County offices of education that are responsible for visiting
507 more than 150 schoolsites shall receive an additional allocation of
508 one dollar (\$1.00) per pupil for the total prior year enrollment of
509 all sites visited.
510 (d) The minimum amount for allocation pursuant to this section to
511 county offices of education shall be ten thousand dollars (\$10,000).
512
513 SEC. 3. Section 1242.5 is added to the Education Code, to read:
514 1242.5. On or before March 31, 2007, the department shall review
515 the actual costs of 2005-06 fiscal year site visits conducted
516 pursuant to Section 1240. If the department determines that a county
517 office of education did not expend the funds allocated for this
518 purpose during the 2006-07 fiscal year, the amount that exceeds the

519 amount spent shall revert to the extraordinary cost pool created by
520 Chapter 710 of the Statutes of 2005 and shall be available to cover
521 the extraordinary costs incurred by county offices of education as a
522 result of the reviews conducted pursuant to Section 1240. Based on a
523 determination by the department and the Department of Finance that is
524 was necessary for a county office of education to incur
525 extraordinary costs to conduct the site visits, funds in the amount
526 necessary to cover these costs shall be allocated to the county
527 office of education by June 30, 2007.

528 SEC. 4. Section 17002 of the Education Code is amended to read:

529 17002. The following terms wherever used or referred to in this
530 chapter, shall have the following meanings, respectively, unless a
531 different meaning appears from the context:

532 (a) "Apportionment" means a reservation of funds necessary to
533 finance the cost of any project approved by the board for lease to an
534 applicant school district.

535 (b) "Board" means the State Allocation Board.

536 (c) "Cost of project" includes, but is not limited to, the cost of
537 all real estate property rights, and easements acquired, and the
538 cost of developing the site and streets and utilities immediately
539 adjacent thereto, the cost of construction, reconstruction, or
540 modernization of buildings and the furnishing and equipping,
541 including the purchase of educational technology hardware, of those
542 buildings, the supporting wiring and cabling, and the technological
543 modernization of existing buildings to support that hardware, the
544 cost of plans, specifications, surveys, and estimates of costs, and
545 other expenses that are necessary or incidental to the financing of
546 the project. For purposes of this section, "educational technology
547 hardware" includes, but is not limited to, computers, telephones,
548 televisions, and video cassette recorders.

549 (d) (1) "Good repair" means the facility is maintained in a manner
550 that assures that it is clean, safe, and functional as determined
551 pursuant to a school facility inspection and evaluation instrument
552 developed by the Office of Public School Construction and approved by
553 the board or a local evaluation instrument that meets the same
554 criteria. Until the school facility inspection and evaluation
555 instrument is approved by the board, "good repair" means the facility
556 is maintained in a manner that assures that it is clean, safe, and
557 functional as determined by the interim evaluation instrument
558 developed by the Office of Public School Construction or a local
559 evaluation instrument that meets the same criteria as the interim
560 evaluation instrument. The school facility inspection and evaluation
561 instrument and local evaluation instruments that meet the minimum
562 criteria of this subdivision shall not require capital enhancements
563 beyond the standards to which the facility was designed and
564 constructed. In order to provide that school facilities are reviewed
565 to be clean, safe, and functional, the school facility inspection and
566 evaluation instrument and local evaluation instruments shall include
567 at least the following criteria:

568 (A) Gas systems and pipes appear and smell safe, functional, and
569 free of leaks.

570 (B) (i) Mechanical systems, including heating, ventilation, and

571 air-conditioning systems, are functional and unobstructed.
572 (ii) Appear to supply adequate amount of air to all classrooms,
573 work spaces, and facilities.
574 (iii) Maintain interior temperatures within normally acceptable
575 ranges.
576 (C) Doors and windows are intact, functional and open, close, and
577 lock as designed, unless there is a valid reason they should not
578 function as designed.
579 (D) Fences and gates are intact, functional, and free of holes and
580 other conditions that could present a safety hazard to pupils,
581 staff, or others. Locks and other security hardware function as
582 designed.
583 (E) Interior surfaces, including walls, floors, and ceilings, are
584 free of safety hazards from tears, holes, missing floor and ceiling
585 tiles, torn carpet, water damage, or other cause. Ceiling tiles are
586 intact. Surfaces display no evidence of mold or mildew.
587 (F) Hazardous and
588 flammable materials are stored properly. No evidence of peeling,
589 chipping, or cracking paint is apparent. No indicators of mold,
590 mildew, or asbestos exposure are evident. There is no apparent
591 evidence of hazardous materials that may pose a threat to the health
592 and safety of pupils or staff.
593 (G) Structures, including posts, beams, supports for portable
594 classrooms and ramps, and other structural building members appear
595 intact, secure, and functional as designed. Ceilings and floors are
596 not sloping or sagging beyond their intended design. There is no
597 visible evidence of severe cracks, dry rot, mold, or damage that
598 undermines structural components.
599 (H) Fire sprinklers, fire extinguishers, emergency alarm systems,
600 and all emergency equipment and systems appear to be functioning
601 properly. Fire alarm pull stations are clearly visible. Fire
602 extinguishers are current and placed in all required areas, including
603 every classroom and assembly area. Emergency exits are clearly
604 marked and unobstructed.
605 (I) Electrical systems, components, and equipment, including
606 switches, junction boxes, panels, wiring, outlets, and light
607 fixtures, are securely enclosed, properly covered and guarded from
608 pupil access, and appear to be working properly.
609 (J) Lighting appears to be adequate and working properly. Lights
610 do not flicker, dim, or malfunction, and there is no unusual hum or
611 noise from light fixtures. Exterior lights onsite appear to be
612 working properly.
613 (K) No visible or odorous indicators of pest or vermin infestation
614 are evident.
615 (L) Interior and exterior drinking fountains are functional,
616 accessible, and free of leaks. Drinking fountain water pressure is
617 adequate. Fountain water is clear and without unusual taste or odor,
618 and moss, mold, or excessive staining is not evident.
619 (M) (i) Restrooms and restroom fixtures are functional.
620 (ii) Appear to be maintained and stocked with supplies regularly.
621
622 (iii) Appear to be accessible to pupils during the schoolday.

623 (iv) Appear to be in compliance with Section 35292.5.
624 (N) The sanitary sewer system controls odor as designed, displays
625 no signs of stoppage, backup, or flooding, in the facilities or on
626 school grounds, and appears to be functioning properly.
627 (O) Roofs, gutters, roof drains, and downspouts appear to be
628 functioning properly and are free of visible damage and evidence of
629 disrepair when observed from the ground inside and outside of the
630 building.
631 (P) The school grounds do not exhibit signs of drainage problems,
632 such as visible evidence of flooded areas, eroded soil, water damage
633 to asphalt playgrounds or parking areas, or clogged storm drain
634 inlets.
635 (Q) Playground equipment and exterior fixtures, seating, tables,
636 and equipment are functional and free of significant cracks, trip
637 hazards, holes, deterioration that affects functionality or safety,
638 and other health and safety hazards.
639 (R) School grounds, fields, walkways, and parking lot surfaces are
640 free of significant cracks, trip hazards, holes, deterioration that
641 affects functionality or safety, and other health and safety hazards.
642
643 (S) Overall cleanliness of the school grounds, buildings, common
644 areas, and individual rooms demonstrates that all areas appear to
645 have been cleaned regularly, and are free of accumulated refuse and
646 unabated graffiti. Restrooms, drinking fountains, and food
647 preparation or serving areas appear to have been cleaned each day
648 that the school is in session.
649 (2) (A) On or before January 1, 2007, the Office of Public School
650 Construction shall develop the school facility inspection and
651 evaluation instrument and instructions for users. The school facility
652 inspection and evaluation instrument and local evaluation
653 instruments that meet the minimum criteria of this subdivision shall
654 include a system that will evaluate each facility, based on the
655 criteria listed in paragraph (1), on a scale of "good," "fair," or
656 "poor," as developed by the Office of Public School Construction, and
657 provide an overall summary of the conditions at each school on a
658 scale of "exemplary," "good," "fair," or "poor."
659 (B) On or before July 1, 2007, the Office of Public School
660 Construction, in consultation with county offices of education, shall
661 define objective criteria for determining the overall summary of the
662 conditions of schools.
663 (C) For purposes of this paragraph, "users" means local
664 educational agencies that participate in either of the programs
665 established pursuant to this chapter, Chapter 12.5 (commencing with
666 Section 17070.10), or Section 17582.
667 (e) "Lease" includes a lease with an option to purchase.
668 (f) "Project" means the facility being constructed or acquired by
669 the state for rental to the applicant school district and may include
670 the reconstruction or modernization of existing buildings,
671 construction of new buildings, the grading and development of sites,
672 acquisition of sites therefor and any easements or rights-of-way
673 pertinent thereto or necessary for its full use including the
674 development of streets and utilities.

675 (g) "Property" includes all property, real, personal or mixed,
676 tangible or intangible, or any interest therein necessary or
677 desirable for carrying out the purposes of this chapter.
678 SEC. 5. Section 17076.10 of the Education Code is amended to read:
679
680 17076.10. (a) A school district that has received any funds
681 pursuant to this chapter shall submit a summary report of expenditure
682 of state funds and of district matching funds annually until all
683 state funds and district matching funds are expended, and shall then
684 submit a final report to the board. The board may require an audit of
685 these reports or other district records to ensure that all funds
686 received pursuant to this chapter are expended in accordance with
687 program requirements.
688 (b) If the board finds that a participating school district has
689 made no substantial progress towards increasing its pupil capacity or
690 modernizing its facilities within 18 months of the receipt of any
691 funding pursuant to this chapter, the board shall rescind the
692 apportionment in an amount equal to the unexpended funds.
693 (c) (1) If the board, after the review of expenditures or audit
694 has been conducted pursuant to subdivision (a), determines that a
695 school district failed to expend funds in accordance with this
696 chapter, the department shall notify the school district of the
697 amount that must be repaid to the 1998 State School Facilities Fund,
698 the 2002 State School Facilities Fund, or the 2004 State School
699 Facilities Fund, as the case may be, within 60 days. If the school
700 district fails to make the required payment within 60 days, the
701 department shall notify the Controller and the school district in
702 writing, and the Controller shall deduct an amount equal to the
703 amount received by the school district under this subdivision, from
704 the school district's next principal apportionment or apportionments
705 of state funds to the school district, other than basic aid
706 apportionments required by Section 6 of Article IX of the California
707 Constitution. Any amounts obtained by the Controller shall be
708 deposited into the 1998 State School Facilities Fund, the 2002 State
709 School Facilities Fund, or the 2004 State School Facilities Fund, as
710 appropriate.
711 (2) Notwithstanding paragraph (1), if the board determines that
712 repayment of the full liability within 60 days after the board action
713 would constitute a severe financial hardship, as defined by the
714 board, for the school district, the board shall approve a plan of
715 equal annual payments over a period of up to five years. The plan
716 shall include interest on each year's outstanding balance at the rate
717 earned on the state's Pooled Money Investment Account during that
718 year. The Controller shall withhold amounts, other than basic aid
719 apportionments required by Section 6 of Article IX of the California
720 Constitution, pursuant to the plan.
721 (d) If a school district has received an apportionment, but has
722 not met the criteria to have funds released pursuant to Section
723 17072.32 or 17074.15 within a period established by the board, but
724 not to exceed 18 months, the board shall rescind the apportionment
725 and deny the district's application.
726 SEC. 6. Section 17592.72 of the Education Code is amended to read:

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17592.72. (a) (1) For the 2005-06 fiscal year, all moneys in the School Facilities Emergency Repair Account are available for reimbursement to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school, as defined in subdivision (b) of Section 17592.70, to meet the repair costs of the school district projects that meet the criteria specified in subdivisions (c) and (d) and as approved by the State Allocation Board.

(2) Commencing with the 2006-07 fiscal year, all moneys in the School Facilities Emergency Repair Account are available for the purpose of providing emergency repair grants to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school, as defined in subdivision (b) of Section 17592.70, to cover the costs of school district repair projects that meet the criteria specified in subdivisions (c) and (d). The State Allocation Board shall establish a grant application process, grant parameters, substantial progress requirements, and a process for providing certification of the completion of projects. The State Allocation Board shall post the grant application form on its Internet Web site.

(3) For subsequent fiscal years, schools shall be eligible for funding based on the Academic Performance Index scores as specified in paragraph (2) of subdivision (c) of Section 1240.

(b) (1) It is the intent of the Legislature that each school district exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) Funds made available pursuant to this article shall supplement, not supplant, existing funds available for maintenance of school facilities.

(3) The board is authorized to deny future funding pursuant to this article to a school district if the board determines that there is a pattern of failure to exercise due diligence pursuant to paragraph (1) or supplantation. If the board finds a pattern of failure to exercise due diligence, the board shall notify the county superintendent of schools in which the school district is located.

(c) (1) For purposes of this article, "emergency facilities needs" means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements:

- (A) Gas leaks.
- (B) Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- (C) Electrical power failure.
- (D) Major sewer line stoppage.
- (E) Major pest or vermin infestation.
- (F) Broken windows or exterior doors or gates that will not lock and that pose a security risk.

779 (G) Abatement of hazardous materials previously undiscovered that
780 pose an immediate threat to pupil or staff.

781 (H) Structural damage creating a hazardous or uninhabitable
782 condition.

783 (2) For purposes of this section, "emergency facilities needs"
784 does not include any cosmetic or nonessential repairs.

785 (d) For the purpose of this section, structures or components
786 shall only be replaced if it is more cost-effective than repair.

787 SEC. 7. Section 35186 of the Education Code is amended to read:

788 35186. (a) A school district shall use the uniform complaint
789 process it has adopted as required by Chapter 5.1 (commencing with
790 Section 4600) of Title 5 of the California Code of Regulations, with
791 modifications, as necessary, to help identify and resolve any
792 deficiencies related to instructional materials, emergency or urgent
793 facilities conditions that pose a threat to the health and safety of
794 pupils or staff, and teacher vacancy or misassignment.

795 (1) A complaint may be filed anonymously. A complainant who
796 identifies himself or herself is entitled to a response if he or she
797 indicates that a response is requested. A complaint form shall
798 include a space to mark to indicate whether a response is requested.
799 If Section 48985 is otherwise applicable, the response, if requested,
800 and report shall be written in English and the primary language in
801 which the complaint was filed. All complaints and responses are
802 public records.

803 (2) The complaint form shall specify the location for filing a
804 complaint. A complainant may add as much text to explain the
805 complaint as he or she wishes.

806 (3) A complaint shall be filed with the principal of the school or
807 his or her designee. A complaint about problems beyond the authority
808 of the school principal shall be forwarded in a timely manner but
809 not to exceed 10 working days to the appropriate school district
810 official for resolution.

811 (b) The principal or the designee of the district superintendent,
812 as applicable, shall make all reasonable efforts to investigate any
813 problem within his or her authority. The principal or designee of the
814 district superintendent shall remedy a valid complaint within a
815 reasonable time period but not to exceed 30 working days from the
816 date the complaint was received. The principal or designee of the
817 district superintendent shall report to the complainant the
818 resolution of the complaint within 45 working days of the initial
819 filing. If the principal makes this report, the principal shall also
820 report the same information in the same timeframe to the designee of
821 the district superintendent.

822 (c) A complainant not satisfied with the resolution of the
823 principal or the designee of the district superintendent has the
824 right to describe the complaint to the governing board of the school
825 district at a regularly scheduled hearing of the governing board. As
826 to complaints involving a condition of a facility that poses an
827 emergency or urgent threat, as defined in paragraph (1) of
828 subdivision (c) of Section 17592.72, a complainant who is not
829 satisfied with the resolution proffered by the principal or the
830 designee of the district superintendent has the right to file an

831 appeal to the Superintendent, who shall provide a written report to
832 the State Board of Education describing the basis for the complaint
833 and, as appropriate, a proposed remedy for the issue described in the
834 complaint.

835 (d) A school district shall report summarized data on the nature
836 and resolution of all complaints on a quarterly basis to the county
837 superintendent of schools and the governing board of the school
838 district. The summaries shall be publicly reported on a quarterly
839 basis at a regularly scheduled meeting of the governing board of the
840 school district. The report shall include the number of complaints
841 by general subject area with the number of resolved and unresolved
842 complaints. The complaints and written responses shall be available
843 as public records.

844 (e) The procedure required pursuant to this section is intended to
845 address all of the following:

846 (1) A complaint related to instructional materials as follows:

847 (A) A pupil, including an English learner, does not have
848 standards-aligned textbooks or instructional materials or
849 state-adopted or district-adopted textbooks or other required
850 instructional material to use in class.

851 (B) A pupil does not have access to instructional materials to use
852 at home or after school.

853 (C) Textbooks or instructional materials are in poor or unusable
854 condition, have missing pages, or are unreadable due to damage.

855 (2) A complaint related to teacher vacancy or misassignment as
856 follows:

857 (A) A semester begins and a teacher vacancy exists.

858 (B) A teacher who lacks credentials or training to teach English
859 learners is assigned to teach a class with more than 20-percent
860 English learner pupils in the class. This subparagraph does not
861 relieve a school district from complying with state or federal law
862 regarding teachers of English learners.

863 (C) A teacher is assigned to teach a class for which the teacher
864 lacks subject matter competency.

865 (3) A complaint related to the condition of facilities that pose
866 an emergency or urgent threat to the health or safety of pupils or
867 staff as defined in paragraph (1) of subdivision (c) of Section
868 17592.72 and any other emergency conditions the school district
869 determines appropriate and the requirements established pursuant to
870 subdivision (a) of Section 35292.5.

871 (f) In order to identify appropriate subjects of complaint, a
872 notice shall be posted in each classroom in each school in the school
873 district notifying parents, guardians, pupils, and teachers of the
874 following:

875 (1) There should be sufficient textbooks and instructional
876 materials. For there to be sufficient textbooks and instructional
877 materials each pupil, including English learners, must have a
878 textbook or instructional materials, or both, to use in class and to
879 take home.

880 (2) School facilities must be clean, safe, and maintained in good
881 repair.

882 (3) There should be no teacher vacancies or misassignments as

883 defined in paragraphs (2) and (3) of subdivision (h).
884 (4) The location at which to obtain a form to file a complaint in
885 case of a shortage. Posting a notice downloadable from the Internet
886 Web site of the department shall satisfy this requirement.
887 (g) A local educational agency shall establish local policies and
888 procedures, post notices, and implement this section on or before
889 January 1, 2005.
890 (h) For purposes of this section, the following definitions apply:
891
892 (1) "Good repair" has the same meaning as specified in subdivision
893 (d) of Section 17002.
894 (2) "Misassignment" means the placement of a certificated employee
895 in a teaching or services position for which the employee does not
896 hold a legally recognized certificate or credential or the placement
897 of a certificated employee in a teaching or services position that
898 the employee is not otherwise authorized by statute to hold.
899 (3) "Teacher vacancy" means a position to which a single
900 designated certificated employee has not been assigned at the
901 beginning of the year for an entire year or, if the position is for a
902 one-semester course, a position to which a single designated
903 certificated employee has not been assigned at the beginning of a
904 semester for an entire semester.
905 SEC. 8. Section 60119 of the Education Code is amended to read:
906 60119. (a) In order to be eligible to receive funds available for
907 the purposes of this article, the governing board of a school
908 district shall take the following actions:
909 (1) (A) The governing board shall hold a public hearing or
910 hearings at which the governing board shall encourage participation
911 by parents, teachers, members of the community interested in the
912 affairs of the school district, and bargaining unit leaders, and
913 shall make a determination, through a resolution, as to whether each
914 pupil in each school in the district has sufficient textbooks or
915 instructional materials, or both, that are aligned to the content
916 standards adopted pursuant to Section 60605 in each of the following
917 subjects, as appropriate, that are consistent with the content and
918 cycles of the curriculum framework adopted by the state board:
919 (i) Mathematics.
920 (ii) Science.
921 (iii) History-social science.
922 (iv) English/language arts, including the English language
923 development component of an adopted program.
924 (B) The public hearing shall take place on or before the end of
925 the eighth week from the first day pupils attend school for that
926 year. A school district that operates schools on a multitrack,
927 year-round calendar shall hold the hearing on or before the end of
928 the eighth week from the first day pupils attend school for that year
929 on any tracks that begin a school year in August or September. For
930 purposes of the 2004-05 fiscal year only, the governing board of a
931 school district shall make a diligent effort to hold a public hearing
932 pursuant to this section on or before December 1, 2004.
933 (C) As part of the hearing required pursuant to this section, the
934 governing board shall also make a written determination as to whether

935 each pupil enrolled in a foreign language or health course has
936 sufficient textbooks or instructional materials that are consistent
937 with the content and cycles of the curriculum frameworks adopted by
938 the state board for those subjects. The governing board shall also
939 determine the availability of laboratory science equipment as
940 applicable to science laboratory courses offered in grades 9 to 12,
941 inclusive. The provision of the textbooks, instructional materials,
942 or science equipment specified in this subparagraph is not a
943 condition of receipt of funds provided by this subdivision.

944 (2) (A) If the governing board determines that there are
945 insufficient textbooks or instructional materials, or both, the
946 governing board shall provide information to classroom teachers and
947 to the public setting forth, in the resolution, for each school in
948 which an insufficiency exists, the percentage of pupils who lack
949 sufficient standards-aligned textbooks or instructional materials in
950 each subject area and the reasons that each pupil does not have
951 sufficient textbooks or instructional materials, or both, and take
952 any action, except an action that would require reimbursement by the
953 Commission on State Mandates, to ensure that each pupil has
954 sufficient textbooks or instructional materials, or both, within two
955 months of the beginning of the school year in which the determination
956 is made.

957 (B) In carrying out subparagraph (A), the governing board may use
958 money in any of the following funds:

959 (i) Any funds available for textbooks or instructional materials,
960 or both, from categorical programs, including any funds allocated to
961 school districts that have been appropriated in the annual Budget
962 Act.

963 (ii) Any funds of the school district that are in excess of the
964 amount available for each pupil during the prior fiscal year to
965 purchase textbooks or instructional materials, or both.

966 (iii) Any other funds available to the school district for
967 textbooks or instructional materials, or both.

968 (b) The governing board shall provide 10 days' notice of the
969 public hearing or hearings set forth in subdivision (a). The notice
970 shall contain the time, place, and purpose of the hearing and shall
971 be posted in three public places in the school district. The hearing
972 shall be held at a time that will encourage the attendance of
973 teachers and parents and guardians of pupils who attend the schools
974 in the district and shall not take place during or immediately
975 following school hours.

976 (c) (1) For purposes of this section, "sufficient textbooks or
977 instructional materials" means that each pupil, including English
978 learners, has a standards-aligned textbook or instructional
979 materials, or both, to use in class and to take home. This paragraph
980 does not require two sets of textbooks or instructional materials for
981 each pupil.

982 (2) Sufficient textbooks or instructional materials as defined in
983 paragraph (1), does not include photocopied sheets from only a
984 portion of a textbook or instructional materials copied to address a
985 shortage.

986 (d) Except for purposes of Section 60252, governing boards of

987 school districts that receive funds for instructional materials from
988 any state source, are subject to the requirements of this section
989 only in a fiscal year in which the Superintendent determines that the
990 base revenue limit for each school district will increase by at
991 least 1 percent per unit of average daily attendance from the prior
992 fiscal year.

993 SEC. 9. Notwithstanding any other provision of law, the remaining
994 unencumbered balance of funds appropriated in paragraph (2) of
995 subdivision (a) of Section 23 of Chapter 900 of the Statutes of 2004
996 shall remain available for expenditure through June 30, 2008, for the
997 purposes set forth in paragraph (2) of subdivision (c) of Section
998 1240 of the Education Code and pursuant to Section 4 of Chapter 710
999 of the Statutes of 2005.

1000 SEC. 10. If the Commission on State Mandates determines that this
1001 act contains costs mandated by the state, reimbursement to local
1002 agencies and school districts for those costs shall be made pursuant
1003 to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of
1004 the Government Code.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING
DECEMBER 1, 2006

SEISMIC MITIGATION CRITERIA

PURPOSE OF REPORT

To discuss the criteria for determining qualifying facilities for the seismic provision of Proposition 1D.

BACKGROUND

Assembly Bill (AB) 127 was signed into law on May 20, 2006, placing Proposition 1D on the ballot which was approved by the voters on November 7, 2006. Proposition 1D provides amendments to EC Section 17075.10 and the Facility Hardship Program, and authorizes up to \$199.5 million for seismic mitigation of school facilities that are the most vulnerable of "Category 2" buildings and pose an unacceptable risk of injury in the event of a seismic event.

DISCUSSION

This item is continued from the August 18, 2006 Implementation Committee meeting and continues the discussion on the criteria for determining the most vulnerable "Category 2" buildings. The Division of the State Architect's (DSA) recommendation is presented on the Attachment.

RECOMMENDATION

Accept the DSA report.

TITLE: Implementation of AB 127, Chapter 35, Statutes of 2006, regarding State funding for mitigation of seismic hazards in the “most vulnerable” K-12 school facilities.

BACKGROUND: AB 127 allows State funding up to \$199.5 million (total funding about \$400 million when combined with school district matching funds) to be used as hardship assistance for mitigation of seismic hazards. The funding would be for retrofit or replacement as justified, of the “most vulnerable” buildings with a Category 2 type of structural system as defined in the report “Seismic Safety Inventory of California Public Schools” (AB 300, Chapter 622, Statutes of 1999). All buildings in the AB 300 inventory were designed according to a code earlier than the 1976 California Building Code in which many major modifications to the building code were made in response to lessons learned from the 1971 San Fernando Earthquake.

DISCUSSION/ANALYSIS: The Category 2 building types listed in the AB 300 report are not expected to perform as well as other building types based on their structural performance in prior earthquakes. The report revealed there are an estimated 7,500 Category 2 public school buildings in California. These buildings require detailed seismic evaluation to determine if they can achieve life-safety performance when subjected to major earthquake induced ground motions. The AB 300 report estimated \$4.7 billion would be needed for seismic evaluation and rehabilitation of all Category 2 buildings. A methodology for determining the “most vulnerable” buildings of the Category 2 building types is needed to comply with AB 127 requirements. The “most vulnerable” buildings of the 7,500 vulnerable buildings are a very select group.

RECOMMENDATION: The Division of the State Architect, through interviews of experts in the field of seismic evaluation of existing buildings and engineering geologists of the California Department of Conservation, suggests that the requirements listed below provide an objective methodology for determining if a building qualifies as one of this select group of “most vulnerable” of the Category 2 buildings. The “most vulnerable” school buildings are regarded by the experts as having a high potential for catastrophic collapse in the event of a large nearby earthquake. The following methodology can be used to identify the “most vulnerable” buildings for which the estimated total cost for structural retrofitting can be mitigated with the limited funding resources currently made available through the voter-approved Proposition.

1) Of the twelve Category 2 building types listed in the AB 300 report, the following four building types were determined to be more likely than the others to not meet the performance objectives when subjected to strong ground shaking:

- C1 – Concrete Moment Frame – These buildings consist of a frame assembly of cast-in-place concrete beams and columns.

- PC1A - Precast/Tilt-up Concrete Shear Wall with Flexible Roof – These buildings are one or more stories in height and have precast concrete perimeter wall panels that are cast on site and tilted into place.
- PC2 - Precast Concrete Frame and Roofs with Concrete Shear Walls – These buildings consist of a frame assembly of precast concrete girders and columns with cast-in-place or precast concrete walls.
- URM - Unreinforced Masonry Bearing Wall Buildings (retrofitted with gunite walls, but with no upgrade of floor and roof connections to walls) – These buildings were originally constructed as unreinforced masonry and were subsequently retrofitted using outdated design and construction standards rendering the retrofit of limited value.

2) The building is situated where the ground shaking intensity exceeds a very high threshold. The ground shaking intensity at a specific building location can be determined using the National Seismic Hazards Maps. An overlay of the hazard maps with the AB 300 building inventory database (which has the locations of the four Category 2 building types listed above) would reveal the number of buildings, square feet of floor area and estimated cost for retrofits based on any threshold selected. Given the limited funding resources currently made available by the voters through the Proposition, the selection of the ground shaking intensity threshold could be set such that the estimated total cost for structural retrofitting of the eligible buildings could be mitigated within those funds provided, inclusive of the local matching share.

3) The building must be designed for occupancy by students and teachers.

4) A structural engineer must provide a report acceptable to the DSA that provides an engineering analysis of:

- The lateral force-resisting system showing that the building does not meet collapse prevention performance objectives, and
- The specific deficiencies and reasoning for concluding that the building has a high potential for catastrophic collapse.

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 unhouseed 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.